



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: December 10, 2019

Report Number: CS-2019-44

Subject: Alley Closing Policy – Public Consultation Results

Recommendations

It is recommended:

That Report No. CS-2019-44 Alley Closing Policy – Public Consultation Results, **be received.**

And that the proposed Alley Closing Policy, **be approved.**

Background

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”). The proposed policy in [Attachment 1](#) will formalize the current practice for when a request for alley closure and sale is submitted to the Town by a resident or when Alleys are deemed surplus lands by the Town.

At the October 22, 2019, Policies and Priorities Committee Meeting, Members received Report No. CS-2019-37 Alley Closing Policy, and passed a resolution 09/19, which directed Administration to place the proposed Alley Closing Policy on the Town’s website for a 30-day review, and to provide notice of the 30-day review on the Town’s website, social media and in the local papers.

Comments

The proposed Alley Closing Policy (Policy), along with a survey, was placed on the Town’s website on October 25, 2019 for 30 days. Advertisements were published in the Essex Free Press on October 31, 2019 and Shoreline Week on November 1, 2019, to increase awareness

and to encourage public feedback. During the review period, the Town's social media was utilized on October 31, and November 12, for continued promotion.

The survey comprised two questions, the first question asked if they had read the proposed Policy and the second question asked if they agreed or disagreed with the proposed Policy. Respondents were encouraged to write comments with their submissions. All the respondents' comments are summarized in [Attachment 2](#). In total, 17 residents responded to the survey, 9 disagreed and 8 agreed with the proposed Policy. Two respondents indicated they did not read the Policy, one of whom agreed and the other disagreed.

The respondents that disagreed with the proposed Policy generally commented that Alleys provide access to their backyards and garages, in addition to access for utilities. Those that disagreed also said that Alleys provide opportunity for more green space and separation from neighbouring properties. Some requested more public consultation if there was a request for an Alley closure. Costs were also identified as a concern. Clarification on who may purchase the surplus lands was also noted.

In contrast, respondents that agreed with the Policy indicated that it would reduce crime, such as garage break-ins, in their neighbourhoods.

In response to some of the comments, the following is offered:

Rear Yard Access

The proposed Policy states that a request for an alley or road to be closed must have the full support from the other abutting residents. It also prohibits a closure where the effect of the by-law will deprive a property owner of his or her only means of access to the road.

The utilities and other agencies (i.e. Essex Power, Hydro One, Union Gas, Bell Canada, and Cable) will be notified of a potential alley or road closure and consulted on whether they have any services in the subject alley or road. They will also be given an opportunity to submit any objections to the closure and sale, or their conditions of acceptance (i.e. reservation of an easement).

Consultation

The Policy provides for a public meeting with affected property owners when the Town initiates an alley or road closure, which requires a notice.

When Council accepts a recommendation to proceed with a requested alley or road closure, or Town initiated closure, notice will be given to the abutting property owners, in addition to being advertised in the local papers in accordance with the Sale of Land By-law, and on social media and the website for public awareness.

Cost

All affected property owners will be notified of a decision to commence the process for closing an alley or road and that the agreement of affected 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 required to provide \$500 deposit. The \$500 deposit from each purchasing owner will be deducted from their respective final share of the actual costs.

Who May Purchase

In the case of alleys, 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 landowner accepts the offer, the process may then be halted.

If the proposed property lines cannot be directly aligned, the process may then be halted.

In the case of road allowances, it will first be determined if the road allowance 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. If the road allowance cannot become or be converted to a viable buildable lot, the land shall be offered to the adjacent property owners, only.

Under no circumstances will an alley or road allowance, deemed to be surplus to the needs of the Corporation, be offered to anyone other than the property owner(s) which is abutting the subject alley or road to be closed.

The term property owner is used throughout the Policy so as not to limit to residential or commercial owners.

The intent of the proposed Policy is to formalize the current practice and to establish a fair, transparent and consistent procedure for responding to requests for alley and road closures and the sale of any surplus lands as a result of a closure. Requests for closures are minimal.

Consultations

Financial Services
Public Works & Environmental Services
Planning & Building Services

Financial Implications

There are no financial implications associated with the adoption of this 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

Attachment Number	Attachment Name
1	Alley Closing Policy
2	Summary of Public Review