



## The Corporation of the Town of Tecumseh

Corporate Services & Clerk

**To:** Policies and Priorities Committee

**From:** Laura Moy, Director Corporate Services & Clerk

**Date to Council:** October 22, 2019

**Report Number:** CS-2019-37

**Subject:** Alley Closing Policy

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### Recommendations

It is recommended:

**That** the proposed Alley Closing Policy as appended to Report CS-2019-37 **be placed** on the Town's website for a 30-day review period;

**And that** Notice of the 30-day review **be given** on the Town's website, social media and local newspapers;

**And that** Report CS-2019-37 regarding the Alley Closing Policy **be received**.

### Background

Currently, the Town does not have a policy regarding the closure and sale of municipal streets, alleys or unopened road allowances (hereafter collectively referred to as "Alleys"). Property owners that are directly adjacent to Alleys have on occasion requested to "close" such Alleys and to acquire the lands to expand their property limits.

It has been the Town's practice to undertake an initial review of the request by the Corporate Services, Planning & Building Services and Public Works & Environmental Services Departments. Utilities are also contacted to determine if there are any services in the subject Alley and to advise of any objections to the closure and sale, or alternatively conditional acceptance (i.e. reservation of an easement).

In the absence of a policy, Administration has contacted all abutting owners along the Alley to inquire about their interest in purchasing a portion of the Alley, and their willingness to accept

responsibility for all associated cost of the closure and sale, including but not limited to: legal, survey, advertising, land registry and administrative costs.

Subject to the majority of abutting property owners' interest and the outcome of the administrative review and responses from the utilities, a report is prepared for Council's consideration to initiate the required notices and procedures set out in the Sale of Land and Notice By-laws to declare the Alley lands surplus and authorize the sale of the Alley to abutting property owners.

There are 43 municipal alleys that exist in the Town which provide a variety of uses such as vehicle access or passage, or underground municipal infrastructure and utilities. Some municipal alleys are not maintained by the Town, or have been encroached upon by the adjacent property owners' sheds, garages, fences, landscaping, etc.

Alleys that are not used for vehicle passage can be subject to crime, illegal dumping, weed overgrowth, as well as unauthorized encroachments. Alleys that can be legally closed and declared surplus to the needs of the Corporation, and sold to abutting property owners, could assist in reducing the Town's potential for liability.

## Comments

To formalize the current practice and to establish a fair and consistent manner in which to address requests for Alley closures and sale, a proposed Alley Closing Policy (Policy) has been prepared and is appended to this report as [Attachment 1](#).

The Policy covers the closing and potential sale of Alleys within the Town of Tecumseh (Town). It has been prepared in compliance with the *Municipal Act, S.O. 2001, c.25 (Act)*, and the Sale of Land By-law No. 2003-09 approved in accordance with the Act which requires all municipalities to adopt and maintain a policy with respect to its sale and disposition of land.

If adopted, the Policy will provide a consistent, transparent and fair procedure relating to disposal of Alleys deemed surplus to the needs of The Corporation of the Town of Tecumseh (Corporation).

If a property owner is interested in purchasing an Alley, the process outlined in the proposed Policy is similar to the current practice. All requests are directed to the Corporate Services Department, in which the Clerk verifies the property boundary and ownership; and consults with the Planning & Building Services and Public Works & Environmental Services Departments for municipal servicing in the Alley. The utilities are also consulted for any of their services that may be in the Alley and the potential need to reserve an easement.

The request must come from, or be supported by, all abutting property owners. The Policy places responsibility on the abutting property owners to submit the request, rather than the Town contacting the owners based one initiating request.

The Corporation can also initiate the process by declaring an alley or road as surplus. In this instance resident(s) agreement is not necessary. When the Corporation initiates an alley or road to be closed, a public meeting will be held.

Administration will continue to make a recommendation to Council, in the form of a report, on the closure and sale of an Alley, if it is in the best interest of the Corporation.

If Administration deems that the Alley should not be closed, the applicant will be notified of the decision and that the decision may be appealed to Council.

A road or alley closure is prohibited where the effect of the by-law will deprive a landowner of his or her only means of access to the road.

Upon approval by Council that an Alley closure may proceed, all affected property owners will be notified of the decision and that the agreement of the owner(s) to acquire the entire lands, and to assume full responsibility for all legal, advertising, surveying and administrative costs, is required to effect the closure and transfer. They will also be informed of the estimated total cost and requirement to provide a \$500 deposit. The purpose of the deposit is to ensure acceptance of the cost and future commitment to the purchase.

Clarification is also set out in the proposed Policy on how the Alley lands will be offered for sale to the abutting property owners. The property will first be offered to the property owner whose property is immediately adjacent to the Alley. If the property owner is not interested, the property will be offered to the property owner immediately behind. If neither owner accepts the offer, the process may then be halted. All abutting owners need not purchase a portion of the Alley, however all of the Alley lands must be purchased by an abutting owner

Under no circumstances will an Alley, deemed to be surplus to the needs of the Corporation, be offered to anyone other than the property owner(s) which are abutting the subject Alley.

The Policy addresses the case of road allowances that can become, or be converted to, a viable buildable lot. If the lot is deemed buildable, the sale will proceed under the Sale of Land By-law.

The approval by Council of a by-law to declare an Alley to be surplus to the needs of the Corporation, and to authorize the closure and sale of an Alley, is referable to the Sale of Land By-law and Notice By-law.

The value of the Alley is also referable to, and determined in accordance with, the Sale of Land By-law.

The adoption of a by-law by Council to declare an Alley to be surplus to the needs of the Corporation, and to authorize the closure and sale of the Alley is carried out in accordance with the provisions established in the Sale of Land and Notice By-laws.

In order to allow for public review of the new policy, a 30-day review period is proposed, following which it will be returned to Council for consideration of approval.

## **Consultations**

Financial Services  
Public Works & Environmental Services  
Planning & Building Services  
Area Municipalities

## Financial Implications

There are no financial implications associated with adoption of the Policy.

The costs incurred to close and sell an Alley are intended to be fully recovered under this Policy.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable

Website       Social Media       News Release       Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA  
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M., CMMIII HR Professional  
Director Corporate Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Alley Closing Policy