

File Number: 39T-03505-2

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 VISTA WOOD ESTATES LIMITED VISTA WOOD ESTATES SUBDIVISION FILE: 39T-03505 MEETING ON MAY 19, 2015

RECOMMENDATION

That, on the recommendation of the Manager, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Vista Wood Estates Limited for the subdivision of land over Part of Lot 21, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the north side of Fanshawe Park Road West, north of Medway Park Drive:

- (a) the attached Special Provisions, (Schedule “D”), to be contained in a Subdivision Agreement between The Corporation of the City of London and Vista Wood Estates Limited for the Vista Wood Estates Subdivision (39T-03505-2) **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues to be as per Schedule “B”, attached hereto;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Schedule “A”; 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.

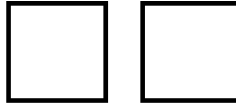
BACKGROUND

On April 2, 2003, Vista Woods Estates Ltd. submitted a draft plan of subdivision application for these lands located on the north side of Fanshawe Park Road, west of Wonderland Road. The proposed plan contained 297 single detached dwelling lots, 1 single detached dwelling block, 3 medium density residential blocks, 2 park blocks, 2 future development blocks and several road widening and reserve blocks all served by the extension of Medway Park and 2 new secondary collector roads and 10 new local streets.

The first phase was registered in December 2011. This is the second phase which consists of 85 single family detached lots, and 1 park block, served by the extension of Eagletrace Drive and 2 new streets, Coates Lane and Melsetter Way.

The anticipated reimbursements from the City Services Reserve Fund are:

- (i) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$1,158.25; and
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$162,765.20.



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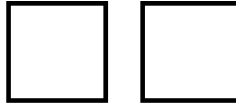
The Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

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.

PREPARED BY:	RECOMMENDED BY:
CRAIG SMITH SENIOR PLANNER DEVELOPMENT SERVICES DIVISION	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

CS/fg
Attach.
April 28, 2015



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Schedule A – Source of finance report

APPENDIX 'A'

Chair and Members
 Planning and Environment Committee

#15067
 May 8, 2015

RE: Vista Wood Estates Limited
Vista Wood Estates Subdivision - 39T-03505
Capital Project ES5429 - Storm Sewer Internal Oversizing Subsidy
Capital Project ES5145 - Sanitary Sewer Internal Oversizing Subsidy

FINANCE REPORT ON THE SOURCES OF FINANCING:

Finance 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 Managing Director, Development and Compliance Services and Chief Building Official, the detailed source of financing for this project is:

ESTIMATED EXPENDITURES	Approved Budget	Committed To Date	This Submission	Balance for Future Work
ES5429-Storm Sewer Internal O/S Subsidy				
Construction	\$2,298,820	\$562,586	\$146,575	\$1,589,659
ES5145-San. Sewer Internal O/S Subsidy				
Construction	178,650	14,097	1,043	163,510
NET ESTIMATED EXPENDITURES	\$2,477,470	\$576,683	\$147,618 1)	\$1,753,169

SOURCE OF FINANCING:

ES5429-Storm Sewer Internal O/S Subsidy				
Drawdown from Sewage Works R.F.	\$25,300	\$25,300		\$0
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges)	2) 2,273,520	537,286	146,575	1,589,659
	<u>2,298,820</u>	<u>562,586</u>	<u>146,575</u>	<u>1,589,659</u>
ES5145-San. Sewer Internal O/S Subsidy				
Drawdown from Industrial O/S Reserve Fund	12,200	12,200		0
Drawdown from City Services-Sewers Reserve Fund (Development Charges)	2) 166,450	1,897	1,043	163,510
	<u>178,650</u>	<u>14,097</u>	<u>1,043</u>	<u>163,510</u>
TOTAL FINANCING	\$2,477,470	\$576,683	\$147,618	\$1,753,169

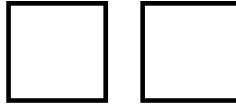
Financial Note:

	ES5429	ES5145	TOTAL
1) Contract Price	\$144,040	\$1,025	\$145,065
Add: HST @13%	18,725	133	18,858
Total Contract Price Including Taxes	162,765	1,158	163,923
Less: HST Rebate	16,190	115	16,305
Net Contract Price	<u>\$146,575</u>	<u>\$1,043</u>	<u>\$147,618</u>

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.

EH

Alan Dunbar
 Manager of Financial Planning & Policy



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Vista Woods Ph.2 – Subdivision Agreement
 File Number: 39T-03505
 April 23, 2015

Schedule "B"

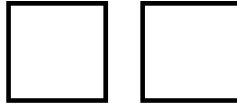
Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from City Services Reserve Fund	
<u>Developer led construction:</u>	
- Sanitary sewer – oversizing subsidy	\$1,043
- Storm sewer – oversizing subsidy	\$146,575
Capital Expense	Nil
Other	Nil
Total	\$147,618
Estimated Revenues - This Draft Plan (2015 rates)	
CSRF	\$2,193,340
UWRF	\$197,115
Total	\$2,390,455

1. Estimated Revenues are calculated using 2015 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, so the reader should use caution in comparing the cost with the Revenue section.
2. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on roadwork and SWM facilities constructed in the area, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion elsewhere in the City) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue contributions for those service components is included in the "Estimated Revenues – This Draft Plan" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" average cost approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
3. Claims for construction of development charge fundable work are shown net of HST rebate in this schedule, but are shown including HST in the subdivision agreement.

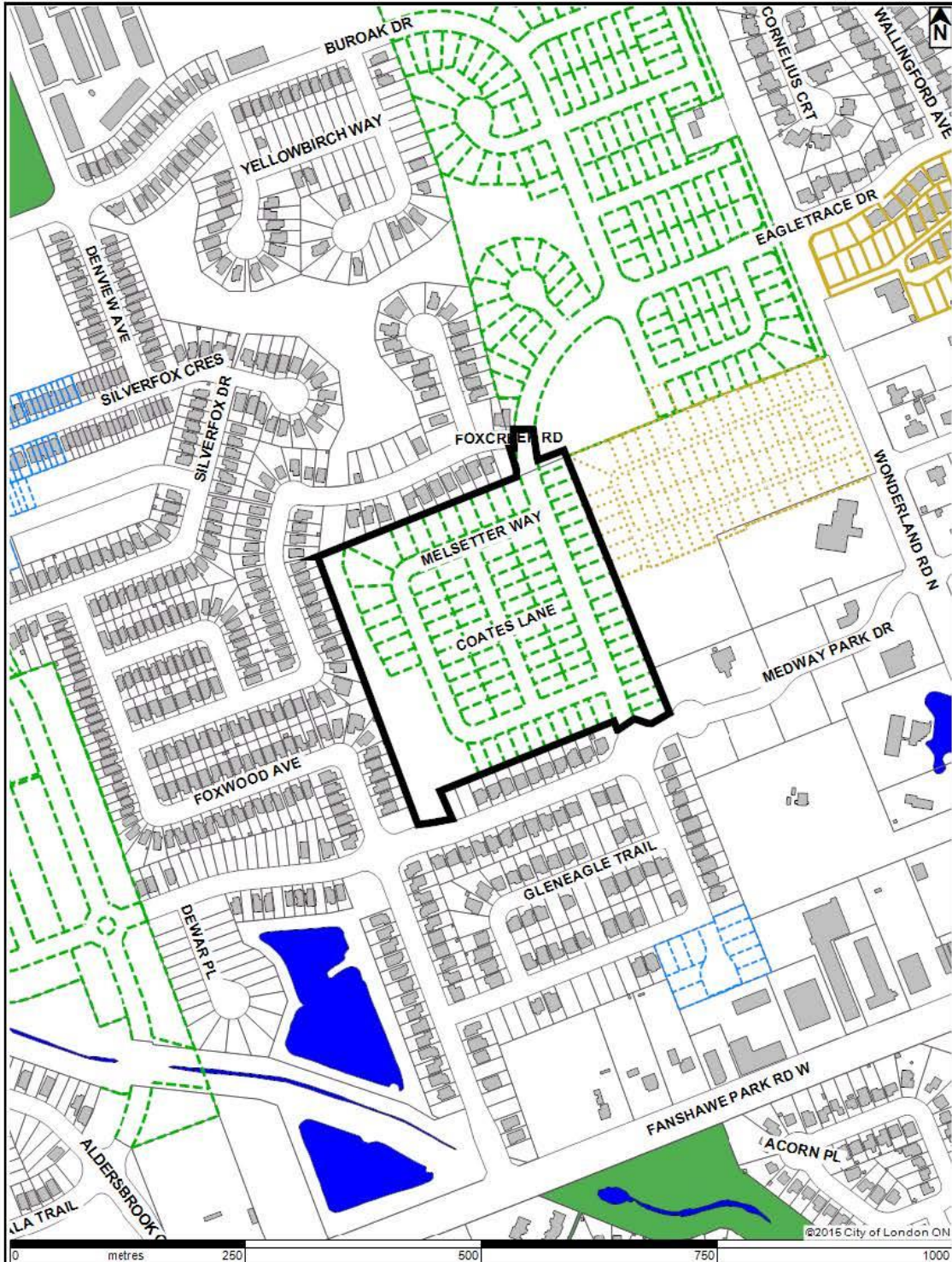
Reviewed By:







Peter Christiaans
 Director, Development Finance

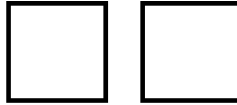


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Schedule C – Location Map



LOCATION MAP	LEGEND
Subject Site: Vista Wood Estates Subdivision File Number: 39T-03505-2 Created By: Frank Gerrits Date: 2015-04-14 Scale: 1:5000	<ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
Corporation of the City of London Prepared By: Development and Compliance Services <div style="text-align: right;"></div>	



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Schedule D – Special Provisions

14. LANDS FOR MUNICIPAL PURPOSES SUBJECT TO RECONVEYANCE

14.1 The Owner shall transfer Block 86 of this Plan to the City. In the event that the adjacent lands to the East of this Plan, (municipally known as 1921 Wonderland Road North) develop as residential use and Block 86 is required for access purposes, then Block 86 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this Plan (39T-03505) within thirty (30) days of such sale. Should the City determine that Block 86 is not required for access purposes, the City will transfer the Block back to the Owner, at no cost to the City.

25.1 STANDARD REQUIREMENTS

(#) The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.

25.2 CLAIMS

(b) If the Owner alleges an entitlement to any reimbursement or payment from a development charge Reserve Fund as a result of the terms hereof, the Owner may, upon approval of this Agreement and completion of the works, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said development charge Reserve Fund.

The anticipated reimbursements from the Fund are:

- (iii) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$ 1,158.25; and
- (iv) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$162,765.20.

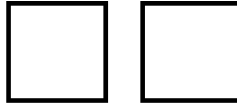
The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

25.6 GRADING REQUIREMENTS

(g) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate the existing earth stock pile generally within Block 87 of this Plan and if necessary, provide such measures as easements and catchbasins in conjunction with the implementation of the grading, erosion and sediment control measures, etc. to address any grading and/or drainage issues that may arise in this Plan, including, entering into a Site Alteration Agreement should the stock pile be relocated within the Owner’s Draft Plan Lands (39T-03505) outside of this Plan to the satisfaction of the City Engineer, at no cost to the City.

25.7 STORM WATER MANAGEMENT

(a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:



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- i) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
- ii) The accepted Fox Hollow Development Area Municipal Class Environmental Assessment (EA) Schedule 'C' Report which includes the Heard Drain (October 2006) and any addendums/amendments;
- iii) The approved Functional Stormwater Management Plan for subject lands;
- 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.

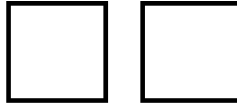
25.8 SANITARY AND STORM SEWERS

- (c) The Owner shall construct the storm sewers to service the Lots and Block in this Plan and connect them to the 1350mm diameter storm sewer on Eagletrace Drive in Plan 33M-639 at the south limit of this Plan. 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.
- (m) The Owner shall construct a storm sewers to service Block 87 in this Plan and connect them to the 1500mm diameter storm sewer on Eagletrace Drive in Plan 33M-639 via the 300mm diameter storm sewer in Block 87 in this Plan to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein. 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.
- (n) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the 300mm diameter sanitary sewer on Eagletrace Drive in Plan 33M-639 at the south limit of this plan. 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.

25.9 WATER SERVICING

- (a) The Owner shall construct watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the un-assumed 200mm diameter water main on Eagletrace Drive in Plan 33M-639 at the south limit of this Plan and the un-assumed 200 mm diameter water main on Foxcreek Road in Plan 33M-622 at the north limit of this plan, to the specifications of the City Engineer at no cost to the City.

The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.



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25.10 HYDROGEOLOGICAL WORKS

- (b) The Owner shall adhere to the recommendations in the detailed hydro geological report prepared by its Professional Engineer, determining the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City Engineer.

The Owner' Professional Endingeer, shall provide recommendations addressing any contamination impacts that may be anticipated or experienced as a result of the said construction as well as recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.

Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the above accepted hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

25.11 ROADWORKS

- (b) 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) a fully serviced road connection where Eagletrace Drive in this plan joins with Eagletrace Drive in Plan 33M-693, including all underground services and all related works as per the accepted engineering drawings; and
 - (ii) a fully serviced road connection where Eagletrace Drive in this plan joins with Foxcreek Road in Plan 33M-622, including all underground services and all related works as per the accepted engineering drawings.

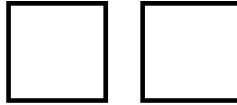
The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, 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 Eagletrace Drive and Foxcreek 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.

- (c) 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. The Owner shall restrict the construction traffic to and from this subdivision to the accepted construction access route except as otherwise approved by the City.

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, may be removed with the issuance of the Certificate of Conditional Approval, unless otherwise directed by the City. The Owner shall direct all construction traffic associated with this Plan to utilize Eagletrace Drive via Wonderland Road North or other routes as designated by the City Engineer.

Where traffic calming measures are required within this Plan:

The Owner shall install the traffic calming measures on Eagletrace Drive in this Plan, including parking bays, as directed by and to the satisfaction of the City Engineer at no cost to the City.

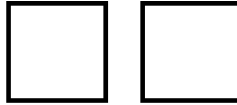


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- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - (ii) 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 islands built on the road.
 - (iii) 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 prior to the issuance of a Certificate of Conditional Approval for that section of road.
 - (iv) The Owner shall register against the title of all Lots and Blocks on Eagletrace Drive in this Plan and shall include in the Agreement of Purchase and Sale or Lease 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 and splitter islands, to the satisfaction of the City Engineer.
- (q) The Owner shall make all necessary arrangements with the owner of Lot 12 in Plan 33M-622 to combine Block 88 in this Plan with the said Lot to create a single developable lot, to the satisfaction of the City and at no cost to the City.
- The Owner shall grade and drain Block 88 within this Plan to be compatible with the grading and drainage of Lot 12 in Plan 33M-622 in conjunction with the development of the Lot 12 or prior to the assumption of this Plan, all to the specifications of the City Engineer at no cost to the City.
- (r) Should Block 86 in this Plan be transferred back to the Owner as a developable Block in this Plan, then the Owner shall service, grade and drain the said Block to the satisfaction of the City prior to the City issuing a Certificate of Conditional Approval for the said Block at no cost to the City.
 - (s) Following the removal of all temporary works over Part 1 in Plan 33R-18181 (ER803143) and the issuance a Certificate of Conditional Approval, the Owner shall make all necessary arrangements, financial and otherwise, with the City to have the temporary easements over the said Part (ER803143) quit claimed by the City, to the satisfaction of the City Engineer at no cost to the City.
 - (t) The Owner shall register against the title of Lot 68 in this Plan which fronts Medway Park Drive and Eagletrace Drive in Plan 33M-639, shall include in the Agreement of Purchase and Sale or Lease for the transfer of the said Lot, a covenant by the purchaser or transferee stating the said owner shall locate the driveway to the said Lot away from the traffic calming measures on the said streets, including traffic calming circles and splitter islands, to the satisfaction of the City Engineer.

25.12 PARKS

- (u) Within one (1) year of registration of this Plan, the Owner shall remove any tree hazards within 15 meters of the drip line of the park block boundary along the rear and side yard of Lots 1 to 16, to the satisfaction of the City, at no cost to the City.
- (v) Within one (1) year of registration of this Plan, the Owner shall remove identified trees within Block 87 to facilitate the construction of the multi-use pathway in accordance with the approved engineering drawings. The removal shall be to the satisfaction of the City, at no cost to the City.
- (w) The Owner shall prepare, and deliver to the all homeowners adjacent to Block 87, 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, and at no cost to the City.



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SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and _____ to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES**Roadways**

- Eagletrace Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres with the exception of the reduced pavement widths for traffic calming purposes.
- Melsetter Way shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.
- Coates Lane shall have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.

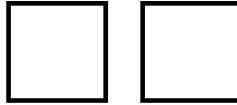
Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Eagletrace Drive.

A 1.5 metre (5 foot) sidewalk shall be constructed on the outside boulevard of Melsetter Way.

Pedestrian Walkways

No walkway is required in this Plan.



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SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and _____ 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:

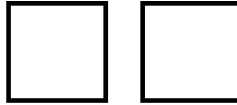
0.3 metre (one foot) reserves:	Block 89 and a new Block __ abutting Lot 68
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Block 87 as partial satisfaction of parkland. Balance shall be taken in a future phase of the development.
Stormwater Management:	NIL
Other lands:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD BY THE CITY:

Potential access to lands east of this Plan:	Block 86
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SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2015, between The Corporation of the City of London and Vista Woods Estate Limited to which it is attached and forms a part.

The Owner shall supply the total value of security to the City is as follows:

CASH PORTION:	\$ 270,225
BALANCE PORTION:	<u>\$2,432,021</u>
TOTAL SECURITY REQUIRED	\$2,702,246

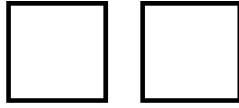
The Cash Portion shall be deposited with the City Treasurer at the time of the execution of this agreement.

The Balance Portion shall be deposited with the City Treasurer prior to the City issuing any Certificate of Conditional Approval or the first building permit for any of the Lots and/or Blocks in this plan of subdivision.

The Owner shall supply the security to the City in accordance with the City’s By-Law No. A-7146-255 and policy adopted by the City Council on July 27, 2014.

In accordance with Section 9. Initial Construction of Services and Building Permits herein, the City may limit the issuance of building permits 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 _____ day of _____, 2015, between The Corporation of the City of London and Vista Woods Estate Limited 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 easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

A temporary multi-purpose easements for servicing external to this Plan, adjacent to the north boundary of Eagletrace Drive in this Plan, shall be deeded to the City in conjunction with this Plan on an alignment and of sufficient width acceptable to the City Engineer.

Road Easements:

Not applicable.