

TRANSPORTATION & PUBLIC WORKS DEPARTMENT

COUNCIL/CORPORATE POLICY MANUAL

TPW-60 ROADS/LANES

TPW-60.010 Closing of Lanes

Lane closings will be considered on an individual basis, be approved by the Works and Protection Committee by resolution and be ratified by Council.

Adopted: June 21, 1976.

All lanes which are either closed or unused will be disposed of to the adjoining property owners on their request, provided that all legal and survey fees are borne by the adjoining property owners and that all lanes being disposed of by the City of Cambridge be sold at a nominal value of \$2.00. These closings are subject to Easement Provisions as required.

Adopted: Mar.19, 1979.

ROAD/LANE/WALKWAY CLOSING PROCEDURES
(Amended May 2008)

1. Transportation Division1 receives a request to close a road/lane/**walkway** or portion thereof.
2. Transportation Division1 determines whether the road/lane/**walkway** can be closed.

If no, Transportation Division1 advises inquirer accordingly.

If yes, Transportation Division1 forwards file to Realty and Corporate Property Services Division.

NOTE: Some walkways may be under the jurisdiction of the Community Services Department in which case, Community Services staff would determine whether the walkway could be sold.

3. **Realty and Corporate Property Services Division contacts all City Departments to determine whether they have any concern with the closure and conveyance of the road/lane/walkway. Concerns are dealt with accordingly. Potential sale either terminates or continues accordingly.**

Updated July 2008

4. **If City Departments are agreeable to sale and all concerns can be addressed,** Realty and Corporate Property Services Division contacts utility companies to determine the presence of existing services and formalizes any necessary easement agreements.
5. Realty and Corporate Property Services Division determines the fair market value for roads. **In most cases, lanes and walkways are disposed of for a nominal consideration plus expenses; however, lanes and walkways may be sold for fair market value if applicable.**
6. Realty and Corporate Property Services Division sends letter(s) to inquirer (s) indicating details such as estimated costs of conveying the road (market value, legal fees and survey costs), the lane (legal fees and survey costs) **or walkway (legal fees, survey costs and expense associated with the removal of asphalt, fencing, stairs, etc.).** Inquirers are requested to provide funds for the purchase of their respective portions of property or **advise that they are not interested in purchasing.** Letters indicate that conveyance is subject to Council approval.

NOTE: In most cases, the abutting owners would be given the first opportunity to purchase.
7. **If inquirer is not interested, staff may make the land available to others.** Portions of road would not be sold if landlocked portions result. **Lanes and walkways will only be disposed of in their entirety and not in portions.**
8. Once funds are received, Transportation Division¹ staff prepares a report to close the road/lane/walkway declaring the parcel surplus and receiving conveyance authorization. This is by resolution only. No by-law is enacted at this time.
9. Once Council has passed a resolution of its intent to close and convey the road/lane/walkway, the Clerk's Assistant forwards **a letter** to the Regional Municipality of Waterloo, **for information, advising of the City's intent to close the road/lane/walkway.** At the same time, the Clerk's Assistant **advertises** the proposed closing of the road/lane/walkway **in the local newspaper, at least once, and at least 21 days prior to the scheduled public hearing date of Council.**
10. **The Government of Canada must consent to the permanent closing of a highway if either of the following is applicable:**
 - a) **the highway abuts on land, including land covered by water, owned by the Crown in right of Canada; or**
 - b) **leads to or abuts on a bridge, wharf, dock, quay or other work owned by the Crown in right of Canada.**

Updated: July 2008

11. If objections from the public **(or the Government of Canada, if applicable)** are not received, Realty and Corporate Property Services Division requisitions a reference plan. If objections from the public are received and Council decides not to close the road/lane/**walkway**, all money is returned and no reference plan is ordered. No by-law is enacted and the land remains a road/lane/**walkway**.
12. Once the reference plan is deposited, Council is requested to enact a by-law detailing both the closing and the conveyance particulars.
13. Once the by-law is enacted, Realty and Corporate Property Services Division staff provides the city solicitor with one certified true copy of the by-law and all pertinent information with respect to the conveyance(s).
14. The city solicitor prepares the deed(s) and forwards it to Realty and Corporate Property Services Division staff and the purchaser(s) solicitor for approval. Once approved, the Mayor and City Clerk sign the deeds. The city solicitor forwards the deeds, with the by-law attached as a Schedule, to the purchaser(s) solicitor for registration.
15. Realty and Corporate Property Services Division staff receives and reviews the city solicitor's final account. Realty and Corporate Property Services Division staff also receives from the city solicitor a copy of the registered deed and by-law.
16. If necessary, Realty and Corporate Property Services Division refunds or charges back to the purchasers, the difference between the actual costs and the deposit(s) received. The file is then closed.

Approved by Management

Committee:
June 11, 2008