



## The Corporation of the Town of LaSalle

<b>Date</b>	May 2, 2019	<b>Report No:</b>	AD-04-2019
<b>Directed To:</b>	Members of Council	<b>Attachments:</b>	Appendix A - Alley Closing Policy
<b>Department:</b>	Administration	<b>Policy References:</b>	
<b>Prepared By:</b>	Kevin Miller D. Dadalt		
<b>Subject:</b>	Alley Closing Policy		

### RECOMMENDATION:

That Council:

1. Adopt the revised alley closing policy attached as Appendix A to report AD-04-2019;
2. Authorize administration to process all applications that have been held in abeyance; and
3. That any new applications be placed on a priority waiting list to be processed when the current applications have been completed.

### REPORT:

As Council will recall, at its meeting of April 23, 2019, the following resolution was passed:

"That the report of the Town Solicitor, Deputy Clerk, Director of Strategic Initiatives, and Chief Administrative Officer (AD-02-2019) dated April 9, 2019 regarding the process of the closure and sale of alleys BE RECEIVED; and that Option 'C', "The Program" Method, BE ADOPTED as presented; and that administration BE AUTHORIZED to proceed with implementation of Option "C"; and that a policy and funding program with regards to the closing and selling of an unopened street or alley BE IMPLEMENTED."

Administration has now finalized the revised alley closing policy (refer to Appendix "A") for Council's review and consideration. The following comments are highlighted for Council:

- a) The cost to a land owner for any part of the alley is \$200;
- b) Under normal circumstance where an alley is completely unencumbered, each abutting land owner would be entitled to half of the alley. However, in many instances, alleys are encumbered by structures such as sheds, fences, pools, above and below ground utilities etc. Under such circumstances, administration will review the survey plan and make a determination as to the

manner in which the alley will be conveyed to land owners. In the event a land owner does not agree with decision that is made by administration, that land owner shall have the right to appeal the decision to Council by filing a letter of appeal with the Clerk within twenty (20) days of the date of the decision;

- c) Alleys to be considered under the Program will be categorized as being located either in a priority 1 or 2 area. Priority 1 will include alleys that are adjacent to existing residential dwellings. Priority 2 will include alleys where both sides are adjacent to vacant lands;
- d) Alleys intended to be included as part of new development pursuant to a developers/severance/service agreement are not included as part of the alley closing program;
- e) Alleys within areas designated as Mixed Use Corridor; LaSalle Town Centre; Waterfront District; Business Park District and Parkway Commercial District in the Town's Official Plan are not included as part of the alley closing program. Alleys that are closed as part of a new development agreement and/or are located in the aforementioned districts will be required to pay all surveying, legal and land costs.
- f) Town currently has on file approximately 12 applications that would involve approximately 175 properties. It is estimated that the cost to close and convey these alleys is approximately 90K-100K. Further, it is estimated that it may take the balance of 2019 to process and close these files. Therefore, as noted in the recommendation, it is suggested that any new applications that are submitted as part of the Program be put on a first come waiting list. The status of the Program can be re-evaluated in the fall to determine whether any applications on the waiting list can proceed, or be deferred until 2020 taking into account both timing and fiscal considerations;
- g) Having an application put on the waiting list does not preclude a land owner from requesting the alley to be closed. Applicants may proceed outside the Program, provided they incur the costs associated with preparing the survey and legal documents.

Respectfully submitted,

  
K. Miller  
Deputy Clerk

  
D. Dadalt  
Legal Counsel

Reviewed by:							
CAO	Treasury	Clerks	Env. Services	Planning	Parks & Rec	Building	Fire

## **POLICY**

### **CLOSING AND SALE OF ALLEYS**

#### **General Policy Intent**

1. The Town will allocate funds for the "alley closing program" (the Program) as part of the annual municipal budget to close and convey all open/closed alleys.
2. Alleys will be closed under the Program on a first come basis up to the budgeted amount.
3. A fee of \$200 will be charged to all land owners that wish to participate in the Program (which may be amended by Council from time to time) to obtain title to any part of an alley.
4. The Program will give priority to alleys that are adjacent to existing residential dwellings. The Town may close alleys adjacent to vacant lands on a priority basis that are adjacent to existing residential dwellings and/or considered infilling in nature. Alleys that have vacant lands on either side will be considered priority 2 areas and not included as part of the Program until all other alleys in the Priority 1 area have been closed.
5. When an application is received and deemed to comply with the policy, the Town will take steps to close the entirety of the alley within the block.
6. Council has delegated the determination of whether an alley is surplus to municipal needs to administration. In the event a land owner does not agree with the decision that is made by administration, that land owner shall have the right to appeal that decision to Council by filing a letter of appeal with the Clerk within twenty (20) days of the date of the decision.
7. Under normal circumstances where an alley is completely unencumbered, each abutting property owner would be conveyed half of the alley. However; in many instances, alleys are encumbered by structures such as sheds, fences, pools, above and below ground utilities/services etc. Under such circumstances, administration will review the survey plan and make a determination as to the manner in which the alley will be conveyed to property owners. In the event a land owner does not agree with the decision that is made by administration, that land owner shall have the right to appeal that decision to Council by filing a letter of appeal with the Clerk within twenty (20) days of the date of the decision.
8. Owners may be permitted to proceed to close an alley outside the Program provided the owner undertakes to cover all costs associated with the preparation of the necessary reference plan/survey and legal fees associated with closing and registering the required deed. Where parts of an alley are closed outside the Program and meet the intent of the Town's policy, that alley will become a priority in the next budget year. In the event funds remain in the current year, the Town will initiate the closing of the balance of the alley under the Program.
9. In the event no applications are received by the Town to close an alley and funding remains in the current year, the Town will take steps to close alleys in the locations as determined by administration.
10. In the event a property owner elects to not participate in the Program, that portion of the alley may be offered to the abutting property owner.
11. The Town will not convey alleys that are in or adjacent to lands that have been identified as being environmentally significant.

12. The program does not apply to any alley(s) that are proposed to be closed as part of any new development as outlined in a developers/severance/servicing agreement.
13. The Program does not apply to any alleys located within areas designated as Mixed Use Corridor; LaSalle Town Centre District; Waterfront District; Business Park District and Parkway Commercial District in the Town's Official Plan. Existing residential dwellings may be included as part of the Program at the discretion of the Town.
14. Alleys that are requested/required to be closed pursuant to clauses 12 and 13 above will be subject to paying the all surveying, legal and land costs. Land costs will be will be calculated based on fair market value.
15. Land owners who do not participate in the Program do not have permission to use or continue to use any part of the Town's alley adjacent to their property, and will be required to stop their use of the Town's property without written permission and proper insurance;
16. The Town retains the right to refuse, in its sole discretion, any application to close any Town-owned alley regardless of whether or not the applicant has complied with all of the policies of the Town.

#### **Alley closing process**

1. Development and Strategic Initiatives department (planning) will accept applications to close an alley.
2. Administration will review the application to determine:
  - is the alley surplus to municipal needs;
  - whether the alley is located in a priority 1 or 2 area, and whether is qualifies under the Program;
  - approximate timing to process application (current or future year);
  - are there easements required for municipal purposes.
3. Administration will contact all other applicable agencies to determine if easements are required
4. Administration will contact all owners abutting an alley to be closed to advise that the Town will be taking steps to close the alley abutting their property, and that a surveyor will be commencing work to complete a reference/survey plan. The Town will also request that landowners indicate if they wish to participate in the program and if more of the alley becomes available if they would be interested in that additional part.
5. After the draft reference/survey plan is prepared, administration will determine the manner in which the alley will be conveyed to each landowner.
6. Administration will contact the landowners confirm what portion of the alley (if any) will be available to them and specify the period in which owners must respond (if not previously done) to receive the alley. In the event an owner does not respond correspondence sent by the Town of their intent to accept a portion of the alley, the Town may offer that part to the abutting owner.
7. At such time as the closing by-law has been passed and registered on title, the Legal department will prepare the necessary documentation and contact the owners to arrange a meeting to collect the fee associated with the closure and transfer of the alley and to sign the transfer documents.