

The City of Windsor Planning Department receives and considers applications for alley/walkway closings. There are several advantages to the property owner.

Occasionally applications are also received to close a street, however, the majority of applications are for alley closings.

WHAT ARE STREETS/ ALLEYS AND WALKWAYS?

They are technically known as public rights-of-ways, and include alleys, streets, laneways and walkways, on which no buildings or fences are allowed. If access through the public right-of-way is required by an abutting property owner, access cannot be denied. Therefore, unless an alternate access can be found, the right-of-way cannot be closed.

WHY SHOULD I CLOSE MY ALLEY?

Many alleys in the City are no longer used for garbage pickup, so the alley may not be required for municipal reasons. However, this does not mean the alley is closed and that you have the right to occupy it. If your alley is legally closed, it can be added to your property and fenced. This eliminates debris and weeds from the back of the property and assists in possibly reducing vandalism.

STREET CLOSINGS

Street closings occur less often, usually in areas where the street is not used or paved for vehicular traffic. The procedure for a street closing is similar to an alley or

walkway closing.

HOW DO I APPLY TO CLOSE MY ALLEY/WALKWAY?

The search form and fee (\$59.00) will determine whether or not a street or alley is open or closed. Any abutting owner of property may apply to close the alley (or street) where the right-of-way is located. The application form is available in the Planning Department, on the 2nd Floor of 350 City Hall Square West. The applicant is responsible for the application fee of \$1,505.00 which includes the legal advertising fee, however, as all property owners benefit, it is desirable to help the applicant by agreeing to cost share. For example, if there are 30 houses on the alley the cost to each owner would be:
 $\$1,505.00 \div 30 = \text{approx. } \50.00 per household. If the applicant decides to withdraw the application or the application is denied by City Council, the applicant is entitled to a refund of \$860.00.

* Accepted Methods of Payment:
Cash, Cheque, Debit Card, Master Card or
Visa

PROCEDURE TO CLOSE

An application and \$1,505.00 fee is submitted to the Planning Department. Upon receipt of the application & the fee, the Street and Alley Legal Clerk circulates a notice to civic departments & utilities for their comments. These include such areas as, Transportation Planning, Fire, Police, etc., as well as Windsor Utilities, Enwin Powerlines, Enbridge, Cogeco Cable

Systems & Bell Canada. In most cases, these business units or utilities do not object, however, easements may be required.

WHAT IS AN EASEMENT?

Many times utility companies have poles, cables, etc. in the alley (or street). This does not mean the alley cannot be closed. If the alley is closed and acquired by you, they require the right to service their equipment. You may construct fences but you may not erect any buildings or permanent structures in the alley (or street). If the situation warrants, moveable-type fences are sometimes approved as a condition of closure.

The requirement for an easement will be indicated in the report of the City Planner to the Planning and Economic Development Standing Committee. This report will recommend any special conditions under which the lands will be conveyed by the City, and the portion(s) of the lands to be offered for sale.

PLANNING AND ECONOMIC DEVELOPMENT STANDING COMMITTEE AND CITY COUNCIL

The Planning and Economic Development Standing Committee meets once per month to consider reports of various city departments. All property owners will be notified of the date that the Standing Committee will consider the application. You will also receive a copy of the City Planner's report, which includes conditions, easements required, costs, and disposition

of the land. The Standing Committee will hear any person listed to speak either in favour or opposed. The Standing Committee then makes a recommendation to be considered by City Council. In addition, the Standing Committee will recommend any further conditions under which the lands will be conveyed. All property owners will be advised of the date of City Council's meeting.

If someone has a garage or driveway at the back of their property and requires access from the alley, usually, the alley may not be closed at that point unless the affected owner agrees. Often the Committee will consider closing only a portion of the alley which means the owner who needs access will not be landlocked.

If approved by City Council, an advertisement is placed in the Windsor Star advising the community that City Council intends to enact a By-law to close the right-of-way.

This ad is mailed to all the property owners. It explains the location of the closing and that City Council will consider a By-law to close the alley/street on an approximate date.

There is also a date specified by which you must advise the City in writing on the form sent to you with the ad that you wish to acquire your share of the land.

COSTS

LAND COSTS:

The following criteria shall be applied to determine the cost to purchase 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 to 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). Closed lands to be offered for sale in "as is" condition;
- v) Conveyances shall be subject to easements as required by the City, Public Utilities and other service providers.

ASSOCIATED COSTS:

Unless directed otherwise, the City will arrange for preparation of the Reference Plan (survey) 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. Each purchaser is responsible for paying their proportionate share of the cost of the Reference Plan (survey) and the cost associated with the preparation and

registration (approximately \$600.00) of a deed. 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 Planner and Deeds 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. You have the right to accept or decline the offer to acquire your share of the street or alley. If available, you could purchase the entire width.

However, should you decide that you **DO NOT WANT** to purchase your share of the land, you may waive your rights (a form will be provided). That means the owner on the opposite side of the right-of-way can buy your share of the street or alley.

REMEMBER - you are not obligated to buy the land, but it may be desirable for you to do so - it increases the size of your yard, assists to decrease trespassers and helps to eliminate vandalism, theft, etc.

After the Bylaw to legally close the right-of-way is passed and registered, the Legal Clerk compiles a list of all those who wish to purchase either half or, if available, the whole width of the alley/street/walkway and will forward a letter to you requesting the exact funds and subsequently, a deed will be prepared and the registered copy will be mailed to you.

PLEASE NOTE:

ONCE LEGALLY CLOSED, THE CITY OF WINDSOR IS NOT RESPONSIBLE FOR PHYSICALLY CLOSING OFF A STREET/ALLEY/WALKWAY. IT IS UP TO THE ABUTTING PROPERTY OWNERS TO PURCHASE THEIR PORTION AND PREVENT ACCESS THROUGH THE ALLEY/STREET/ WALKWAY.

SHOULD YOU HAVE ANY QUESTIONS ABOUT THE PROCESS PLEASE CONTACT:

**Planning & Building Department
350 City Hall Square,
Suite 210, 2nd Floor
Windsor, Ontario N9A 6S1**

Office - 519-255-6543

Fax - 519-255-6544

www.citywindsor.ca



**THE CITY OF WINDSOR
CORPORATION**



**PLANNING & BUILDING
DEPARTMENT**

STREET/ALLEY/WALKWAY

CLOSING PROCESS