



# The Corporation of the Town of Tecumseh

## Policy Manual

**Policy Number:** 99  
**Effective Date:** November 12, 2019  
**Supersedes:** N/A  
**Approval:** PPC 09/19 – October 22, 2019  
RCM 392/19 – December 10, 2019

**Subject:** **Alley Closing Policy**

### 1.0 Purpose

- 1.1 This policy covers the closing and potential sale of streets, alleys and municipal road allowances within the Town of Tecumseh (Town).
- 1.2 This policy is prepared in compliance with the *Municipal Act, S.O. 2001, c.25* (Act), and the Sale of Land By-law No. 2003-09 adopted in accordance with the Act which requires all municipalities to adopt and maintain a policy with respect to its sale and disposition of land.
- 1.3 This policy will provide consistent, transparent and fair procedures relating to disposal of municipal owned streets, alleys and road allowances deemed surplus to the needs of The Corporation of the Town of Tecumseh (Corporation).

### 2.0 Scope

- 2.1 The scope includes all municipally owned streets, alleys and road allowances within the Town.

### **3.0 Policy**

- 3.1 From time to time the Corporation is approached by property owners requesting to purchase alleys or unopened road allowances adjacent to their properties. If the request is favourably considered this would necessitate the legal closure of the alley and/or road.
- 3.2 In the event a resident comes forward requesting an alley or road to be closed, there must be full support from the other residents abutting the alley for the closure to proceed.
- 3.3 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.
- 3.4 Once a request is received for an alley or road closing, the Director Corporate Services & Clerk shall schedule a meeting with the Director Public Works & Environmental Services and Director Planning & Building Services (Technical Advisory Review Group - TARG) to review the application.
- 3.5 The Corporate Services Department will contact the utilities and other agencies (i.e. Essex Power, Hydro One, Union Gas, Bell Canada, and Cogeco Cable) to notify them of the potential closure and to inquire as to whether they have any services in the subject alley or road, and of any objections to the closure and sale, or their conditions of acceptance (i.e. reservation of an easement).
- 3.6 The TARG shall make a recommendation to Council, in the form of a report, on the closure and sale of an alley or road, if it is in the best interest of the Corporation.
- 3.7 If the TARG deems that the alley or road should not be closed, the applicant will be notified of the decision and that the decision may be appealed to Council.
- 3.8 A road or alley closure is prohibited where the effect of the by-law will deprive a property owner of his or her only means of access to the road.

### **4.0 Procedure**

- 4.1 Upon approval by Council that an alley or road closure may proceed, all affected property owners will be notified of the decision 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.

- 4.2 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 land owner accepts the offer, the process may then be halted.
- 4.3 If the proposed property lines cannot be directly aligned, the process may then be halted.
- 4.4 In the case of road allowances, the TARG will first determine 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.
- 4.5 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.
- 4.6 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.
- 4.7 Prior to Council giving consideration to a by-law to declare an alley or road lands to be surplus to the needs of the Corporation, and to authorize the closure and sale of an alley or road, notice will be given in accordance with Sale of Land By-law and Notice By-law.
- 4.8 A by-law permanently closing an alley or road does not take effect until a certified copy of the by-law is registered in the proper land registry office.
- 4.9 The value of the alley or road (surplus lands) shall be determined in accordance with the Sale of Land By-law.
- 4.10 All abutting property owners that are purchasing a portion of a closed alley or road will be fully responsible for all actual costs incurred by the Corporation, including but not limited to: legal, advertising, surveying, reparation/registration of deed, and land value (where applicable). The \$500 deposit from each purchasing owner will be deducted from their respective final share of the actual costs.

## **5.0 Responsibilities**

- 5.1 The Clerk or designate shall be responsible for interpreting and where appropriate administering the Alley Closing Policy.

## **6.0 Policy Administration**

- 6.1 This Policy shall be administered by the Clerk or designate.
- 6.2 This Policy will be reviewed as required based on revisions to corporate practices or Provincial legislation.

## **7.0 References**

The Municipal Act, 2001 S.O. 2001 c. 25

Town of Tecumseh Sale of Land By-Law No. 2003-09

Town of Tecumseh Notice By-Law No. 2003-06