



POLICY EBS-22: Permanent Road Allowances, lanes and Alleys Closure

Employee and Business Services

Approval Date: April 26, 2005
Approval Authority: Council Resolution No. 5 and 10
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Background:

The Corporation of Norfolk County (the "County") owns numerous road allowances, lanes and alleys that are not essential pedestrian corridors and closure would have no significant access impact on the County. A policy is required to outline the steps necessary to process requests and provide guidance to residents who wish to pursue permanent closure and conveyance of these properties.

Purpose:

To establish a policy with respect to the closure of road allowances, lanes and alleys within the County as well as the procedures for processing such requests. The sale of such property will be conducted in accordance with the Municipal Act and the County's Land Purchase and Sale Policy, as same may be modified, amended or extended by the provisions hereof.

Generally, Norfolk County does not initiate road closings but responds to requests from the public.

Definition:

"Council" means the Council of The Corporation of Norfolk County.

"Council-in-Committee" means The Committee of The Council of The Corporation of Norfolk County.

"Applicant" includes an individual and/or a corporation or any other legal entity and their successors, assigns, heirs, executors, administrators, or any other legal representatives of a person to whom the context may apply according to law.

"As is" means without regard for state of repair, location of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachment by buildings or

fences or otherwise, on the land or adjoining properties or streets, and without warranty or representation as to use, environmental contamination, hazards or risks.

Policy Statement:

Council may authorize the closure of any road allowance, lane or alley in accordance with the provisions of this Policy. Council's decision on the selling price will be final and binding if the transfer is to proceed.

All costs incurred by the County related to the closure of any road allowance, lane or alley shall be at the expense of the Applicant(s) unless specified otherwise by Council. Costs relate to legal fees, disbursements and applicable taxes, advertising, surveying, registration, administration and land.

An administration fee will accompany each request. This fee will not be refunded if the request is denied at any stage in the process.

Notice of a road closure request will be provided to property owners whose land abuts the subject road allowance, lane or alley. If an abutting property owner submits written notice of interest in purchasing the property, the land will be divided in a manner deemed to be fair and appropriate and offered to the interested parties. Interested Parties will be included in sharing all costs incurred by the County including an administration fee.

All land, with or without improvements, shall be sold on an "as is" basis.

The value applied to the sale of a road allowance, lane or alley will, in most instances, be based on values established by Council for purposes of road related acquisition and sale for road widening purposes (PW-08). Some urban values may require specific valuations as circumstances dictate and as identified in the Land Purchase and Sale Policy.

Upon the conveyance thereof, any road allowance, lane or alley shall be required to merge in title with the abutting owner's property as it is not intended to create a separate lot. Purchasers of road allowances, lanes or alleys should be made aware that such purchases may result in an increased land assessment value.

The County is under no obligation by virtue of the conveyance of any road allowance, lane or alley to grant or support any approvals, including changes to the Official Plan or Zoning By-law or with respect to any other matter, including but not limited to site plan control, minor variances and building permits on such terms as are considered reasonable by Council.

Norfolk County may choose to close a road allowance and not convey it to the adjacent property owners but retain as County property at Council's discretion. Every effort will be made, where possible, to offer the road allowance to the adjacent property owners.

A request to close and convey a road allowance, lane or alley will not proceed if:

- a) There is a municipal or legislated use for the road allowance, lane or alley.
- b) An owner of land will be deprived of their sole vehicular access to their land as a result of the closure.
- c) An owner of land will be landlocked as a result of the closure.
- d) A majority of property owners with land abutting a road allowance, lane or alley object. Property owners who do not respond to circulations will be considered in the determination in support of a request.
- e) The request conflicts with Official Plan Policy
- f) The parcel of land leads to or abuts any body of water.

If any of the above conditions are met, County staff will advise the Applicant that the request is denied.

In the event that the transfer of title is not completed within two (2) years from the date Council authorizes such transfer of title, the approval of such transfer of title will lapse. Any subsequent requests shall be subject to the provisions of this Policy in force at such future time, in all respects.

PROCEDURE FOR CLOSURE AND SALE OF ROAD ALLOWANCES, LANES AND ALLEYS

Upon receipt of administration fee and written request for the road closure confirming the applicant will pay the proportionate costs of the closure, County staff will verify the status of the road (i.e. open, closed or unopened) and circulate the request to various County departments and outside agencies for comments.

If initial support is obtained from County departments and outside agencies, a report including the request and departmental comments will be forwarded to Council-in-Committee, recommending that the road allowance, lane or alley, as applicable, be declared surplus to municipal needs and that the process for closure and conveyance be initiated. If the request is denied the Applicant will be advised and the file will be closed.

If support is obtained from Council, abutting property owners will be contacted to determine whether they have any interest in purchasing a portion of the property or whether there are any objections to the closure. Estimated costs for the closure will be provided and a deposit with signed commitment will be required.

The County shall have a draft reference plan prepared by a qualified land surveyor showing the part(s) of any road allowance, lane or alley to be conveyed, and the location of any structures or easements on the road allowance, lane or alley, for approval by County staff. The cost divided amongst each Applicant.

Notice of Public Meeting for Council to consider the closure of a road allowance, lane or alley shall be given to the public in accordance with Norfolk County's Public Notice Policy.

A report to convey the road allowance, lane or alley, as applicable, will be forwarded to Council for approval along with an authorizing by-law.

Council will hold a public meeting to hear from anyone whose property may be affected by the closure and sale of the property.

Upon Council approval, a certified copy of the by-law authorizing the closure and conveyance will be registered **on** title.

Upon receipt of payment, the deed(s) for the conveyance of the road allowance, lane or alley, as applicable, will be registered on title.

A final invoice will be issued to the purchasers for the adjustment in estimated legal expenses post-closing. Failure to pay will result in the expense being added to the applicable property tax bill.