

STREET AND ALLEY CLOSING POLICY

CR 130/2006

That the following policy for street and alley closings and conveyances **BE ESTABLISHED:**

- a) all applications for closure be accompanied by an application fee of \$800.00 (subject to annual review). The fee comprises \$300.00 to cover the administrative costs to process the application to utility companies and civic departments for comments; preparation of report for consideration by the Street and Alley Technical Advisory Committee and recommendation to City Council; and \$500.00 being the fee for advertising Council's intent to enact the by-law to close and providing direct notification to abutting and affected property owners;
- b) in the event the application is denied by Council or withdrawn by the applicant prior to the advertising of Council's intent to enact the by-law to close the street or alley, the applicant be eligible for a refund of \$600.00 of the \$800.00 application fee in order to allow the City to recover a portion of its administrative costs;
- c) the Street and Alley Technical Advisory Committee, (being an administrative/operational committee), shall forward its recommendation to City Council for consideration, detailing any special conditions under which the lands will be conveyed by the municipality, and the portion(s) of the lands to be offered for sale;
- d) all personal notices to be sent by regular first class mail to owners and occupants of property abutting and/or affected by the closure and, in addition, the Ward Councillors. The notice shall provide the dates for the meeting of the Street and Alley Technical Advisory Committee and the City Council meeting. In addition to the personal notice a separate notice shall also be placed in the local newspaper advertising Council's intention to pass the by-law once a week for 3 consecutive weeks;
- e) the following criteria shall be applied to determine the conveyance of the closed rights-of-way;
 - i) purchase price of closed alley lands shall be set at market value except those alley and walkway lands adjacent to residential areas zoned RD1, RD2 or DRD11 in By-law 8600 and R.1, R.2 and PD.1 in By-law 3072 which shall be conveyed for \$1.00;
 - ii) street allowances to be offered for sale at market value as building lots where possible, regardless of zoning;

- iii) where the addition of the portion of an alley or street to be acquired would enable the purchaser to create a severable building lot, the lands to be offered for sale shall be set at market value;
 - iv) any relocation or removal of sewer, water and gas mains, telephone and hydro lines to be at the total expense of the affected property owner(s). Close lands to be offered for sale in “as is” condition;
 - v) if at least 75% of abutting property owners agree to the closure of the alley, the City will assume responsibility for preparation of Reference Plan by an Ontario Land Surveyor showing the limits of the right-of-way to be closed and the manner in which it will be divided between the abutting owners. The full cost of preparation of the Reference Plan and the cost associated for the preparation of a deed and the subsequent registration shall be paid by the purchaser(s) in advance of the adopting of the by-law to close. Alternatively, abutting owners may choose to engage the services of an Ontario Land Surveyor to prepare the Reference Plan and Legal Counsel to prepare deeds for their individual portions of the closed alley. However, the Reference Plan must be prepared satisfactory to the City Solicitor and all costs associated with the preparation of the Plan and deeds shall be paid for by the purchasers in advance of the adopting of the By-law to close;
 - vi) conveyances shall be subject to easements as required by the City, Public Utilities and other service providers;
 - vii) conveyance price of street and alley allowances where the portion of the right-of-way within a site that is currently zoned institutional and already has an existing school building to be offered to the School Board that owns the property at \$1.00 plus deed preparation and proportionate share of the survey cost provided there is the continued use as a school site.
- f) the City shall reserve its interest in the subterranean tube under any closed right-of-way under which the Windsor-Detroit Tunnel is located, and title to the same shall be retained by the City;

and further, that applications currently under review **BE PROCESSED** under the former policies and, further, that Council Resolutions 285/91, 1113/92, 564/94 and 968/98 which established the policy for the closure of streets, alleys and walkways **BE RESCINDED** and further, that the policy **BE IMPLEMENTED** effective May 5, 2003.