

Report to/Rapport au :
Transportation Committee
Comité des transports
and Council / et au Conseil

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CITY WIDE / À L'ÉCHELLE DE LA VILLE

Ref N° ACS2013-PAI-PGM-0054

SUBJECT: URBAN LANES – ENCROACHMENT POLICIES

OBJET : RUELLES URBAINES – POLITIQUES SUR LES EMPIÈTEMENTS

REPORT RECOMMENDATIONS

That Transportation Committee recommend Council adopt the Encroachment Policies for Urban Lanes attached as Document 1 to this Report.

RECOMMANDATIONS DU RAPPORT

Que le Comité des transports recommande au Conseil d'adopter les politiques sur les empiètements des ruelles urbaines, ci-jointes au présent rapport en tant que document 1.

BACKGROUND

The City has 64 kilometres of rear lanes, mostly inside the Greenbelt, that are not subject to a comprehensive Council Policy with respect to how they are managed as an asset. There are mostly legacy procedures across each of the City's Departments that address immediate operational needs in isolation of an overarching framework. Although they may appear unimportant, rear lanes, where they exist, can be an important component of a neighbourhood's structure from the standpoint of urban design, transportation, and access to property and, in some cases, utilities. The need to establish an overarching framework that brings together the existing policies,

procedures and objectives of the City's Departments under one set of policies has been made increasingly clear by the diversity and complexity of lane-related issues that have arisen over the past few years.

In January 2010, Council approved the Charter for the Intensification Implementation Group. One of the Group's assignments was to review options for a city-wide policy framework on rear lanes. On April 19, 2010 Council received a memorandum addressing issues related to rear lanes in the urban area inside the Greenbelt, flowing from one of the numerous complex lane-related issues that the City has been seized with (in that case, discussions earlier that month about the possible use of City-owned lanes in Overbrook for access to parking).

The principal lane-related issues that the City has to address include:

- Urban design requirements and directions provided by the Zoning By-law and Urban Design Guidelines;
- The piecemeal closure and sale of portions of lanes that leave landlocked parcels inside blocks with no access or dead-ends the portions that remain open;
- Maintenance or replacement of piped infrastructure; and
- The perception by property owners that about lanes of inconsistent City responses to applications for closures or of utilization of lanes for parking access.

These issues will continue to exist with or without the adoption of an overarching policy framework. However, the adoption of the framework recommended in this report will allow Council to provide a consistent and structured City direction to respond to these issues as they arise, and to establish a coherent policy on lanes that will clarify Council's intent taking into account the operational considerations of all concerned Departments. The recommended framework brings together the policy and operational considerations provided by concerned City Departments. It is, in essence, a form of housekeeping that groups a series of policies and procedures under one coherent framework.

This report recommends the adoption of Encroachment Policies for Urban Lanes that address matters related to the integrity of the laneway network. A companion report (ACS2013-PAI-PGM-0055), scheduled for the Planning Committee meeting of April 9, 2013 and which will be made public on April 2, 2013, recommends Management Policies for City-owned lanes in the Urban Area, and Standards for new lanes that may be created or existing lanes that may need widening.

DISCUSSION

The Planning Committee Report (ACS2013-PAI-PGM-0055) provides an overview of the origins of rear lanes in Ottawa and how their use and function has evolved over time. It highlights the fact that with the passage of time and the growth of the city, it has become clear that lanes can again fulfill an important role in providing orderly vehicular access in areas where infill development might otherwise lead to the proliferation of curb cuts, the disappearance of vegetation from the front of properties, and increased

sidewalk interference from an increasing number of driveways, thereby also depriving a street of valuable on-street parking spaces.

There are a number of Council-adopted Urban Design Guidelines that support the notion of providing rear lane access to parking in order to achieve a more pedestrian-supportive streetscape as well as consistency with the established community fabric. There is also emerging community support for the use of rear lanes as parking access to avoid garage-dominated facades, preserve vegetation and tree canopy along the street, and maintain curbside parking (which is especially valuable as visitor parking in denser neighbourhoods without long driveways, for example).

In other cases, where lanes have become fragmented through piecemeal closures and there is no reasonable prospect of re-establishing a coherent laneway network, it makes sense for the City to support applications to close, and then to sell, those fragments of lanes.

Finally, in cases where lanes have been encroached upon, the City needs a general framework to guide its action in dealing with property it owns and carries liability over, but has been effectively under the control of private parties.

For these reasons it is important to adopt policies specific to urban public lanes to address situations of encroachment. Such policies will enable their retention and use as public highways when the City deems necessary, and provide a regulatory framework to address their use by others.

While it is not the City's intent to create undue and unnecessary hardship, the fact is that there exist portions of City property that are still, legally, public highways for which all residents pay taxes but are being solely and privately enjoyed by abutting landowners. When the City requires those lanes to fulfill any Council-adopted policy direction or for reasons related to infrastructure maintenance, there needs to be clarity about the City's right to do so and the process through which it will do so.

Encroachment Policies

Urban lanes are classified under the Urban Lanes Management Policies as follows:

Class A: Lanes with municipal maintenance, at intervals and services levels that may vary.

Class B: Lanes without municipal maintenance.

Type 1: Lanes that provide sole vehicular access to property fronting on the lane.

Type 2: Lanes that provide direct pedestrian and/or vehicular access to and from residential communities, recreation areas, bus routes, schools, churches, and other public uses, and as a link between dead end streets for emergency and pedestrian purposes only.

Type 3: Lanes that provide sole vehicular access to private garages, rear yards and commercial/industrial loading areas.

Type 4: Lanes that provide an alternate access to an existing property or garage or commercial/industrial loading areas.

Type 5: Lanes where utility services such as hydro and Bell, gas, water etc. are located, either above or below ground.

Type 6: Lanes that are occupied by abutting property owners.

Type 7: Other lanes which do not fall under any of the criteria above, i.e. unused, undeveloped, used for parking purposes, etc.

This classification is carried over from the system that has been in place since the 1970s. The City has sole and absolute discretion in classifying and reclassifying its Lanes, and in approving any request to reclassify a Lane.

Occupation of lane rights-of-way by abutting property owners will in all cases be considered encroachments under the Encroachment By-law. Encroachments on Type 1, 2, 3, and 4 lanes, without permission, will not be tolerated. Those will be subject to the normal enforcement provisions of the Encroachment By-law (2003-446).

Where Type 5, 6 or 7 lanes have been occupied by abutting owners over the years and there are no immediate plans to use them as public highways or gain access to them for the purpose of utility maintenance or repairs, it is recommended under the proposed policy that the City not proactively pursue the removal of encroachments, but rather, charge a nominal encroachment fee when such encroachments are discovered. This fee is not meant to be punitive or unnecessarily onerous, but to serve as a record of the encroachment.

Existing encroachments on city streets require the applicant landowner to describe the encroachment by the use of a Part on a Reference Plan. This approach results in the applicant paying out the cost of a Legal Survey but it is the only way to achieve Public Notice, and from an equitable perspective, encroachments on Lanes shouldn't be treated any differently than encroachments on Streets.

The proposed annual fee will apply only to the encroachments that existed as of a chosen date (recommended to be December 31st 2012, to reflect existing conditions). All such encroachments must be registered on title and will fall under the regular provisions of the Encroachment By-law. It is proposed that no new encroachments be permitted nor given this annual fee.

Where, in the context of a redevelopment where vehicular access from the lane is required under the Zoning By-law or deemed to represent the appropriate urban design response, the City, at its discretion, may require the removal of encroachments from the lane right-of-way under the authority of the Encroachment By-law and the removal clauses in the Encroachment Agreements. This will involve notification to adjacent

owners under the provisions of By-law 2003-446. The removal of encroachments will be at the owners' expense.

Property owners that abut City-owned lanes that have been encroached upon over the years may at any time approach the City with a request to close the lane. Those requests will be responded to by the Planning and Growth Management Department in accordance with the Urban Lanes Management Policies recommended in Planning Committee report N° ACS2013-PAI-PGM-0055 and attached as Document 2 to this report for ease of reference.

Title Searches

In a further effort to notify the public, it is recommended that title searches, including those performed by title insurance firms, on properties where encroachments on lanes may have taken place, be responded to with a standard mention of "The City has identified a public lane associated with this property."

Database

Part of the management policy with respect to Urban Lanes involves the identification and classification of existing Lanes. The policy also recommends that these lanes be captured in a geospatial format with attribute data that classifies them according to the Policy. The data will be served up on the corporate framework and the information will be kept current by the Asset Management Branch of the Infrastructure Services Department. The work on this database will be ongoing for a number of years, as the information that has to be compiled originates from a number of sources that, in some cases, only exist on paper.

Risk implications

The risk implications that have been identified are as follows:

- Property owners abutting a Type 6 lane may come to believe that the City will actively search for encroachments and proactively pursue charging them encroachment fees. The framework proposed in this report is to require the registration of encroachments when they are discovered, but not to actively pursue searching for such encroachments. The applicable encroachment fees, in most cases, would not represent large sums of money; it is therefore not cost-effective for City staff to "police" lane encroachments. As is common practice, the City will respond to requests for investigation.
- Property owners abutting a Type 6 lane may request that the City consult with them prior to changing the status of the lane that abuts their property, notably in cases where access is to be re-established. Since there is no statutory trigger for such a consultation mechanism, a targeted information campaign is proposed to inform property owners that abut a city lane about the existence of such lane and provide information about the Urban Lanes Management Policies, and the process in place to request a lane closure.
- Disputes could arise between neighbours about whether to request a lane closure. Such disputes take place already and will continue with or without a Policy. The Urban Lanes Management Policies as proposed by this report establishes, among

others, the “all-or-nothing” criteria for closure requests affecting a lane within a city block. Unless all abutting owners agree to make the application to close a lane and to purchase the portion behind their property, and if all other criteria for closing a lane are met, the staff recommendation would be not to approve the request.

RURAL IMPLICATIONS

There are no rural implications; this report addresses rear lanes in the urban area inside the Greenbelt.

CONSULTATION

The Urban Lanes Working Group; coordinated by the Intensification Implementation Group, had representation and participation from:

Planning and Growth Management Department

- Development Review Branch
- Policy Development and Urban Design Branch
- Rights-of-Way, Bylaws, Permits and Inspections Unit
- Real Estate Partnerships and Development Office

Infrastructure Services Department

- Right of Way Information and Approvals Unit
- Infrastructure Approvals Unit
- Surveys and Mapping Unit, including the City Surveyor
- Utility Development Coordination Unit
- Technical Services Branch

City Manager’s Office

- City Clerk and Solicitor Department - Corporate Development and Environmental Law Branch

Ottawa Police Services

- Crime Intelligence Analysis Unit

Staff proposes a targeted information campaign focused on property owners that abut public lanes.

COMMENTS BY THE WARD COUNCILLORS

This is a City-wide issue.

LEGAL IMPLICATIONS

There may be instances where it may be disputed whether land is or is not a lane under the jurisdiction and ownership of the City however Section 26 of the *Municipal Act, 2001* establishes that all lanes shown on a registered plan of subdivision constitute a highway and as such Section 28 states that all highways are under the jurisdiction and ownership of the City.

Encroachment By-law 2003-446 provides the necessary means to enforce its provisions consistent with the Encroachment Policies for Urban Lanes as identified in this report.

RISK MANAGEMENT IMPLICATIONS

There are risk implications. These risks have been identified and explained in the report and are being managed by the appropriate staff.

FINANCIAL IMPLICATIONS

Urban lanes that qualify for closure will be sold at market value and the revenue retained by the City. The City will continue to collect encroachment fees onto urban lanes as defined in the Encroachment by-law 2003-446.

ACCESSIBILITY IMPACTS

Facilitating the use of City-owned rear lanes increases the options to provide access to property to persons with special accessibility needs.

ENVIRONMENTAL IMPLICATIONS

There are cases where City-owned lanes that have been unused for a long time now have vegetation on them. If such a lane were needed for access, the vegetation would have to be removed. Staff is of the opinion that the environmental trade-off between these losses of vegetation and the benefits to the neighbourhood of improved streetscape conditions that will thus feature equivalent opportunities for front yard vegetation (notably a consistent tree canopy), and the strengthening of a pedestrian-supportive environment along a sidewalk by minimizing curb cuts, may often be in favour of making use of the lane.

TECHNOLOGY IMPLICATIONS

Information Technology approved this report without comment.

TERM OF COUNCIL PRIORITIES

The recommendation made by this report supports the following 2011-2014 Term of Council Priorities:

Transportation and Mobility: Meet the current and future transportation needs of residents and visitors by ensuring that the City's transit services are reliable and financially sustainable and encouraging alternative methods of transportation like transit, cycling and walking through infrastructure improvements and enhanced urban design.

Governance, Planning and Decision-Making: Achieve measurable improvement in residents' level of trust in how the City is governed and managed, apply a sustainability lens to decision-making, and create a governance model that compares well to best-in-class cities around the world.

Financial Responsibility: Be financially responsible to the residents of Ottawa by practicing prudent fiscal management of existing resources, and by making sound long-term choices that allow core City programs and services to be sustainable now and into the future.

SUPPORTING DOCUMENTATION

Document 1 Encroachment Policies for Urban Lanes

Document 2 Urban Lanes Management Policy

DISPOSITION

The Encroachment Policies for Urban Lanes become Council Policy once Council adopts them. A copy of the Policies will be posted on Ottawa.ca. A targeted information campaign focused on property owners that abut public lanes is to be completed by the end of June 2013.

ENCROACHMENT POLICIES FOR URBAN LANES

DOCUMENT 1

This Policy, adopted by Council on [date], applies to all City-owned lanes located in the urban area as defined in Schedule B of the Official Plan.

1. Classification

Urban lanes are classified under the Urban Lanes Management Policies as follows:

Class A: Lanes with municipal maintenance, at intervals and services levels that may vary.

Class B: Lanes without municipal maintenance.

Type 1: Lanes that provide sole vehicular access to property fronting on the lane.

Type 2: Lanes that provide direct pedestrian and/or vehicular access to and from residential communities, recreation areas, bus routes, schools, churches, and other public uses, and as a link between dead end streets for emergency and pedestrian purposes only.

Type 3: Lanes that provide sole vehicular access to private garages, rear yards and commercial/industrial loading areas.

Type 4: Lanes that provide an alternate access to an existing property or garage or commercial/industrial loading areas.

Type 5: Lanes where utility services such as hydro and Bell, gas, water etc. are located, either above or below ground.

Type 6: Lanes that are occupied by abutting property owners.

Type 7: Other lanes which do not fall under any of the criteria above, i.e. unused, undeveloped, used for parking purposes, etc.

The City has sole and absolute discretion in classifying and reclassifying its lanes, and in approving any request to reclassify a lane.

2. Encroachments

a. *Occupation by abutting owners*

Occupation of lane rights-of-way by abutting property owners will in all cases be considered encroachments under the Encroachment By-law.

b. *Encroachments prohibited*

Encroachments on Type 1, 2, 3, and 4 lanes will not be tolerated. Those will be subject to the normal enforcement provisions of the Encroachment By-law (2003-446).

c. *Encroachments identified*

Where Type 5, 6 or 7 lanes have been occupied by abutting owners over the years and there are no immediate plans to use them as public highways or gain access to them for the purpose of utility maintenance or repairs, and where such encroachments existed as of December 31st 2012:

- i. The City will not proactively pursue the removal of encroachments;
- ii. When such encroachments are discovered, the City will charge the minimum encroachment annual fee as provided in Schedule A of By-law 2003-446.
- iii. The owners of such encroachments will be required to describe the encroachment by the use of a Part on a Reference Plan, at their expense.
- iv. No new encroachments on Type 5, 6 or 7 lanes will be permitted.

d. *Encroachment removals*

Where, in the context of a development or redevelopment where vehicular access from the lane is required under the Zoning By-law or deemed to represent the appropriate urban design approach, the City, at its discretion, may require the removal of encroachments from the lane right-of-way under the authority of the Encroachment By-law and the removal clauses in the Encroachment Agreements. In such cases:

- i. The re-establishment of access on a previously untraveled lane does not obligate the City to winter maintain the lane;
- ii. The owner(s) obtaining such lane access may be required to enter into a Maintenance and Liability Agreement with the City;
- iii. The owner(s) obtaining such lane access may be required to survey the lane, or portion of lane, upon which access is being re-established;
- iv. The owner(s) obtaining such lane access may be required to remove, at their expense, any and all vegetation from the right-of-way as may be required to re-establish access;
- v. The removal of encroachments is at the sole risk and expense of the owner(s) of such encroachments.

e. *Title Searches*

When title searches are addressed to the City, including those performed by title insurance firms, for properties where encroachments on lanes may have taken

place, a standard mention of “The City has identified a public lane associated with this property” will be provided.

Urban Lanes

Management Policies

City of Ottawa – Planning
and Growth Management
Department



LANE MANAGEMENT POLICIES

This Policy, adopted by Council on **[date]**, applies to all City-owned Lanes located in the urban area as defined in Schedule B of the Official Plan.

1.1 TYPES OF LANES

1.1.1 Definitions

Lane means a public highway that provides a secondary means of access from a **public street** to **abutting lots**.

Closed Lane means a Public Lane that has been closed by City By-law or by Judge's Order and remains City property.

Maintained Lane means a **Lane** that is actively maintained by the City, at intervals and service levels that may vary according to the maintenance category under which the **Lane** may be classified.

Utility means an entity operating within a regulated industry that has been given the express right or subsequent legal duty to supply the general **public** with a product, commodity, or service such as natural gas, electricity, water, waste water, sewer, rail service, telephone, telecommunication or internet service.

1.1.2 Classification

Lanes in the urban area are classified as follows:

Class A: Lanes with municipal maintenance, at intervals and services levels that may vary.

Class B: Lanes without municipal maintenance.

Type 1: Lanes that provide sole vehicular access to property fronting on the Lane.

Type 2: Lanes that provide direct pedestrian and/or vehicular access to and from residential communities, recreation areas, bus routes, schools, churches, and other public uses, and as a link between dead end streets for emergency and pedestrian purposes only.

Type 3: Lanes that provide sole vehicular access to private garages, rear yards and commercial/industrial loading areas.

Type 4: Lanes that provide an alternate access to an existing property or garage or commercial/industrial loading areas.

Type 5: Lanes where utility services such as hydro and Bell, gas, water etc. are located, either above or below ground.

Type 6: Lanes that are occupied by abutting property owners.

Type 7: Other Lanes which do not fall under any of the criteria above, i.e. unused, undeveloped, used for parking purposes, etc.

The City has sole and absolute discretion in classifying and reclassifying its lanes, and in approving any request to reclassify a lane.

1.1.3 Database

Lane locations and classifications are to be recorded on a digital database and kept up to date. The work on this database will be ongoing for a number of years, as the information that has to be compiled originates from a number of sources that, in some cases, only exist on paper. The public can obtain information on lane locations and classifications by writing to lanes@ottawa.ca / ruelles@ottawa.ca or calling 3-1-1.

1.1.4 Access by City or Utilities

- (a) Where utilities or City piped infrastructure are located along a Lane of any Type, the City or the Utility may, at any time and without notice, access the Lane, excavate the Lane, remove vegetation from the Lane, and reinstate the Lane.
- (b) Where utilities or City piped infrastructure are located along a Closed Lane that has been sold and upon which an easement has been granted in favour of the City and/or Utility, the City or the Utility may, after giving notice to the land owner, access the Lane, excavate the Lane, and remove vegetation from the Lane.

1.2 CRITERIA FOR RETENTION AND DIVESTMENT

1.2.1 Rationale

The City owns a significant number of Lanes whose status and circumstances vary. On a regular basis, abutting land owners approach the City with requests to close lanes or portions thereof, and sell the land to them.

When an application to close a Lane is received by the City, the following criteria shall be used by the Planning and Growth Management Department to determine whether the application should be accepted or refused.

1.2.2 Status of Lanes

Pursuant to the provisions of the *Surveys Act*, every “road allowance, highway, street, lane, walk and common shown on a plan of subdivision shall be deemed to be a public road, highway, street, lane, walk and common, respectively”. Pursuant to the provisions of the *Municipal Act, 2001* and its predecessor legislation, title to a highway laid out on a plan of subdivision vests with the municipality having jurisdiction over the highway.

Pursuant to Section 16 of the *Limitations Act*, it is not possible to obtain possessory title to lands that are owned by the Crown or a municipality which have been laid out as a public highway. This is subject, however, to the qualification that "nothing in this section shall be deemed to affect or prejudice any right, title or interest acquired by any person before the 13th day of June, 1922."

In the Ontario Court of Appeal decision, *Household Realty Corp. Ltd. v. Hilltop Mobile Home Sales Ltd.*, (1982), 37 O.R. (2d), 508, the court considered the qualification in Section 16 of the *Limitations Act* and concluded that prior to June 13th 1922, one could obtain possessory title to a highway only if the following elements could be established:

- (a) the highway was laid out on a plan of subdivision or otherwise acquired by the municipality from a private owner of land (as opposed to being an original road allowance laid out by the Crown surveyors);
- (b) the highway had not been opened and assumed by the municipality and/or actually used by the public for access purposes; and
- (c) the person asserting possessory title was in actual, exclusive and continuous possession of the highway for ten years prior to June 13th 1922, with the intent to exclude the municipality from possession.

1.3.3 Policies for Retention and Divestment

The laneway network is an important municipal asset that should not be considered “for sale”. Lanes are public highways under the *Municipal Act* and are City property in the same manner as municipally-owned streets, roads and sidewalks are City property. They are not a source of revenue for the City and they are not a land reserve for abutting landowners.

Despite the foregoing, there are cases where it makes sense for the City to support the closure of lanes where their circumstances clearly indicate that there is no realistic way for them to serve a public purpose either immediately or in the future.

The following shall be the policies that govern the City in determining when to refuse or accept applications to close lanes. This framework shall notably be applied in response to applications made to the City to close a Lane.

1.3.3.1 *Retention*

- (a) All Type 1, 2, 3, and 4 Lanes are considered Significant Municipal Assets and shall not be closed, except in the context of a redevelopment application that affects more than 75 per cent of the lands on both sides of the portion of lane in question, provided that:
- i. The development application demonstrates alternative development scenarios that retain the lane and the City accepts, at its sole and absolute discretion, that those scenarios are not desirable; and
 - ii. The lane in question is not part of a continuous network of lanes (of whatever classification) serving multiple city blocks, where the closure of a portion of this lane network would interrupt its continuity or shorten it by 25 per cent or more; and
 - iii. There is no adverse impact on the access to the properties on either side of the remainder of the lands served by the subject portion of lane; and
 - iv. All other property owners with access to the lane concur with the closure.
- (b) Type 5 Lanes are considered Significant Municipal Assets if they also fulfill any of the functions of Type 1, 2, 3 or 4 Lanes and are subject to the provisions in (a) above with respect to applications to close them.

1.3.3.2 *Divestment*

- (a) Applications to close any Type 1, 2, 3, and 4 Lanes may only be considered by the City if all of the following conditions are fulfilled:
- i. A redevelopment application is submitted which affects more than 75 per cent of the lands on both sides of the portion of lane in question; and
 - ii. There is no adverse impact on the access to the properties on either side of the remainder of the lands served by the subject portion of lane; and
 - iii. All other property owners with access to the Lane concur with the closure; and
 - iv. the development application demonstrates alternative development scenarios that retain the lane and the City accepts, at its sole and absolute discretion, that those scenarios are not desirable; and
 - v. the Lane in question is not part of a continuous network of lanes (of whatever classification) serving multiple city blocks, where the closure of a portion of this lane network would interrupt its continuity or shorten it by 25 per cent or more.

- (b) Applications to close any Type 5 Lanes may only be considered by the City if the following conditions are fulfilled:
- i. They do not fulfill, and are deemed incapable of fulfilling at any time in the future, any of the functions of Type 1, 2, 3 or 4 Lanes;
 - ii. The utilities located under, along or above the Lane are relocated at the applicant's expense in a way that is deemed acceptable to the City and to the Utilities; or
 - iii. If utility relocation is deemed by the City not to be a realistic proposition, an easement is granted in perpetuity to the City and to the Utilities to access the utility services for maintenance or any other purpose.
- (c) Applications to close any Type 6 or 7 Lanes may only be considered by the City if all of the following criteria are met:
- i. The Lane in question is not part of a continuous network of Lanes serving multiple city blocks, where the closure of a portion of this Lane network would interrupt its continuity or shorten it by 25 per cent or more; and
 - ii. The City determines that it foresees no long term prospect for the Lane to service a public purpose; and
 - iii. The closure affects the totality of the Lane's lands on the block that it serves and does not create land-locked or dead-end portions of lanes; and
 - iv. The entirety of the Lane is purchased by the abutting owners; and
 - v. The utilities located under, along or above the Lane are relocated at the applicant's expense in a way that is deemed acceptable to the City and to the Utilities; or
 - vi. If utility relocation is deemed by the City not to be a realistic proposition, an easement is granted in perpetuity to the City and to the Utilities to access the utility services for maintenance or any other purpose.
- (d) Consultation
- An application to close a street/lane is subject to public consultation. However, an application to close an untravelled street/lane does not require on-site signs.
- (e) Applications to close portions of Lanes of any Type that have been left land-locked by previous closures, and where the City determines that there is no reasonable prospect for re-establishing a continuous Lane to regain access to the land-locked portion, shall be approved, subject to the retention of any easement that may exist or the establishment of any easement that may be required.