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May 5th, 2014

To: Strategic Priorities and Policy Committee, City of London
Dear Mayor and Committee members,

Re: (a) GMIS scheduled Sunningdale Road improvements, and (b) access to services to upstream lands (from the YMCA on Sunningdale Road to the North West corner of Sunningdale and Adelaide Street (Sergautis-100 ac.) and lands East side of Adelaide, North of Sunningdale (Sherway-50 ac)

(a) Sunningdale Road improvements, Developer Requests Adelaide to Bluebell be moved from 2022 to 2017 These proposed improvements keep on being pushed back further into the future. New growth in the area needs safe arterial roads. The Aecom E/A has been completed some time ago for Sunningdale Road and recommends timely improvements to serve the existing and growing population for this Section of Sunningdale Road. To delay further this work would be a disservice to the area residents and those who rely on Sunningdale Road for cross city travel. Existing dangerous sight lines, a roller coaster road profile, no sidewalks in many sections, poor street lighting, and development constraints all make this roadway a high priority for a timely rebuild. I live on the subject land and my dog was killed when a car could not avoid him due to the poor sight lines at the driveway. There have been two fatalities at the Sunningdale-Adelaide intersection and crosses still bear witness to that tragedy. We just do not need another fatality on this roadway. It just makes sense to complete this section at the same time as the proposed improvements on Sunningdale west of Richmond Street.

We respectfully request that this Committee consider advancing the Sunningdale Road improvements to 2017.

(b) Access to downstream publicly funded services has been unfairly restricted for upstream lands North of Sunningdale and Adelaide Streets (Sergautis and Sherway lands) Despite our objections, the City failed to provide a means of extending services for these upstream lands at the time of negotiating the Community Center land purchase. As a result, these lands designated for development cannot access existing services. Once this relatively inexpensive servicing issue is resolved (*about 100m of pipe is required, and only the City can accomplish this*), Then the proposed developments on the Sergautis, Comfort and other lands can proceed. and generate over 40 million Dollars in Development Charges.

Servicing in this area was to be a systems approach for stormwater management and sanitary servicing; however, this has not been followed by the City acting as a land developer. An E/ A was done which provided direction how the lands upstream of the regional SWM pond were to be serviced. The City did not follow the rules of development they impose on other land developers. The test of fairness and equity has not been met in this case.

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Background

At the bottom end of the drainage system, the regional SWM pond owner (Monarch Construction) got all their cost of land, design and construction as fully eligible claimable costs. (*see attached reference map for location of the regional facility*) Full payment has been made to Monarch. At the top end of the drainage system, the SWM pond on the Sergautis site is also eligible for full cost recovery; however, the link in between has not been treated in a similar manner.

When the City extended service connections for the Community Center upstream of the regional pond, it did it through a confidential real estate deal. No other party had a chance to appeal the action of the City in not acquiring the needed easement to make the connecting link in the system to Adelaide Street. Although this was technically not an illegal action, it did not follow the rules of transparency and openness expected from other land developers.

The City, through their action gave a competing developer the ability to block all other property owners' access to services needed to develop their lands. This is a practice contrary to demands and conditions the City places on other development or severance applications.

As a Council, when the Blue Ribbon Committee reported on Development Charges and the various funds, and the new approach to funding servicing works through the DC fund rather than via Urban Works, you were advised by Ms. Townsend (the chair of that blue ribbon committee) that as a Council you should put in place practices and policies such that no one developer could lock out any other upstream property owners needing the necessary easements to connect to services. Except for the actions of the City in this situation, all other developers have been forced to convey easements to the City to the limits of their land holdings as a condition of their development to allow upstream property owners to connect to the needed services. As mentioned above, the previous actions of Council put in place a set of circumstances which Ms. Townsend advised you should avoid at all costs.

In this case, I am requesting that Council make this one exception to the new fund rules so that all the related costs to make the necessary connection to the manholes constructed by the City within the link area be eligible and fully claimable DC payments. If Council does not amend the Background study/DC bylaw to permit this one exception to fund all costs of the extension of services through the Crich property, the only means of obtaining access to services will be action by Council to expropriate an easement. Otherwise (a) development ready lands will become undevelopable (b) the City and the development industry will lose out on tens of millions of dollars in development fees and (c) development fees that have paid for a major service facility will now only partially serve its intended purpose. It is unfortunate that the previous Council did not take the necessary steps to initiate a notice of expropriation to acquire the easement when the real estate transaction did not secure the required easement and permit upstream property owners to connect to the services.

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We respectfully request that this committee recommend making one rule change to the DC bylaw and grant an exception to the current rules, to allow all costs to make the connecting servicing links as eligible and fully claimable DC payments, and add this work to the 2015 GMIS schedule. In addition, we request that senior Administration be directed to find a logical and timely solution (within 3 months if possible) to this clear and simple problem.

Yours Truly,
EXTRA Realty Limited

A handwritten signature in black ink, appearing to read "Peter Sergautis". The signature is stylized with a large initial "P" and a long horizontal stroke extending to the right.

Peter Sergautis
Pres.

Plan attached.