

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON JUNE 18, 2019
FROM:	KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	REDAN-MARMORA-NELSON STREETS LANE CLOSING

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer the following actions be taken with respect to the closing and disposing of certain City owned public lane bounded by Redan Street, Nelson Street and Marmora Street;

- a) the closing of the above noted lane BE APPROVED;
- b) the attached proposed by-law (Appendix 'A') being : "A by-law to stop up and close the Lane bounded by Redan, Nelson and Marmora Streets" BE INTRODUCED at the Municipal Council meeting to be held on June 25th, 2019;
- c) the above-noted lane BE DECLARED SURPLUS;
- d) the Civic Administration BE AUTHORIZED to make all decisions and undertake all necessary steps required to divide and transfer the closed lane to the abutting property owners as fairly and equitably as possible, where possible, subject to the following guidelines;
 - i) no portion of the lane shall be disposed of that would result in the sole legal vehicular access to a property being lost;
 - ii) property owner objections to disposing of the untraveled lane by reason of potential for future use will not be considered;
 - iii) property owners abutting the subject closed lane shall be given the first right of refusal to acquire the portion of the lane abutting their property to the middle of the lane (one-half the lane width). If that option is not exercised, the surplus land will be made available to the other abutting property owners. In general, the City will support any lane disposition that is agreed to by property owners and that eliminates or minimizes the creation of remnant parcels;
 - iv) the subject lane land will be offered to the abutting property owners for the nominal sum of \$1 with the City being responsible for all land transfer costs. The City will pay for the preparation of a reference plan and the property owner will be required to retain a lawyer to facilitate the transfer of the subject land. Subject to pre-approval by the City Solicitor, the City will be responsible for all reasonable legal fees and disbursements relating to the transfer. The property owner's lawyer must agree to provide an undertaking acceptable to the City Solicitor, committing to consolidating the property's Property Identification Numbers (PIN's) post conveyance, the cost of which will be included in the approved legal fees;

- v) any required fence relocations and obstruction removal made necessary by the transfer of land will be the sole responsibility of the property owners; and,
- vi) where circumstances prevent the lane or a portion thereof from being conveyed, the lane will be retained by the City and will continue to be available for use by the abutting property owners and be subject to the City's Lane Maintenance Policy until such time it can be disposed of;

It being noted that subject to passing and registration of the above noted by-law, any utility easements shall be conveyed to utility owners if needed, and a municipal easement will be retained by the City if required.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Community and Neighbourhoods Committee – January 18th, 2011 – Marmora Lanes Closing
- Civic Works Committee – April 16, 2019 - Public Lane Policy Review

2019-23 STRATEGIC PLAN

The following report supports the Strategic Plan through the strategic focus area of Strengthening Our Community by facilitating inclusive and engaged neighbourhoods.

BACKGROUND

Municipal Council at its meeting April 23, 2019 resolved:

That the following actions be taken with respect to the Redan Public lane:

- a) the Civic Administration BE DIRECTED to survey the impacted property owners, with the intent to close the lane and divest the property, at the cost of \$1 to each the property owners and with all other land transfer costs to be assumed by the City; and,
- b) that staff BE DIRECTED to report back to Civic Works Committee with recommendations for future potential lane closure subsidies. (3.1/8/CWC)

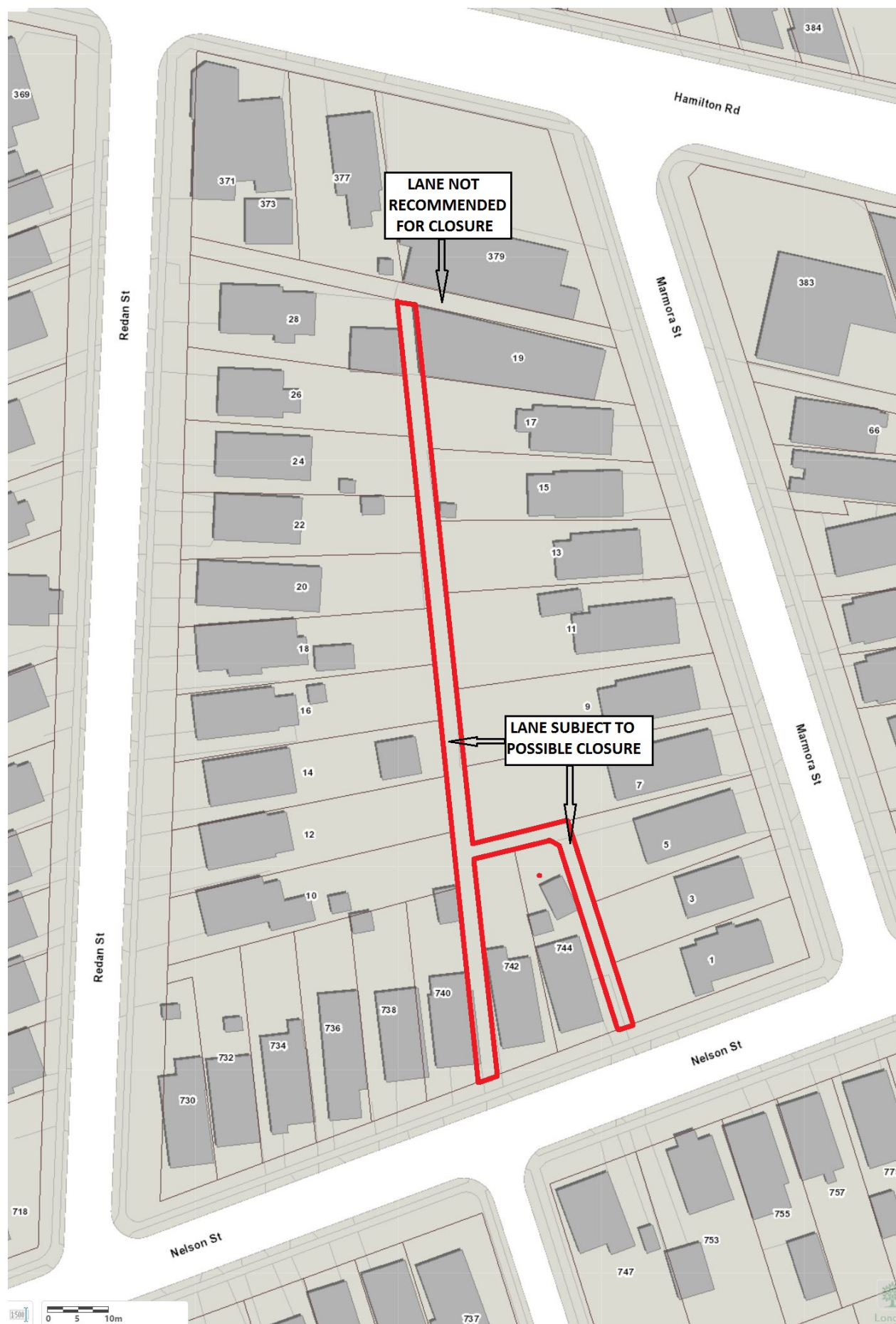
Purpose

This report is in response to part a) in the above resolution, it being noted that part b) will be the subject of a future report.

DISCUSSION

The subject lane recommended for closing is highlighted in the graphic below. The section of the lane running between Redan Street and Marmora Street behind the properties fronting on Hamilton Road is not recommended for closing. Transportation Engineering recommends the City retain public lanes that serve properties fronting on arterial roads so they can be used to enhance traffic safety and efficiency should properties commercialize in the future. It is also noted this portion of the lane is fully traveled.

Lane Sketch



In accordance with the above noted resolution, the property owners abutting the subject lane were surveyed to determine the level of support for permanently closing the lane. Of the twenty-three property owners surveyed, a total of seventeen responses (74%) have been received as of the date of this report, all in favour of closing the lane. There are no objections to closing the lane. This represents significant support for permanently closing the lane, which is the recommendation of this report.

Of the seventeen responses received, twelve property owners have expressed an interest in acquiring a portion of the lane abutting their property. This is a sufficient number to ensure the lane can be largely incorporated into the abutting properties once the transfers of land have been completed and fences are relocated, and ultimately help the community address the previously cited problems associated with this untraveled vacant lane.

Since not all property owners are interested in acquiring a portion of the lane abutting their property and the City cannot force a property owner into taking it, there is a real possibility that the City will end up owning some remnant land locked parcels. The creation of inaccessible land-locked parcels is never desirable as they create some risk for the City. But since most untraveled lanes cannot be accessed due to obstructions anyway, the incremental risk to the City could be viewed as being limited. Regardless, the potential for creating land-locked parcels is something the City will have to accept if the City is to take a more proactive stance to assist property owners in addressing the problems associated with vacant lanes by way of closure and disposition. In accordance with City's lane policies, the City will not maintain any remnant lane parcels that remain in the City's ownership; maintenance will continue to be left to the abutting owners to deal with.

Assuming Council directs Civic Administration to proceed, the next step will be to develop and circulate a plan of disposition amongst the property owners for approval with the goal to dispose of as much of the lane as possible. Developing the plan requires that a topographic survey be completed and title searches be undertaken on behalf of the property owners to confirm their property access rights. Armed with this information, the City will work with the property owners to divide the lane as equitably as possible. It should be noted, however, that some potential disagreements between property owners have already been identified and if the property owners cannot agree on a solution, some portions of the lane will have to remain in the City's ownership.

The estimated cost to complete the survey and reference plan and cover legal fees and disbursements is expected to be approximately \$3000 per property, which equates to an estimated total cost of \$36,000 based on the number of property owners expressing an interest in acquiring the lane. Since no source of financing has been identified for this initiative, funds will have to be found in the current operating budget.

CONCLUSION

Strong interest has been expressed by the abutting property owners to close the subject lane bounded by Redan, Nelson and Marmora Streets. It is therefore recommended the lane be closed as public highway, declared surplus to the City’s needs, and that Civic Administration be authorized to make all decisions and take all reasonable steps necessary to dispose of the lane amongst the abutting owners as equitably as possible, notwithstanding the likelihood that the process may result in the creation of remnant landlocked parcels owned by the City.

PREPARED BY:	REVIEWED AND CONCURRED BY:
A GARY IRWIN, OLS, OLIP MANAGER OF GEOMATICS AND CITY SURVEYOR	DOUG MACRAE, P.ENG., MPA DIRECTOR ROADS AND TRANSPORTATION
RECOMMENDED BY:	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL & ENGINEERING SERVICES AND CITY ENGINEER	

May 29, 2019

cc. J. Wills
D. Mounteer

APPENDIX 'A'

Bill No. _____

2019

By-law No. S - _____

A by-law to stop up and close the lane bounded by Redan, Nelson and Marmora Streets.

WHEREAS it is expedient to stop up and close the lane on Registered Plan 110(3rd) and Registered Plan 437(3rd) bounded by Redan, Nelson and Marmora Streets in the City of London;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. The following lane on Registered Plan 110(3rd) and Registered Plan 437(3rd) shall be stopped up and forever closed and cease to be and form public highway:
 - a) Lane abutting Lots 19 and 20 on Registered Plan 437(3rd) in the City of London and County of Middlesex; and
 - b) Lane abutting the rear of Lots 113, 114, 119 and 120 on Registered Plan 110(3rd), and the rear of Lots 1 to 9, both inclusive, on Registered Plan 437(3rd) in the City of London and County of Middlesex.
2. The lands comprising the said lane hereby stopped up and closed shall continue to be vested in The Corporation of the City of London to be dealt with from time to time as the Council of the Corporation may see fit and deem proper.
3. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on _____

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –