



File Number: 39T-05510

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SPECIAL PROVISIONS 2047790 ONTARIO INC. (Z-Group) POWELL – UPLANDS NORTH SUBDIVISION – PHASE 3 39T-05510 MEETING ON SEPTEMBER 9, 2014

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the subdivision of land over Part of Lot 14, Concession 6 (Geographic Township of London), City of London, County of Middlesex, situated on the north side Sunningdale Road East, between Richmond Street and Adelaide Street North, municipally known as 530 Sunningdale Road East:

- (a) the attached Special Provisions, (Schedule “D”), to be contained in a Subdivision Agreement between The Corporation of the City of London and 2047790 Ontario Inc. for the Uplands North Subdivision, (39T-05510-3) **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Schedule “A”;
- (c) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues to be as per Schedule “B”, attached hereto; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

BACKGROUND

This application for Draft Plan of Subdivision Approval was accepted on May 25, 2005 and a Public Meeting was held on June 14, 2006. Draft approval was granted on July 13, 2006 and there were no appeals to the Decision of the Approval Authority.

On April 3, 2008, the Approval Authority granted minor revisions to the Draft Approved plan. Notice of Decision of the revisions to draft approval was also given and there were no appeals.

In May 2009, the applicant submitted a request for a three year extension. In order to fully consider this request, the Approval Authority granted a six (6) month extension to the draft approved plan. The Planning Committee considered the request on December 7, 2009. Subsequently Council requested the Approval Authority to approve a 3 year extension subject to revised conditions. Council also advised the applicant that a further extension will not be supported by Council if the applicant has not registered at least a portion of the subject draft plan by January 13, 2013.

On July 25, 2011, through Phase 1 of this subdivision, Council approved the purchase of lands from the Owner for the construction of the Uplands North SWM Facility B2. The condition was that the Owner would dedicated lands to the City for the construction of SWM Facility, in exchange for payment of eligible land and associated costs in accordance with the rules of the CSRF. The transfer of lands was finalized on September 30, 2011.



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On December 7th, 2011, Municipal Council approved the first phase of the residential development.

The anticipated reimbursements from the Fund for this phase of the development are:

- (i) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$54,782; and
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$45,426;

This subdivision agreement pertains to Phase 3, consisting of 102 single detached lots, one (1) park block, one (1) woodlot and one (1) school site, all served by the extension of Canvas Way and Jackpine Way and two (2) new local streets, namely Superior Drive and Dauncey Crescent.

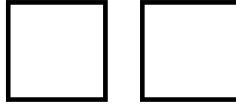
The Development Services Division has reviewed these special provisions with the Owner who is in agreement with the proposed conditions.

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

A copy of the location plan is attached as Schedule “C” for the information of the Committee.

RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	BRUCE HENRY MANAGER OF DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
JENNIE RAMSAY P.ENG MANAGER, DEVELOPMENT SERVICES & ENGINEERING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

NP/fg
Attach.
August 27, 2014



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Schedule A – Finance Source of Finance

APPENDIX 'A'

Chair and Members
Planning and Environment Committee

#14175
August 29, 2014

RE: **Special Provisions - 2047790 Ontario Inc. (Z-Group)**
Powell - North Uplands Subdivision - Phase 3 (Subledger SWM14011)
Capital Project ES5429 - Storm Sewer Internal Oversizing Subsidy
Capital Project EW3818 - Watermain Internal Oversizing Subsidy
39T-05510

FINANCE REPORT ON THE SOURCES OF FINANCING:

Finance confirms that the cost of this project can not be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance Services and Chief Building Official, the detailed source of financing for this project is:

	Approved Budget	Additional Requirement	Revised Budget	Committed to Date	This Submission
ESTIMATED EXPENDITURES					
ES5429-Storm Sewer Internal O/S Subsidy					
Construction	\$194,866	\$40,908	\$235,774	\$194,866	\$40,908
EW3818-Watermain Internal O/S Subsidy					
Construction	58,003	49,333	107,336	58,003	49,333
NET ESTIMATED EXPENDITURES	\$252,869	\$90,241	\$343,110	\$252,869	\$90,241
SOURCE OF FINANCING:					
ES5429-Storm Sewer Internal O/S Subsidy					
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges)	2&3a) \$194,866	\$40,908	\$235,774	\$194,866	\$40,908
EW3818-Watermain Internal O/S Subsidy					
Drawdown from City Services - Water Reserve Fund (Development Charges)	2&3b) 58,003	49,333	107,336	58,003	49,333
TOTAL FINANCING	\$252,869	\$90,241	\$343,110	\$252,869	\$90,241

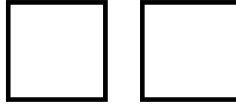
Financial Note:

	ES5429	EW3818	Total
1) Contract Price	\$40,200	\$48,480	\$88,680
Add: HST @13%	5,226	6,302	11,528
Total Contract Price Including Taxes	45,426	54,782	100,208
Less: HST Rebate	4,518	5,449	9,967
Net Contract Price	\$40,908	\$49,333	\$90,241

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.
- 3) The 2014 Development Charge Background Study and By-law was approved by Council on June 24, 2014 and was enacted on August 4, 2014.
 - a) The funding requirement of \$40,908 is available as a drawdown from the City Services Mjr. SWM Reserve Fund (Development Charges).
 - b) The funding requirement of \$49,333 is available as a drawdown from the City Services Water Reserve Fund (Development Charges).

JG

Larry Palarchio
Director of Financial Planning & Policy



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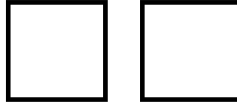
Schedule B – Finance Summary Table
 Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from CSRF	
Storm sewer oversizing subsidy	\$45,426
Watermain oversizing subsidy	\$54,782
Capital Expense	Nil
Other	Nil
Total	\$100,208
Estimated Revenues - This Agreement (Aug 2014 rates)	
CSRF	\$4,776,090
UWRF	\$378,693
Total	\$5,154,783

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using August 2014 DC rates and may take many years to recover. The revenue estimates 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 for "soft services", so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on recently constructed roadwork and SWM facilities, 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 costs 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.
4. The reader should refer to the Source of Financing report that accompanies this report to determine the status of the City's commitment to funding the above works within approved capital budgets.

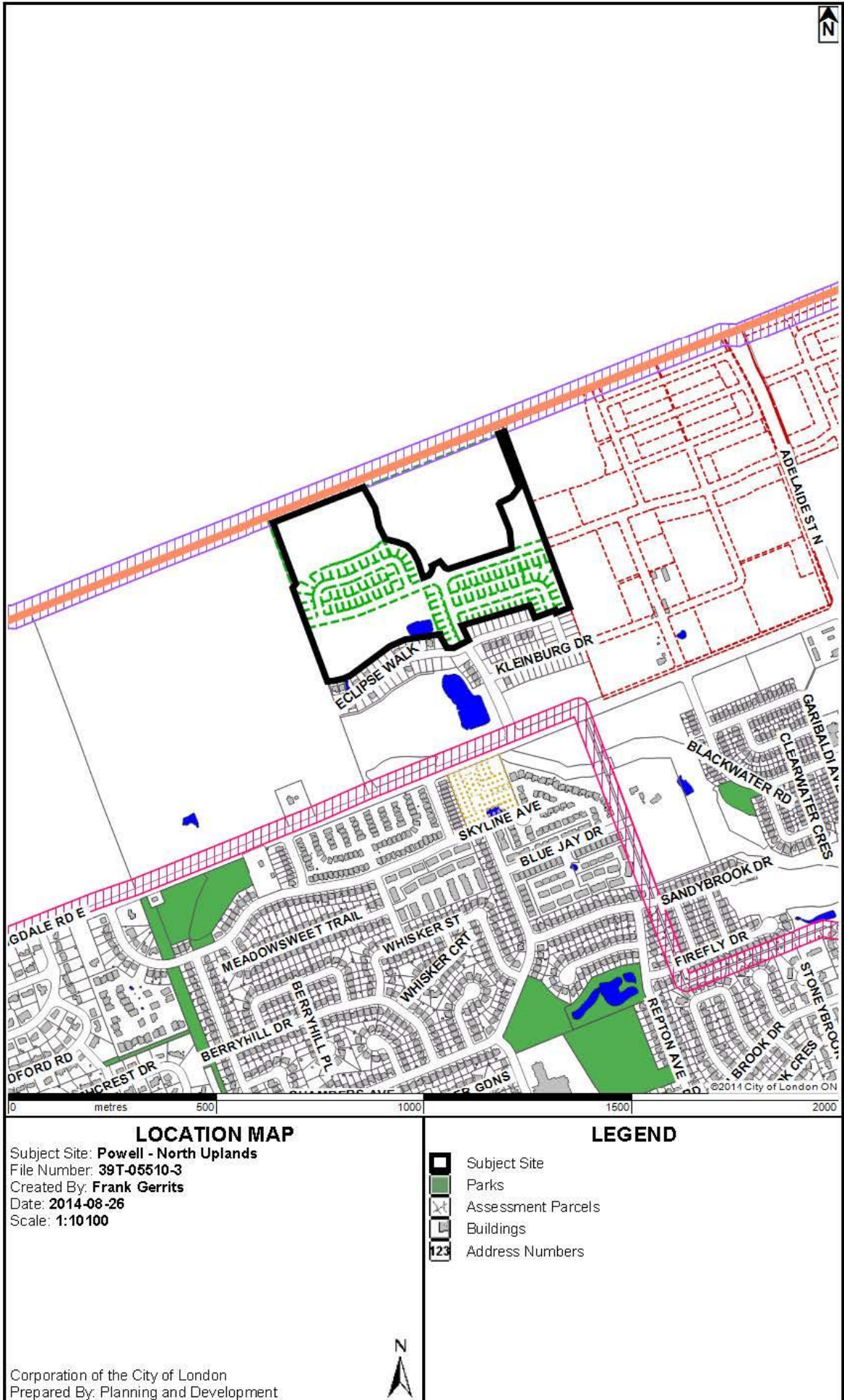
Reviewed By:

Peter Christiaans
 Director, Development Finance



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Schedule C – Location Map





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Schedule D – Special Provisions

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) Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:

- (i) For the removal of the temporary turning circle on Superior Drive outside this Plan, an amount of \$5,000.
- (ii) For the removal of the temporary watermain on Block 106 in this Plan, an amount of \$7,500.
- (iii) For the decommissioning of the sediment basin located on Block 103 in this Plan, an amount of \$9,000.

b) If the Owner alleges an entitlement to any reimbursement or payment from the City Services Reserve Fund or any capital budget account as a result of the terms hereof, the Owner may, upon completing the construction and in conformity with Schedule 8, make application to the Director – Development Finance for payment of the sum alleged to be owing. Subject to claim approval by the Director – Development Finance (in consultation with the City Engineer, if necessary), the payment will be made pursuant to any policy established by Council to govern the administration of the said City Services Reserve Fund, includes terms below:

The anticipated reimbursements from the Fund are:

- (iii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$54,782; and
- (iv) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$45,426;

The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

Funds needed to pay the above claims will be committed (on a subdivision by subdivision basis) from approved capital budgets at the time of approval of this Agreement, unless funds in approved capital budgets are insufficient to accommodate commitment to the full extent of the estimated claims. In this case (ie. insufficient capital budget), the excess of the estimated claim over the approved budget shall be submitted for Council approval in the next following budget year.

Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this Agreement.

Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.

Nothing in this Agreement shall bind Municipal Council to approve any capital works budget which include these works.

c) Upon approval of an application for a claim to the City Services Reserve Fund or Capital Works Budget (as applicable), the City shall pay the approved



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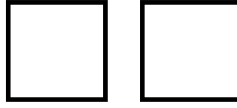
claim in full to the Owner in accordance with the then in force Development Charges By-law and any policies established thereunder.

- d) 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 according to the terms of this Agreement, the Owner must conform with the by-law and policies governing the administration of such works as included in the requirement of City of London By-law C.P.1496-244, 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 8, of the above by-law including requirements for submission of workplan, tendering and completeness of claims, as applicable.
- e) 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 lots and/or 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 Engineer in accordance with the City's security requirements.
- f) The Owner shall adhere to the recommendations under the full time supervision of a geotechnical engineer with respect 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) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation for this subdivision have been implemented with respect to the effects of the construction associated with the subdivision on existing ground water elevations, private wells in the area and the impact on the water balance of the subject plan, to the satisfaction of the City.



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- h) The Owner shall construct a temporary turning circle at the east limit of Superior Drive, on lands external to this Plan, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Superior Drive, all as shown on this Plan of Subdivision, prior to its extension to the east, the Owner shall pay to the city at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle at the east limit of Superior Drive and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre (5foot) concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$5,000 for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

- i) Barricades are to be maintained at east and west limit of Superior Drive and north limit of Canvas Way until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan, the Owner agrees to remove the barricades, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles.

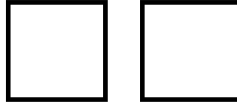
At the time of assumption of the subdivision or as otherwise directed by the City, the Owner shall remove the barricade and any temporary turning circles as necessary, and restore the road(s) to the specifications of the City, all at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City.

- j) No construction traffic contracted by the Owner for the construction of services for this subdivision which are to be assumed by the City, shall utilize existing streets adjacent to this Plan, except as approved otherwise by the City Engineer. 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 East via Canvas Way, except as otherwise approved by the City Engineer. Barricades which may be used to restrict construction traffic during the construction of the underground services associated with the issuance of a Certificate of Conditional Approval, as identified by 9. INITIAL CONSTRUCTION OF SERVICES AND BUILDING PERMITS OF PART 1 – GENERAL PROVISIONS, may be removed with the issuance of the Certificate of Conditional Approval, unless otherwise directed by the City Engineer. Should the subdivision develop in stages as allowed by other conditions of the subdivision agreement, the Owner will reinstate the necessary construction traffic restrictions with development of each stage as each stage develops, to the satisfaction of the City Engineer.

- k) Prior to the issuance of any Certificate of Conditional Approval for Lots 35 to 43, the Owner shall remove the existing temporary construction access located on the proposed Lots 35 to 43, both inclusive, accessing from Eclipse Walk and restore the Lots and road, including the removal of any granular material and any associated works, related to the existing temporary construction access, all to the satisfaction of the City Engineer, at no cost to the City.

- l) 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:



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- (i) a fully serviced road connection where Jackpine Way in this Plan joins with Jackpine Way/Eclipse Walk in Plan 33M-643, including all underground services and related works; and
- (ii) a fully serviced road connection where Canvas Way in this Plan joins with Canvas Way/Eclipse Walk in Plan 33M-643, including all underground services and related works;

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 Engineer. The Owner shall provide full-time supervision by its professional engineer for all works to be constructed on Jackpine Way, Canvas Way and Eclipse Walk 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 on a schedule acceptable to the City 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 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 Engineer 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.

- m) 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".
- n) 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.

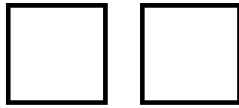
The Owner shall notify the purchasers of all lots abutting the traffic calming circle at the intersection of Superior Drive and Canvas Way in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.

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.



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- o) The Owner shall register against the title of all Lots and Blocks on Canvas Way and Superior Drive in this Plan, and shall include in any agreement of purchase and sale for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.
- p) The Owner shall install curb extensions on the south side of Superior Drive and the west side of Canvas Way with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission, to the satisfaction of the City, at no cost to the City.
- q) The Owner shall provide reduced curb radii (6.0 metre) on the inbound approach to all local roads intersecting Superior Drive and Canvas Way, to the satisfaction of the City, at no cost to the City.
- r) The Owner shall maintain the temporary access road located in Uplands North Phase 2, over Block 104 and Lot 15 in Plan 33M-643 as a secondary access for emergency vehicles, until the temporary access road is no longer required for this Plan, at no cost to the City.
- s) 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 150 mm (6 inch) diameter water main on Jackpine Way and the 300 mm (12 inch) diameter watermain on Canvas Way, to the specifications of the City Engineer.
- The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.
- t) The Owner shall construct a temporary encased watermain on Block 106 as per City of London Standards and Water Engineering Division with all appropriate easements, to the satisfaction of the City Engineer.
- u) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have it's professional engineer confirm water quality requirements for the watermain in this Plan and/or implement any accepted recommendations in the accepted water quality report, by the use of the following:
- i) valving to shut off future connections which will not be used in the near term; and/or
 - ii) 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. Where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual shall 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.
- v) Should Commercial, Industrial or Institutional blocks exist within this Plan of subdivision, the Owner shall register against the title of Block 103, in this Plan, and shall include in any agreement of purchase and sale for the transfer of each of the Block, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.



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- w) Sewage treatment capacity at the Adelaide Pollution Control Plant is available for this Plan as of September, 2014 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before September, 2015.

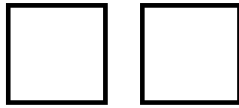
In the event that this Plan and this Agreement are not registered before September, 2015, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.

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

- x) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 250 mm (10 inch) diameter sanitary sewer on Canvas Way and the 200 mm (6 inch) diameter sanitary sewer on Jackpine Way. The sanitary 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.

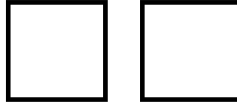
- y) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures 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 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 Engineer 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 first occupancy. This plug may only be removed by the City of London 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;
- (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 407, OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing. The Owner shall have its professional engineer provide a report of the test results to the City;
- (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision and previous phases of subdivisions, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;



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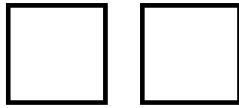
- (vi) On demand by the City of London and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and 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
- z) 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. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- aa) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to the City's existing storm sewer system being the 1200 mm (48 inch) diameter storm sewer on Canvas Way and the existing 300 mm (8 inch) diameter storm sewer on Jackpine Way, all outletting to the Uplands Stormwater Management (SWM) Facility B2, located within Reference Plan 33R-18069, all to the satisfaction of the City Engineer.
- 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.
- ab) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control measures accepted by the City in the Functional SWM Report, to be used during construction and implementation of the plan satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- ac) The Owner shall have its consulting professional engineer supervise the construction of the stormwater servicing works, including any temporary works to the satisfaction of the City and according to the recommendations and requirements of the following:
- (i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study;
 - (ii) The Uplands North Conceptual SWM Servicing Plan;
 - (iii) The approved Storm/Drainage and SWM Servicing Functional Report for the Uplands SWM Facility B2;
 - (iv) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - (v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (vi) The City of London Design Specifications and Requirements Manual, as revised;
 - (vii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- ad) Prior to the issuance of any Certificate of Conditional Approval for this



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subdivision, all relevant storm/drainage and SWM servicing works, 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 specifications and satisfaction of the City.

- ae) The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works of the subject lands, all to the satisfaction of the City Engineer.
- af) The Owner shall operate, monitor and maintain any and all erosion and sediment control measures, including any temporary sediment ponds (eg. Block 103), until such time as the Owner can demonstrate that these measures are not required, to the satisfaction of the City Engineer. The Owner shall ensure that any decommissioning of the temporary sediment ponds, including the removal and disposal of sediment is to an approved site and is in accordance with the Ministry of the Environment, the Ministry of Natural Resources and to the satisfaction of the City Engineer.
- ag) The Owner shall address forthwith any deficiencies of the stormwater works associated with this Plan, all to the satisfaction of the City Engineer.
- ah) Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- ai) The Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of 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.
- aj) The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
- ak) The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Lots 2, 3, 5, 6, 16, 17, 19, 37, 38, 41, 42, 49, 50, 52, 53, 54, 55, 60, 61, 65, 66, 81, 82, 90, 91, 94, 95, 99, 100, 101 and 102, inclusive, 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 Engineer.
- al) The Owner shall register against the title of Lots adjacent to Block 106 for the temporary watermain, which includes Lots 8, 9, 54 and 55 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



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areas, and not disturbing the temporary watermain located in the setback areas. This protects temporary watermain 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 Engineer.

- am) If there is known contamination on the site or contamination is encountered on this site, 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.
- an) If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, these deposits must be reported to the City Engineer and / Managing Director, Development and Compliance Services and Chief Building Official immediately, and if required by the City Engineer/ Managing Director, Development and Compliance Services and Chief Building Official, the Owner shall, at his expense, retain a Professional Engineer competent in the field of methane gas to investigate these deposits and to submit a full report on them to the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official. If the report indicates the presence of methane gas, then all of the recommendations of the Professional Engineer contained in any such report submitted to the City Engineer and Managing Director, Development and Compliance Services and Chief Building Official shall be implemented and carried out under the supervision of the Professional Engineer, to the satisfaction of the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City for review for the duration of the approved program.
- If a permanent venting system or facility is recommended in the report, the Owner further agrees to register against the title of each affected Lot and include in the agreement of sale for the conveyance or transfer of each of the affected Lots, a covenant by the purchaser or transferee (and by each successive Owner after such purchaser or transferee) stating that the Owners of the subject Lots must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owner must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.
- ao) Within one (1) year of registration of this Plan, the Owner shall construct a chain link fence without gates, adjacent to the walkways, Blocks 106 and 107, in accordance with City Standard No. SR-7.0.
- ap) Prior to the issuance of a 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.
- aq) The Owner shall remove any temporary works associated with this Plan when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
- ar) Prior to the issuance of any Certificate of Conditional Approval in this

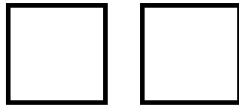


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Plan, all temporary measures constructed as part of Powell Uplands North Phase 1 Subdivision, Plan 33M-643, shall be removed by the Owner when no longer required and all affected areas restored, to the satisfaction of the City, at no cost to the City.

- as) Within one (1) year of registration of this Plan, the Owner shall construct the walkway on Blocks 106 and 107, in accordance with City standards, to the satisfaction of the City Planner and the City Engineer, at no cost to the City.
- at) Within one (1) year of registration of this Plan, the Owner shall construct the approved neighbourhood park plan for Block 105, which shall include grading, service and seed, all in accordance with the approved concept plan, to the satisfaction of the Manager of Environmental and Parks Planning, and at no cost to the City.
- au) Within one (1) year of registration of this Plan, the Owner shall have a qualified arborist identify and remove any tree hazards within 15 meters of the drip line of the woodlot along the property lines of Block 104 to the satisfaction of the City, at no cost to the City.
- av) The Owner shall not grade into any open space area. Where Lots or Blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Environmental and Parks Planning.
- aw) Within one (1) year of registration of the Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City standards (SPO 4.8) or approved alternate, along all property lines abutting parkland (east edge of Block 105, and Lots 88 thru 99, both inclusive) in accordance with approved engineering plans. Fencing shall be completed to the satisfaction of the Manager of Environmental and Parks Planning, and at no cost to the City.
- ax) Within one (1) year of registration of this Plan, the Owner shall install protective fencing near the drip line of the woodland buffer (Block 104) and adjacent to the ESA (Block 105), as per the recommendations of the Uplands North Plan of Subdivision Environmental Impact Study/Environmental Management Plan prepared by EarthTech March 2005 as revised by letter dated October 21, 2005 and additional addendums, to the satisfaction of the City Planner.
- ay) Within one (1) year of registration of this Plan, the Owner shall implement the approved ecological buffer landscape treatments of the Plan in accordance with approved engineering plans and to the satisfaction of the Manager of Environmental and Parks Planning.
- az) The Owner shall prepare, and deliver to the all homeowners adjacent to all Open Space lands (and transferees of the lots) an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City Planner, and at no cost to the City.
- ba) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for all Lots and Blocks within this Plan:

“Purchasers/tenants are advised that Agricultural practices are carried out in close proximity and that noise, dust and odour associated with a nearby operational livestock or agricultural use may occasionally interfere with some activities of dwelling occupants.”



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SCHEDULE 'C'

This is Schedule 'C' to the Subdivision Agreement dated _____ between The Corporation of the City of London and 2047790 Ontario Inc. (Z-Group) to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES**Roadways**

- Canvas Way and Superior Drive shall have a minimum road pavement width (excluding gutters) as identified on the accepted engineering drawings, or as otherwise approved by the City, with a minimum road allowance of 21.5 metres (70'),
- Jackpine Way 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'), and
- Dauncey Crescent shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').

Sidewalks

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

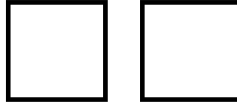
A 2.4 metre (7.8 foot) sidewalk shall be constructed on the south boulevard of Superior Drive fronting Block 103.

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

- (i) Dauncey Crescent – outside boulevard
- (ii) Jackpine Way – outside boulevard

Pedestrian Walkways

City of London standard 3.0m wide pedestrian walkways shall be constructed on Blocks 106 and 107 of this Plan.



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SCHEDULE 'D'

This is Schedule 'D' to the Subdivision Agreement dated this _____ day of _____, 20__, between the Corporation of the City of London and 2047790 Ontario Inc. (Z-Group) 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 108, 109, 110,
111 and 112

Road Widening (Dedicated on the face of the plan):

Nil

Walkways:

Blocks 106 and 107

Parkland Dedication

Blocks 104 and 105

Stormwater Management:

Nil

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:

Block 103



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SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated _____ between The Corporation of the City of London and 2047790 Ontario Inc. (Z-Group) 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:	\$ 559,777 **
BOND PORTION:	\$4,155,396
TOTAL	\$4,715,173 **

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

CASH PORTION:	\$ 559,777 **
BOND PORTION:	NIL

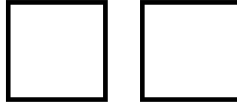
(b) The following security shall be deposited with the City Treasurer, before the issuance of a Certificate of Conditional Approval respecting land within this subdivision:

CASH PORTION:	NIL
BOND PORTION:	\$4,155,396

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 11th 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'

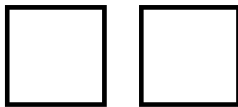
This is Schedule 'F' to the Subdivision Agreement dated this _____ between The Corporation of the City of London and 2047790 Ontario Inc. (Z-Group), to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Temporary 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:
 - (i) Temporary watermain on Lots 8, 9, 54 and 55;

- (b) Temporary 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) For temporary grading and storm servicing along the north limit of this Plan (eg. north limit of Canvas Way, north of Superior Drive, etc.)

- (c) A temporary turning circle easement shall be deeded to the City in conjunction with this Plan over lands external to this Plan east of the east limit of Superior Drive.



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Plan of Subdivision

