



THE CORPORATION OF THE TOWNSHIP OF MATACHEWAN

Laneway De-accessioning Policy

The following procedure is to be followed each time a request is made by any individual or corporation approaches Council to acquire, accession, purchase or lease a municipally owned laneway.

Each individual case will be determined based on the specific criteria surrounding such a request for consideration. Where Council determines it to be in the best interests of the municipality they may engage in the direct sale of the subject property, however, By-Law No. 96-05 respecting the Township of Matachewan Real Property Sale Procedures must always be adhered to and Council must strive to maintain the integrity of any bidding process.

The following points will act as a guideline to be followed on a case-by-case basis:

1. The request must be in writing.
2. The subject property must be declared surplus in accordance with the procedures as outlined in By-Law 96-05.
3. A public tender process should be administered subject to the aforementioned paragraph B.
4. All tenders must be opened and decided upon at a public meeting of Council unless information will be considered that falls under the protection of the Municipal Freedom of Information and Protection of Privacy Act.
5. Is the laneway registered in the name of the municipality?
6. Does the laneway need to be surveyed and/or registered?
7. Is the proposed purchaser willing to pay all the costs associated with the purchase, survey, search and registration of the laneway?
8. Have the owners/tenants of abutting properties been notified?
9. Will neighbours have an opportunity to participate in any purchase?
10. Is the laneway used for any purpose by the municipality, such as a waterline, fire protection, pathway, etc.?
11. Will neighbouring properties be adversely affected by such a sale?
12. Is this actually a laneway or is it a municipal roadway?
13. Is the laneway paved and/or currently used for regular access to one or more properties?

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14. Is there an intended use for the laneway property, which is planned by the municipality?
15. Have all of the provisions of the Municipal Act or any other pertinent legislation been complied with prior to considering offering the laneway for sale or lease?
16. Has the municipal planner been contacted for an opinion? Is the applicant willing to pay these additional costs, even if a negative opinion is expressed?
17. Is the applicant willing to pay all legal fees associated with the drafting of an agreement on top of any cost of leasing the land and the aforementioned points 7, 8 & 16?
18. Does the applicant understand that leases cannot be more than 21 years and can be terminated by the municipality with 60 days notice?
19. The provisions of the Zoning By-Law 00-09 continue to apply and building permits may not necessarily be permitted.
20. Removable structures may only be permitted and height restrictions may apply.
21. The municipality will not be responsible for any costs whatsoever and will not under any circumstances be held responsible to provide compensation should a lease be terminated or for the incompleteness of any transaction.

Council and staff must refer to this checklist in making a determination and review each laneway individually. A copy of this policy must be made available to all individuals making a request regarding laneways to Council.