



File Number: 39T-10502

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JANUARY 16, 2011</b>
<b>FROM:</b>	<b>D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING AND DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS BUSINESS UNIT</b>
<b>SUBJECT</b>	<b>SPECIAL PROVISIONS SUNNINGDALE GOLF &amp; COUNTRY CLUB LTD. CORLON PROPERTIES INC. AND 160 SUNNINGDALE ROAD WEST LTD. SUNNINGDALE MEADOWS SUBDIVISION 39T-10502</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, Planning and Development, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd., Corlon Properties Inc. and 160 Sunningdale Road West Ltd., for the subdivisions of land, situated on the south side of Sunningdale Road West, mid way between Richmond Street and Wonderland Road North.

- (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf & Country Club Ltd., Corlon Properties Inc. and 160 Sunningdale Road West Ltd., for the subdivisions of land over Part of Lots 16 and 32, Registrar's Compiled Plan 1028 and Part of Lots 41 and 48, Registrar's Compiled Plan 1029, (Geographic Township of London), City of London, County of Middlesex (Geographic Township of London for the Sunningdale Meadows Subdivision (39T-10502) **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Appendix "A";
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions; and
- (d) the applicant **BE ADVISED** that the Director of Development Finance has summarized the claims and reviews to be as per Schedule "B", attached hereto.

<b>BACKGROUND</b>
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This application for Draft Plan of Subdivision Approval was accepted on February 24, 2010. It was circulated to the required agencies and municipal departments on March 10, 2010 and advertised in the London Free Press Civic Corner on March 20, 2010. A notice of Public Meeting was advertised in the London Free Press on February 19, 2011, and a notice of Public Meeting was sent out on February 23, 2011. The Public Meeting was held on March 7, 2011. Attached are the comments from the agency and public circulation and the recommended conditions and notes of Draft Plan Approval.



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On July 25<sup>th</sup>, 2011, Council approved the purchase of the Stormwater Management Block and Open Space lands (compensation lands) for the construction of the Sunningdale SWM Facility No. 4. The condition was the Owner would dedicate lands to the City for the construction of the SWM Facility, in exchange for payment at an estimated cost in the amount of \$1,353,554.35 Dollars (CDN), including any eligible costs in accordance with the rules of the CSRF. This transfer of lands was finalized on August 26<sup>th</sup>, 2011. The construction of SWM Facility No. 4 will be undertaken by the City of London, and has commenced and is expected to be completed early 2012.

This report has been prepared in consultation with the City's Solicitors Office.

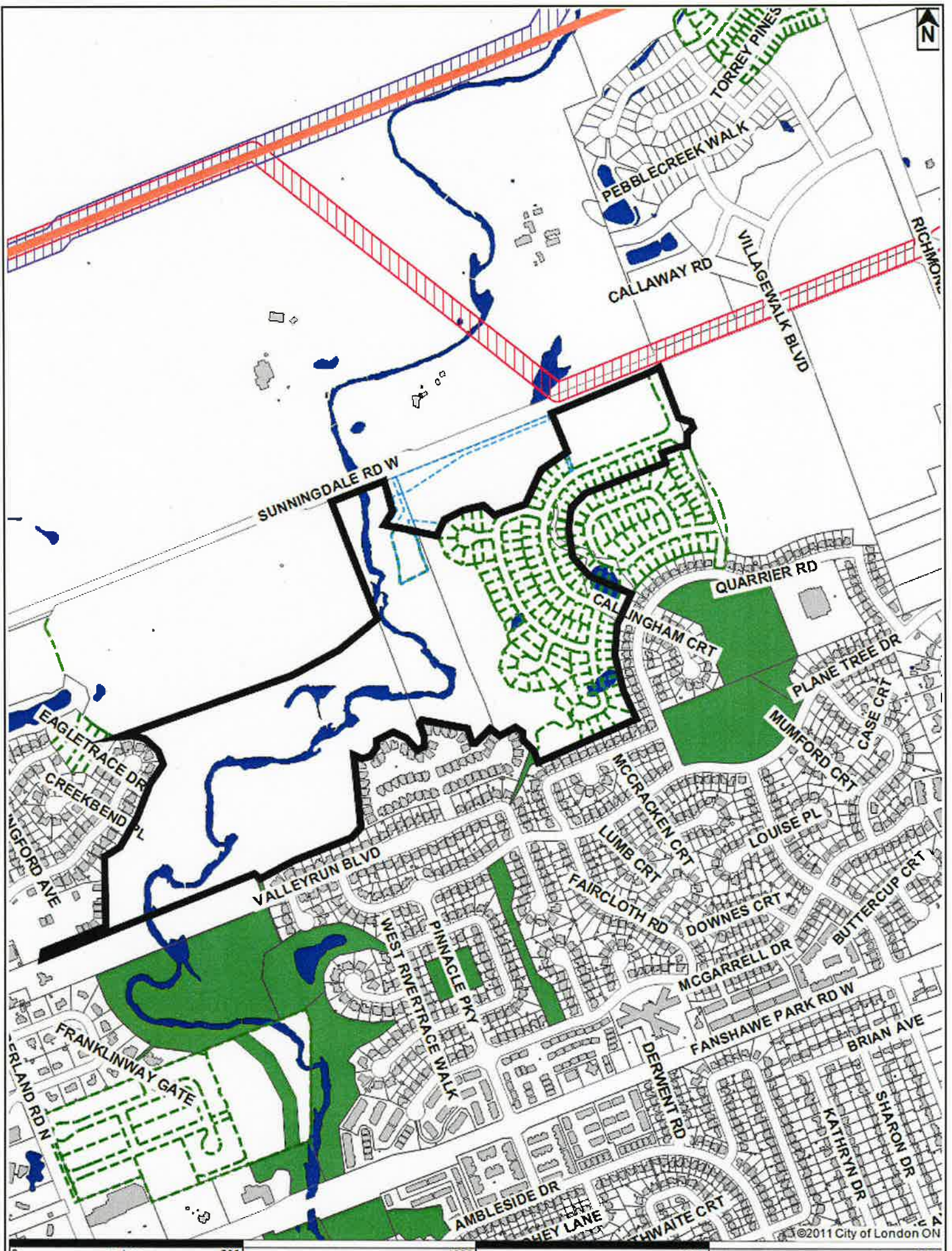
This phase of the subdivision shall be registered in one (1) phase, consisting of 112 single family detached Lots, 1 multi-family medium density block and 2 park blocks.

The Development Approvals Business Unit has reviewed these special provisions with the Owner.

A copy of the location plan is attached for the information of the Committee.

<b>PREPARED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>F. GERRITS</b> SUBDIVISION AND CONDOMINIUM DOCUMENTATION COORDINATOR DEVELOPMENT APPROVALS BUSINESS UNIT	<b>B. HENRY</b> MANAGER – DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT
<b>RECOMMENDED BY:</b>	<b>RECOMMENDED BY:</b>
	
<b>D.N. STANLAKE</b> DIRECTOR, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT	<b>DAVID AILLES, P.Eng</b> MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT






DA/fg  
 Attach.  
 January 6, 2012



**LOCATION MAP**

Subject Site: Phase I  
 File Number: 39T-10502-1  
 Created By: Allister MacLean  
 Date: 2011-10-28  
 Scale: 1:10100

**LEGEND**

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers





APPENDIX 'A'

#12003

Chair and Members  
 Planning & Environment Committee

January 6, 2012  
 (Approve Special Provisions)

**RE: Special Provisions - Construction of Boardwalk & Installation of Trees and Shrubs**  
**Capital Project PD2043-11 - 2011 New Major Open Space**  
**Sunningdale Golf & Country Club Ltd, Corlon Properties Inc. and**  
**160 Sunningdale Road West Ltd.**  
**Sunningdale Meadows Subdivision - 39T-10502**

**FINANCE DEPARTMENT REPORT ON THE SOURCES OF FINANCING:**

Finance Department confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, the detailed source of financing for this project is:

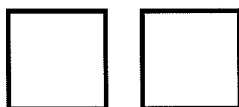
<b><u>ESTIMATED EXPENDITURES</u></b>	<b><u>Approved Budget</u></b>	<b><u>Committed To date</u></b>	<b><u>This Submission</u></b>	<b><u>Balance for Future Work</u></b>
Engineering	\$60,000			\$60,000
Construction	530,000	37,036	47,000	445,964
<b>NET ESTIMATED EXPENDITURES</b>	<b><u>\$590,000</u></b>	<b><u>\$37,036</u></b>	<b><u>\$47,000</u></b>	<b><u>\$505,964</u></b>
<b><u>SOURCE OF FINANCING:</u></b>				
Capital Levy	\$165,700	\$22,156	\$15,202	\$128,342
Drawdown from City Services-Parks & Rec Component (Development Charges) 1)	424,300	14,880	31,798	377,622
<b>TOTAL FINANCING</b>	<b><u>\$590,000</u></b>	<b><u>\$37,036</u></b>	<b><u>\$47,000</u></b>	<b><u>\$505,964</u></b>

**NOTES:**

- 1) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2009.

EH

Alan Dunbar  
 Manager of Financial Planning & Policy



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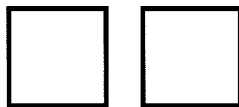
**SCHEDULE 'B'**

**Related Estimated Costs and Revenues - 39T-10502**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund <sup>1,3</sup> – General	
• Sanitary Sewer – subsidy for oversizing	\$842
• Storm Sewer – subsidy for oversizing	\$1,055,340
• Roadworks – Channelization	\$389,241
• Roadworks – Pavement Widening (internal street)	\$28,537
Stormwater Management <sup>4</sup>	Nil
Capital Expense – Boardwalk and trees (Parks pathway)	\$47,000
Other	Nil
<b>Total</b>	<b>\$1,520,960</b>
<b>Estimated Revenues This Agreement (2011 Rates)<sup>2</sup></b>	
CSRF	\$2,268,172
UWRF	\$913,772
<b>Total</b>	<b>\$3,181,943</b>

**NOTES:**

1. Estimated Costs are based on approximations provided by the applicant. Actual claims will be determined in conjunction with the terms of the subdivision agreement and the applicable by-law.
2. Estimated Revenues are calculated using 2011 DC rates. The revenue estimate includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. Estimated Costs are based on approximations provided by the applicant. Actual claims will be determined in conjunction with the terms of the subdivision agreement and the applicable by-law.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.
5. The Sunningdale SWMF 4 which serves this development is under construction by the City at this time and is a CSRF funded project with a total estimated cost of \$4.7M (Budgeted amount). The cost of this work is not included as an estimated claim by the developer.
6. The revenues and expenses in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed Medway Trunk sanitary sewer, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – this Agreement" section above. As a result, the revenues and expenses reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.



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28. **PART II – SPECIAL PROVISIONS**

The Owner shall make all payments, carry out and perform all the works and satisfy all the provisions hereinafter set out in these Special Provisions.

- (a) The Owner shall undertake the work at the Owner's entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim under this section.

If the Owner alleges an entitlement to any reimbursement or payment from the Urban Works Reserve Fund (the "Fund") either as a result of the terms hereof or pursuant to the requirements of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"), the Owner may, upon receipt of a Certificate of Conditional Approval pursuant to Clause 9 of the general provisions hereof, make application to the said Fund for payment of the sum alleged to be owing, and as confirmed by the City Engineer and the payment will be made pursuant to the by-law and any policy established by Council to govern the administration of the said Fund.

It is further understood by the Owner that no words or phrases used in this Agreement relating to the calculation of any credits due the Owner or entitlements from the Fund or elsewhere shall be interpreted as an obligation or promise on the part of the City to pay from the said Fund except in conformity with the By-law and policies governing the administration thereof as provided in this clause above and no payment shall be made except from the said Fund and only after appropriate application is made as herein set out.

The City may plead this Agreement as an estoppel against any application or action whatsoever to challenge the validity of this Agreement, the Development Charges By-law or the Fund. In addition, the Owner agrees that in the event that the Fund does not have sufficient funds to pay the Owner's claim by reason of an order or judgement of a Court of Law or, that the Development Charges By-law is void or invalid for any reason, the Owner will not seek further or other reimbursement from the City.

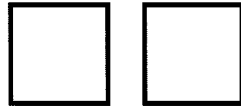
If the Owner undertakes work subject to a claim under this section it shall not seek a credit under Section 38 of the Development Charges Act and this clause may be pleaded in any complaint, action, application or appeal to any court or tribunal in which the Owner who is entitled to make a claim against the Fund seeks a credit under Section 38.

The anticipated claims against the Fund are:

- (i) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated claim valued at \$842.00;
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated claim valued at \$1,055,340.00;
- (iii) for the construction of left turn channelization on Sunningdale Road West at Meadowlands Way, the estimated cost of which is \$389,241.00;
- (iv) for the construction of pavement widening on Meadowlands Way at Sunningdale Road West consistent with the City's standard practice of paying claims where a secondary collector is widening at a primary collector or an arterial road, the estimates cost of which is \$28,537.00. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense.

**SEWER AND ROAD CLAIMS**

The Owner's claim against the Fund for the cost of the road and sewer works described in conditions 28(c)(i) through 28(c)(iv), both inclusive, above, shall be subject to the following:



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- (1) If the actual total claim for the said road and sewer works exceeds \$1,000,000 then the payment to the Owner from the Fund is to be made in two or more instalments, no instalment shall exceed \$1,000,000;
- (2) If the total derived by adding the amount of any instalment due to be paid to the aggregate of all preceding paid instalments exceeds \$1,000,000 the City may postpone payment from the Fund of the instalment due to be paid until after the elapse of a twelve month period from the payment date of the immediately preceding paid instalment (notwithstanding that the balance in the Fund at any relevant time in the twelve month period following the immediately preceding paid instalment may be sufficient to make payment to the Owner of the instalment due to be paid); and
- (3) The time of receipt by the City of the Owner's application for payment of the instalment due to be paid mentioned in Condition 28(c)(2) above shall be deemed to be on the first anniversary date of the payment of the immediately preceding paid instalment, in place of the earlier time when the application was actually received by the City.

All claimable works shall be identified as separate tender schedules listing items, quantities, plan locations of quantities (chainage "from Station to Station"), and unit costs within larger construction contracts.

- (b) For any works where the Owner undertakes works at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Urban Works Reserve Fund, the City Services Reserve Fund or the Capital Works Budget, the Owner must conform with the By-law and policies governing the administration thereof as included in the requirement of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"). For any claim from any fund, the Owner must comply with the rules of eligibility applied under Schedule 7 of the above by-law including requirements for tendering and completeness of claims.
- (c) For any works where the Owner undertakes at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Capital Works Budget, the Owner must conform with the practices of the Development Charges By-law and policies governing the administration thereof as included in the requirement of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"). For any claim from the Capital Works Budget, the Owner must comply with the rules of eligibility applied under Schedule 7 of the above by-law including requirements for tendering and completeness of claims.
  - (i) The Owner shall undertake the following work at the Owner's entire expense as a capital cost incurred on behalf of the City and as authorized by the City, provided the tendered costs do not exceed the maximums noted below, subject to a claim under this section:
    - to construct and maintain a boardwalk in Park Block 115, (up to an approved City inspection); and
    - to install and maintain trees and shrubs within Park Block 115, (up to an approved City inspection).
  - (ii) The Owner may submit a claim to the City from the Capital Works Budget for the cost of constructing a boardwalk and the installation of trees and shrubs, limited to a maximum amount of \$47,000 inclusive of all applicable taxes, upon completion of the said works to the satisfaction of the Director, Development Finance;
  - (iii) The Owner acknowledges that, notwithstanding submission of such a claim or the assumption of the works by the City, the City is under no obligation or promise under the terms of this Agreement or otherwise to reimburse the





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Owner. The amounts of any capital funding are subject to separate Council approval. Any amounts considered in this Agreement are to be viewed as general estimates only and not approved claims. Any or all claims may be refused at the full discretion of Council.

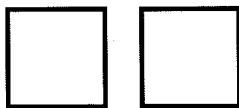
The Owner further acknowledges that City Council may consider inclusion of an item for reimbursement of its share in the Capital Works Budget for the year immediately following completion of construction, but the inclusion of such item shall not be taken to be an acknowledgement by the City of any obligation or promise by the City to make such reimbursement. The cost of construction of the works shall be at all times, notwithstanding the assumption of the works by the City, at the sole expense and risk of the Owner.

- (d) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's professional engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the Blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.
- (e) The Owner shall grade the portions of Block 114 of this Plan, which have a common property line with Sunningdale Road West, to blend with Sunningdale Road West when it is reconstructed, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City, and in accordance with the subdivision lot grading plans as accepted by the City.
- (f) The Owner shall adhere to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within this Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the geotechnical engineer's recommendations.

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots and Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Lot and Block within the Affected Lands in order to protect the proposed buildings on the said Lots and Blocks from settlement and other harmful effects.

The Owner shall register against the title of each Lot and Block within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot and Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot or Block within the Affected Lands must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Director of Building Control upon completion of the foundation on the Lot or Block within the Affected Lands that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.

- (g) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Sunningdale Road West or as otherwise directed by the City.



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- (h) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
- (i) Provide for the illumination of the intersection of Sunningdale Road West and Meadowlands Way;
  - (ii) a fully serviced road connection where Meadowlands Way in this Plan joins with Sunningdale Road West, including all underground services and related works;
  - (iii) left turn channelization / auxiliary turn lanes on Sunningdale Road West at Meadowlands Way, (all construction on Sunningdale Road West must be in coordination with adjacent land owner(s), all to the satisfaction of the City);
  - (iv) a fully serviced road connection where Callingham Drive over Block 57 in Plan 33M-465 joins with Quarrier Road, including all underground services and related works.
  - (v) the decommissioning of the existing sanitary forcemain on Quarrier Road from Block 57, Plan 33M-465 and Faircloth Road in conjunction with the Owner of Plan 33M-465.

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City. The Owner shall provide full-time supervision by its professional engineer for all works to be constructed on Sunningdale Road West and Quarrier Road in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above clauses (i) to (v) inclusive, on a schedule acceptable to the City Engineer or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City's Planning, Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

- (i) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (j) Prior to the issuance of any Certificate of Conditional Approval in this Plan, the Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan.

The Owner shall notify the purchasers of all Lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter



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islands built on the road.

Prior to the issuance of a Certificate of Conditional Approval for that section of road where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City.

- (k) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 300 mm (12 inch) diameter water main on Quarrier Road and the 300 mm (12 inch) diameter water main on Sunningdale Road West at Villagewalk Boulevard, to the specifications of the City.
- (l) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have it's professional engineer address water quality requirements for the phasing of the watermain in this Plan, submit his recommendations to the City Engineer for review and acceptance and implement any accepted recommendations by the use of the following:
- i) design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or
  - ii) the use of valving to shut off future connections which will not be used in the near term; and/or
  - iii) the use of automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. Please note that where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to justify the settings for the automatic flushing device.

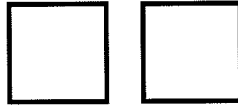
all to the satisfaction of the City Engineer, at no cost to the City.

- (m) Sewage treatment capacity at the Greenway/Adelaide Pollution Control Plants is available for this Plan as of December, 2011 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before December, 2012.

In the event that this Plan and this Agreement are not registered before December, 2012, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.

The Owner acknowledges that sewage treatment capacity at the Greenway/Adelaide Pollution Control Plants must be allocated for this Plan prior to the Owner's application for building permits in this Plan.

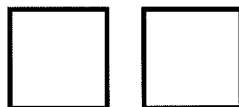
- (n) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's sanitary sewage system being the 450 mm (18 inch) diameter sanitary sewer located on Sunningdale Road West via the proposed 375 mm (15 inch) diameter sanitary sewer located adjacent to the west boundary of Block 114 between Sunningdale Road West and Callingham Drive, to be constructed by the City. The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City and at no cost to the City unless otherwise specified herein.
- (o) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner shall also be



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required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:

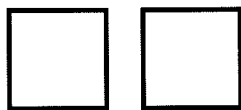
- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed in conjunction with the decommissioning of the temporary pumping station. This plug may only be removed by the City inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;
  - (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow in accordance with the monthly sewage use charges as set out in the applicable City By-laws at the prevailing residential rate, as it may be amended from time to time.
  - (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
  - (iv) Testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing;
  - (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;
  - (vi) On demand by the City and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. The restoration of the private drain connection will be at the sole cost of the Owner and may be made only at the time of or immediately prior to the occupancy of that lot; and
  - (vii) The Owner or their representative shall prepare and submit a recommendation to the City which indicates groundwater levels within the subdivision and recommended measures to be taken during construction to ensure that there is no infiltration or inflow to the sanitary sewer manholes. Leakage testing of the Sanitary Sewer System Manholes shall be carried out in accordance with OPSS 407.
- (p) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (q) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall ensure that the temporary pumping station is decommissioned (over a portion of Callingham Drive and Lot 29 in this Plan) and the existing forcemain (within Block 57, Plan M-465 and on Quarrier Road), consistent with the subdivision agreement for Plan 33M-465, to the satisfaction of the City, at no cost to the City. Prior to the decommissioning of the existing pumping station and forcemain, the Owner shall construct sanitary sewers in this Plan from the outlet sewer in this Plan to the



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existing 250 mm diameter gravity sanitary sewer adjacent to the pumping station, to accommodate upstream flows.

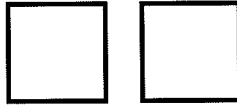
- (r) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the Regional Sunningdale Stormwater Management (SWM) Facility 4, to the satisfaction of the City.
- The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.
- (s) The Owner shall protect and not disturb the existing temporary SWM Facility and outlet within and adjacent to this Plan until SWM Facility 4 and all storm/drainage works are constructed and operational to accommodate all flows from the temporary SWM Facility, all to the satisfaction of the City.
- (t) The Owner shall implement and monitor all erosion and sediment control measures in accordance with the erosion and sediment control report accepted by the City, to be used during construction and implementation of the plan, satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (u) Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works, except works being completed by the City, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the standards and specifications of the City. The Owner shall address forthwith any deficiencies of the stormwater works.
- (v) The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City Engineer approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City Engineer.
- (w) The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, except works being completed by the City, including any temporary works to the standards and specifications of the City and according to the recommendations and requirements of the following:
- (i) The SWM criteria and environmental targets for the Medway Creek Study;
  - (ii) The approved Storm/Drainage and SWM Servicing Functional Servicing Report for the subject lands;
  - (iii) The accepted Municipal Class EA Study for Storm Drainage and Stormwater Management Servicing Works for the Sunningdale Undeveloped Land;
  - (iv) The approved Sunningdale Meadows Scoped Environmental Impact Study (EIS);
  - (v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
  - (vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - (vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
  - (viii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
  - (ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (x) The Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision, including major overland flow routes, contributing drainage towards ESA area, will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding



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any requirements of the City, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

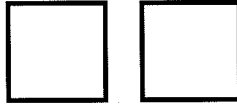
- (y) The Owner shall implement SWM Best Management Practices (BMP's) within this Plan, where possible, to the satisfaction of the City.
- (z) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall ensure that the temporary SWM Facility is decommissioned. The Owner shall make arrangements and co-ordinate with the Owner of Plan 33M-393 for the decommissioning of the existing temporary SWM Facility and outlet within and adjacent to this Plan, consistent with the subdivision agreement for Plan 33M-393, to the satisfaction of the City Engineer, at no cost to the City. Prior to the decommissioning of the existing temporary SWM Facility, the Regional Sunningdale SWM Facility 4 shall be constructed and operational and the Owner shall construct storm sewers in this Plan from the outlet sewer in this Plan to the existing 1800 mm diameter storm sewer on Block 57, Plan 33M-465, to accommodate all upstream stormwater flows, including major overland flows, to the satisfaction of the City Engineer.
- (aa) The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of the Regional Sunningdale SWM Facility # 4 adjacent to this Plan, to the satisfaction of the City.
- (ab) The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Lots 27, 28, 29, 30, 31, 33, 34, 36, 37, 41, 42, 50, 51, 95, 96, 99, 100, 101, 102, 103, 104, 105 and 106 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the agreement of purchase and sale for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City.
- (ac) The Owner shall include in the agreement of purchase and sale for the transfer of Lots 15, 16, 112 and Block 114, a covenant by the purchaser or transferee to observe and comply with the minimum underside of footing (U.S.F.) elevations associated with the reduced easements, by not constructing any structure within the reduced easement areas, and not disturbing the sanitary and storm sewer located in the easement areas. This protects the sanitary and storm sewer from damage or adverse effects during and after construction. The minimum underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City.
- (ad) The Owner shall report any contamination encountered during construction or anything suspected as such, to the City Engineer, and, in this event, the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "**Schedule A – Record of Site Condition**", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
- (ae) The Owner shall construct a fully serviced road over Block 57 on Plan 33M-465, for the extension of Callingham Drive, outside this Plan, from the east limit of



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Callingham Drive in this Plan to Quarrier Road subject to the following:

- (i) The fully serviced road on Block 57 in Plan 33M-465 shall be constructed to City standards with a road pavement of 8.0 metres wide, sidewalks on both sides and include all municipal works such as curbs, watermain, street lighting, street trees, etc., to the specifications of the City and at no cost to the City; and
  - (ii) The Owner shall supply security to the City to cover the construction of this road in accordance with the City's Subdivision Security Policy.
- (af) Prior to the City assuming Block 57, Plan 33M-465, the Owner shall construct and maintain the road on this Block, correct all deficiencies to the satisfaction of the City and have the Owner's consulting engineer issue a Certificate of Completion of Works to the City for the road construction in accordance with the requirements in this Agreement for the construction of a fully serviced road.
  - (ag) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide adequate temporary measures, if necessary, such as easements, catchbasins, grading, erosion and sediment control measures, etc. to address any grading or drainage issues that may arise along the boundary of this Plan, as shown on the servicing drawings accepted by the City.
  - (ah) Access to Lots opposite gateway treatments on Meadowlands Way will be restricted to rights-in and rights-out only, to the satisfaction of the City.
  - (ai) The Owner shall implement the requirements of the City concerning sedimentation and erosion control measures during all phases of construction. The Owner shall provide bi-monthly status reports to the Director of Development Planning and the City Engineer ensuring the appropriate measures are in place and functioning, prior to and during work on the site, unless otherwise directed in writing by the Director, Development Finance.
  - (aj) The Owner shall not grade into any public Park or Open Space lands. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the Managing Director, Development Approvals Business Unit.
  - (ak) The Owner shall register on title and include in all Purchase and Sale Agreements the requirement that the homes on Lots 49 and 50 are to have chain link or decorative fencing along not more than 50% of the exterior side yard abutting Waterside Terrace.
  - (al) Within one (1) year of registration of this Plan, the Owner shall implement the approved restoration plan included in the approved engineering drawings (Plan L5) for the buffer lands located at the rear of Lots 43 to 74, both inclusive, to the satisfaction of the Managing Director, Development Approvals Business Unit, at no cost to the City.
  - (am) Within one (1) year of registration of this Plan, the Owner shall have a qualified arbourist identify and remove any tree hazards (as noted in the accepted tree preservation report) within 15 meters of the drip line of the ESA boundary along the rear and side yard of Lot 43 and the rear yard of Lots 53 to 74, both inclusive, to the satisfaction of the Director, Development approvals and at no cost to the City.
  - (an) Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all purchasers and transferees of the lots in this plan, an education package as approved by the Managing Director, Development Approvals Business Unit, that explains the stewardship of natural areas and the value of existing tree cover within this Plan of Subdivision and within the Medway Valley.
  - (ao) At the time of registration of this Plan, the Owner shall convey Blocks 115 and 116, of this Plan, to the City as the required 5% parkland dedication for this Plan of



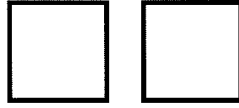
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## Subdivision.

The Owner will receive a 1.049 hectare credit for parkland dedication in excess of the required parkland under the *Planning Act*. The credit shall be applied towards the required parkland dedication of future subdivision lands to the west and north owned by the Owner.

- (ap) Within one (1) year of the registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a chain link fence, without gates, adjacent to the walkway, Block 117 of this Plan, in accordance with City Standard No. SR-7.0, all at no cost to the City.
- (aq) Within one (1) year of registration of this Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current city park standards (SPO 4.8) or approved alternate, approved by Director, Development Approvals Business Unit, along the property limit interface of all private Lots and Blocks adjacent to existing and/or future Park and Open Space Blocks including Lots 42 and 43, Lots 53 to 58, both inclusive and Lots 71 to 74, both inclusive, to the satisfaction of the Director, Development Approvals Business Unit.
- (ar) Within one (1) year of registration of this Plan, the owner shall construct the approved park plan consisting of a 2.0 meter wide pathway through Block 115 and Block 70 in 33M-493 and grade, seed and plant the entrance to Park Block 115 in accordance with City standards and to the satisfaction of the Managing Director of Development Approvals Business Unit.
- (as) Within two (2) years of registration of this Plan, the Owner shall install "sharrows" and appropriate wayfinding signs as per city standards from the terminus of Creekside Boulevard adjacent to Park Block 115 to the intersection of Creekside Boulevard and Waterside Terrace and along the west side of Waterside Terrace to the Storm Water Management Pond adjacent to Lot 78. "No Parking" signs shall be installed and maintained on the west side of Creekside Boulevard and Waterside Terrace, all to the satisfaction of the City, and at no cost to the City.
- (at) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lot 75 of this Plan:
  - "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of Environment's noise criteria.
  - "The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Sunningdale Road West as it relates to the interior or outdoor living areas of any dwelling unit on this lot. The City of London will not be responsible for constructing any form of noise mitigation for this Lot."
- (au) The Owner shall include in any submission for a building permit application for Lots 110, 111 and 112, of this Plan, that forced air heating with provisions for future air conditioning (which can be installed at the owner's option) be required.
- (av) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 110, 111 and 112 of this Plan:
  - "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of Environment's noise criteria.
  - This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air-conditioning. Installation of air conditioning by the occupant will allow windows and exterior doors to





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remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment noise criteria.

(Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

““The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Sunningdale Road West as it relates to the interior or outdoor living areas of any dwelling unit on this lot. The City of London will not be responsible for constructing any form of noise mitigation for this lot.”

- (aw) The Owner shall construct all gateways features within this Plan, all in accordance with the accepted Engineering Drawings, all to the satisfaction of the Managing Director, Development Approvals Business Unit.



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**SCHEDULE 'C'**

This is Schedule 'C' to the Subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Sunningdale Golf and Country Club Ltd./Corlon Properties Inc. to which it is attached and forms a part.

**SPECIAL WORKS AND SERVICES****Roadways**

- Meadowlands Way shall have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70');
- Callingham Drive and Waterside Terrace shall have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20.0 metres (66');
- Creekridge Bend (between Callingham Drive and Waterside Terrace) shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62');
- Creekridge Bend (south of Waterside Terrace), Waterside Court and Waterside Close shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60'); and
- Meadowlands Way, from Sunningdale Road West to 45 metres south of Sunningdale Road West shall have a right-of-way width of 28.0 metres for a minimum length of 45.0 metres (150') tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres, to the satisfaction of the City.

**Sidewalks**

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Meadowlands Way and Callingham Drive.

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of:

- (i) Waterside Terrace – outside boulevard; and
- (ii) Creekridge Bend – west and north boulevards

**Pedestrian Walkways**

City of London standard 3.0m wide pedestrian walkways shall be constructed within Block 117 of this Plan.



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**SCHEDULE 'D'**

This is Schedule 'D' to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012, between the Corporation of the City of London and Sunningdale Golf and Country Club Ltd./Corlon Properties Inc. to which it is attached and forms a part.

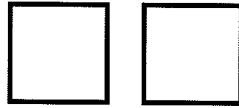
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Blocks 113, 118, 119 and 123
Road Widening (Dedicated on the face of the plan):	Nil
Walkways:	Block 117
5% Parkland Dedication	Block 115 and 116
Dedication of land for Parks in excess of 5%:	The Owner will receive a 1.049 hectare credit for parkland dedication in excess of the required parkland
Stormwater Management:	Provided under previous agreement

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

School Site:	Nil
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**SCHEDULE 'E'**

This is Schedule 'E' to the Subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Sunningdale Golf and Country Club Ltd./Corlon Properties Inc. to which it is attached and forms a part.

The total value of security to be supplied to the City is as follows:

CASH PORTION:	\$ 699,156 **
BOND PORTION:	\$4,167,749
TOTAL	\$4,866,905 **

(a) The following security shall be deposited with the City Treasurer at the time of signing this agreement:

CASH PORTION:	\$ 699,156 **
BOND PORTION:	NIL

(b) The following security shall be deposited with the City Treasurer, before the issuance of a Certificate of Conditional Approval respecting land within this subdivision:

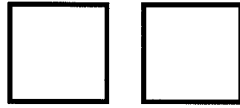
CASH PORTION:	NIL
BOND PORTION:	\$4,167,749

**\*\* Includes \$60,000 for Erosion and Sediment Control Plan security as per Clause 28(v).**

The security shall be supplied to the city in accordance with the policy adopted by the City Council on April 6, 1987, when it approved Clause 15 of the 11<sup>th</sup> Report of the Planning Committee, and its amendments.

Please refer to Section 9. Initial Construction of Services and Building Permits of Part 1 – General Provisions, which may limit the issuance of a building permit until the security requirements have been satisfied.

The above-noted security includes a statutory holdback calculated in accordance with the Provincial legislation, namely the CONSTRUCTION LIEN ACT, R.S.O. 1990.



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**SCHEDULE 'F'**

This is Schedule 'F' to the Subdivision Agreement dated this \_\_\_\_\_ between The Corporation of the City of London and Sunningdale Golf and Country Club Ltd./Corlon Properties Inc., to which it is attached and forms a part.

**Multi-Purpose Easements**

- (a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows or as shown on the accepted Engineering Drawings:
  - (i) Over Lot 15 and Lot 16
  - (ii) Over Lots 112 and Block 114
  
- (b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
  - (i) On lands to the east of Block 117
  - (ii) On lands to the south of Meadowlands Way