

File Number: 39T-04512

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SUBDIVISION SPECIAL PROVISIONS APPLICANT: 700531 ONTARIO LIMITED (MARSMAN) STONEY CREEK SOUTH SUBDIVISION 39T-04512 MEETING ON JUNE 20, 2016

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 700531 Ontario Limited for the subdivision of land over Part of Lot 9, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the north side of Fanshawe Park Road East, west of Highbury Avenue North, municipally known as 1300 Fanshawe Park Road East:

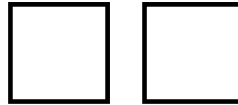
- (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and 700531 Ontario Limited for the Stoney Creek South Subdivision (39T-04512), attached as Schedule "A" **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues attached as Schedule "B";
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Schedule "C"; 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

The submitted plan of subdivision contained 23.1 hectares (57 ac.) of land located at 1300 Fanshawe Park Road East, legally described as Part of Lot 9, Concession 5, (Geographic Township of London).

Subsequent to the granting of draft approval in October 2006, the City of London acquired the northern portion of the lands (generally Block 9) for stormwater management purposes. The remaining lands have an area of approximately 19.27 ha (47.6 ac). Extension(s) of draft plan approval were granted in April 16, 2010, March 1, 2013 and October 16, 2013. The current draft plan is set to expire on October 18, 2016.

This phase of the subdivision consists of one (1) multi-family medium density block, one (1) commercial block, one (1) storm water management facility block and one (1) park block.



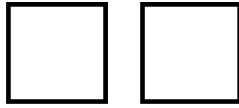
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The anticipated reimbursements from the Fund are:

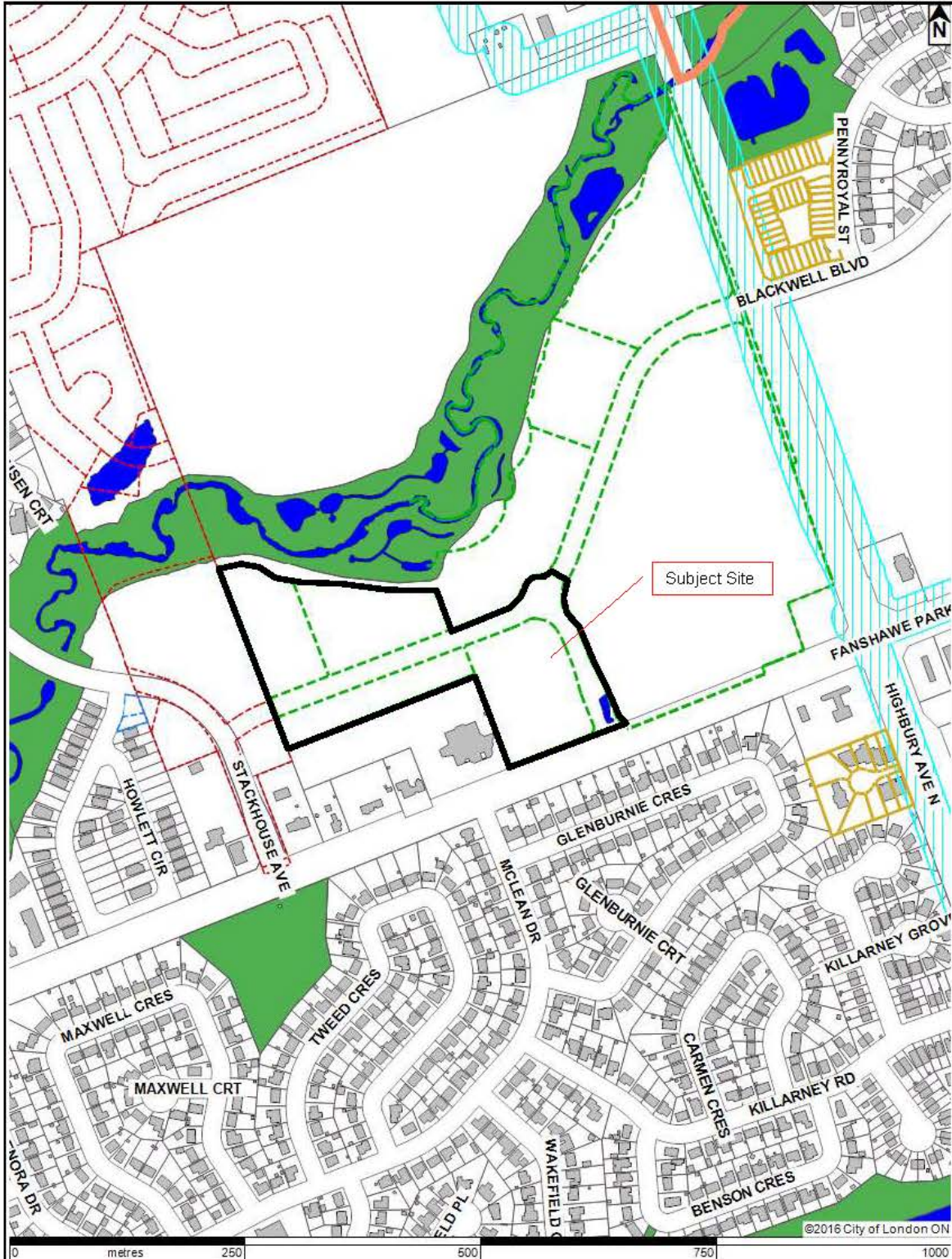
- (i) for the construction of oversized storm sewers in conjunction with the Plan, subsidized at an estimated cost of \$154,000, excluding HST;
- (ii) for the construction of Fanshawe Park Road overland flow pipe in conjunction with the Plan, at an estimated cost of \$305,817, including engineering and excluding HST;
- (iii) for the construction of a sanitary trunk sewer through this Plan, at an estimated cost of \$1,753,543, including contingency and engineering and excluding HST;
- (iv) for the construction of a berm adjacent to Stoneycreek, at an estimated cost of \$135,609, including engineering and excluding HST;
- (v) for the construction of pavement widening on Rob Panzer Road at Fanshawe Park Road East consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or arterial road, the estimated cost of which is \$7,200. 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 enhanced boulevard/gateway treatment over and above the claimable portion shall be at the Owner's expense for which a work plan is required;
- (vi) for the construction of a stormwater management facility in conjunction with this Plan, the estimated cost of which is \$1,231,595 including engineering and excluding HST, for which a work plan is required; and
- (vii) for dedicating to the City Block 4 on this Plan, for stormwater management purposes, the estimated cost of which is \$314,641.







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

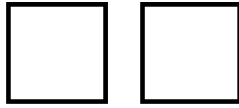
This report has been prepared in consultation with the City's Solicitors Office.



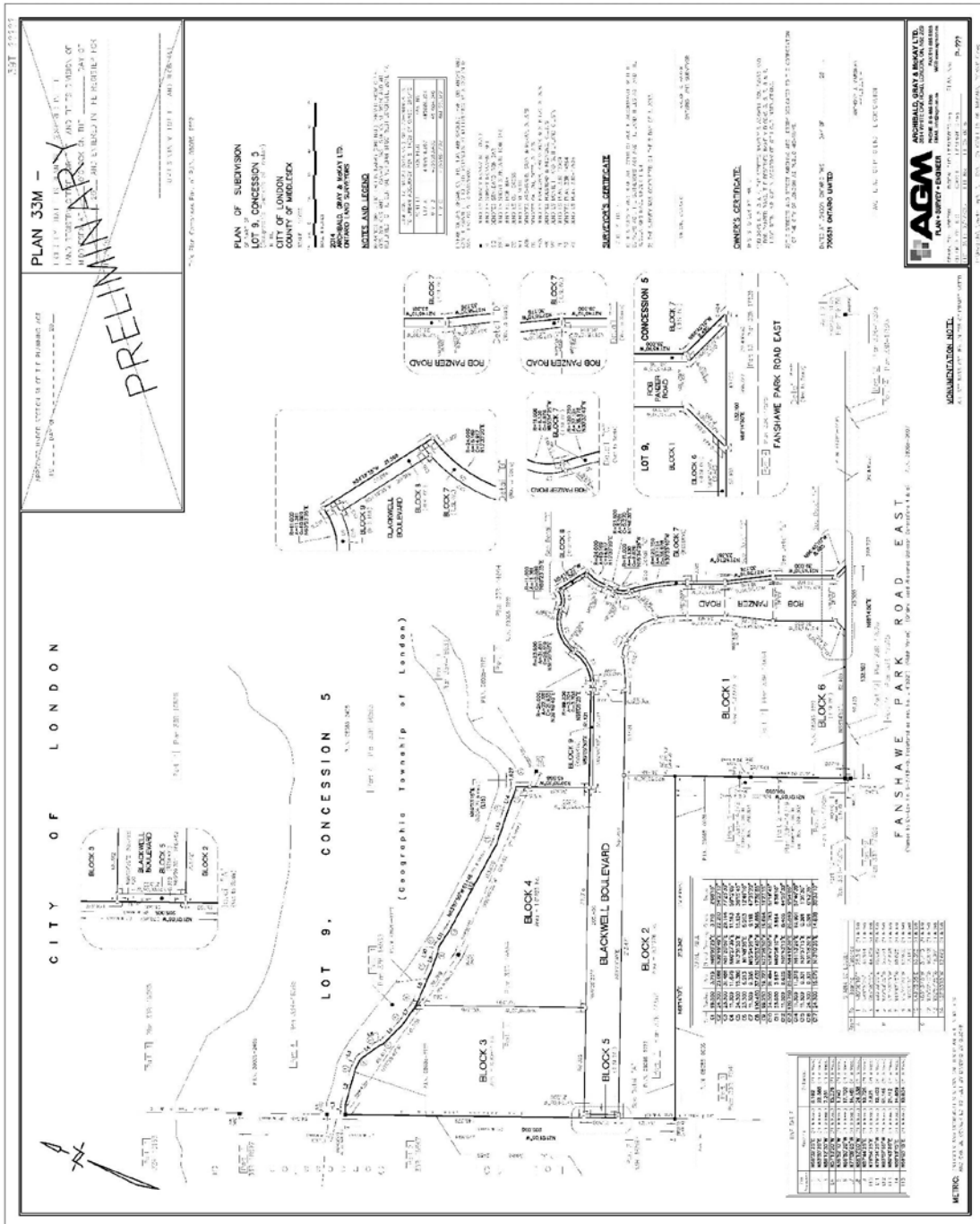
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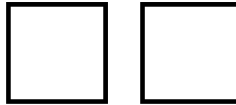


LOCATION MAP	LEGEND
<p>Subject Site: Marsman Stoney Creek Subdivision – Phase 1</p> <p>Applicant: 700531 Ontario Limited</p> <p>File Number: 39T-04512</p> <p>Planner: Nancy Pasato Created By: Frank Gerrits Date: 2016-05-30 Scale: 1:5000</p>	<ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers
<p>Corporation of the City of London Prepared By: Development and Compliance Services</p>	



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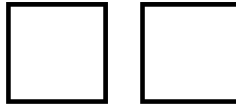




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RECOMMENDED BY:	REVIEWED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER OF DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
JENNIE A. RAMSAY P. ENG. MANAGER, DEVELOPMENT SERVICES and ENGINEERING LIAISON	GEORGE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

NP/fg
Attach.
June 9, 2016



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<p>Schedule “A” SPECIAL PROVISIONS</p>
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5. STANDARD OF WORK

Remove Section 5.7 and **replace** with the following:

- 5.7 The Owner shall register against the title of Lots which incorporate a storm sewer and related appurtenances, which includes Block 2 (east limit) in this Plan and all other affected Blocks shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease 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 storm sewers located in the setback areas. This protects these sewers 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.

25.1 STANDARD REQUIREMENTS

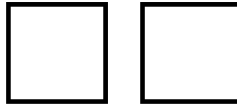
Update General Provisions to revise Subsection 25.1 (g) with the following:

- (g) 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, all as required by and to the satisfaction of the City Engineer.

Remove Subsection 25.1 (h) as there are no walkways in this plan.

Add the following new Special Provisions under Section 25.1:

- # The Owner’s professional geotechnical engineer shall ensure that all geotechnical issues, relating to any construction of the Owner’s works (excluding all work completed by others), including erosion, maintenance and structural setbacks related to slope stability associated with existing Stoney Creek are adequately addressed for the subject lands, all to the specifications and satisfaction of the City Engineer and the Upper Thames River Conservation Authority.
- # 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.
- # Prior to assumption of this Plan in whole or in part by the City, and as a conditions of such assumption, the Owner shall pay to the City Treasurer the following amount 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 Blackwell Boulevard inside this plan, an amount of \$20,000;
- # The Owner shall co-ordinate any work on Fanshawe Park Road East associated with this Plan with the City’s proposed construction on Fanshawe Park Road East adjacent to this



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

25.2 CLAIMS

Remove Subsection 25.2 (b) and **replace** with the following:

- (a) If the Owner alleges an entitlement to any reimbursement or payment from a development charges 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:

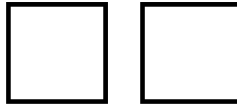
- (i) for the construction of oversized storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$154,000, excluding HST;
- (ii) for the construction of Fanshawe Park Road overland flow pipe in conjunction with the Plan, at an estimated cost of \$305,817, including engineering and excluding HST;
- (iii) for the construction of a sanitary trunk sewer through this Plan, at an estimated cost of \$1,753,543, including contingency and engineering and excluding HST;
- (iv) for the construction of a berm adjacent to Stoneycreek, at an estimated cost of \$135,609, including engineering and excluding HST;
- (v) for the construction of pavement widening on Rob Panzer Road at Fanshawe Park Road East consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or arterial road, the estimated cost of which is \$7,200. 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 enhanced boulevard/gateway treatment over and above the claimable portion shall be at the Owner's expense for which a work plan is required;
- (vi) for the construction of a stormwater management facility in conjunction with this Plan, the estimated cost of which is \$1,231,595 including engineering and excluding HST, for which a work plan is required; and
- (vii) for dedicating to the City Block 4 on this Plan, for stormwater management purposes, the estimated cost of which is \$314,641.

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 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.



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Add the following new Special Provisions:

- # Where the proposed development calls for the construction of works and the construction of a stormwater management facility, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC by-law, and further, where such works are not oversized pipe works (sanitary, storm or water – the reimbursement of which is provided for in subsidy tables in the DC by-law), then the Owner shall submit through their consulting engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:
- (i) No work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and
 - (ii) In light of the funding source and the city's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.
- # The following works required by this subdivision shall be subject to a work plan:
- (i) Sanitary trunk sewer
 - (ii) Storm sewers
 - (iii) Pavement widening of Rob Panzer Road at Fanshawe Park Road East
 - (iv) Stormwater Management Facility
 - (v) Berm adjacent to Stoneycreek
 - (vi) Fanshawe Park Road overland flow pipe
- # The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing minimum of two weeks' notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.
- # The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the work plan prior to authorizing work.

25.6 GRADING REQUIREMENTS

Insert the following new Special Provision:

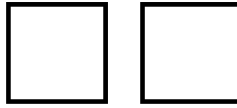
- #) The Owner shall grade the portions of Block 1, which have a common property line with Fanshawe Park Road, to blend with the existing profiles of Fanshawe Park Road East, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish the elevations along the common property line which will blend with the existing centreline of road grades, and show these elevations on the subdivision Lot Grading Plans, submitted for acceptance by the City.

25.7 STORM WATER MANAGEMENT

Remove Subsection 25.7 (a) and **replace** with the following:

- (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:

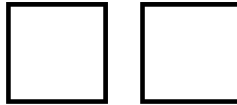


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- i) The Stoney Creek Subwatershed Study (Paragon 1995);
- ii) The Minor Revisions/Amendments to Municipal Class EA Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing works for the Stoney Creek Undeveloped Lands (Delcan 2012);
- iii) The 1300 Fanshawe Park Road SWM Report (MTE 2014);
- iv) The Functional Stormwater Management Plan report for the Stoney Creek Erosion Control Wetland SWM Facility (Delcan 2010);
- v) Fanshawe Park Road – East Corridor ESR (Delcan 2009);
- vi) Northridge Village Subdivision – Functional Storm Drainage and Stormwater Management Reports (RWS 2011);
- vii) The City's Design Requirements for Permanent Private Stormwater (PPS) Systems were approved by City Council and is effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in the document, which may include but not be limited to quantity/quality control., erosion, stream morphology, etc.;
- viii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
- ix) The City of London Design Specifications and Requirements Manual, as revised;
- x) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
- xi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Insert the following new Special Provisions:

- (h) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the proposed SWM Facility on Block 4 in this plan in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction and specifications of the City Engineer.
- (i) The Owner shall provide storm drainage servicing for this plan to accommodate for major overland flows from Fanshawe Park Road to the proposed SWM Facility located on Block 4 in this plan, in accordance with approved design criteria and accepted engineering drawings, all to the specifications and satisfaction of the City Engineer.
- (j) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall certify that the stable top-of-slope line for the Stoney Creek berm (excluding all work completed by others) has been constructed in accordance with the accepted servicing drawings to the satisfaction of the City.
- (k) The Owner shall provide storm drainage servicing in this Plan to accommodate for major/minor storm flows from external catchment areas to the proposed SWM Facility located on Block 4 within this Plan, all to the specifications and satisfaction of the City Engineer, in accordance with approved design criteria and the accepted engineering drawings.
- (l) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall submit a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for the SWM Facilities within this plan, in accordance with the City's "Monitoring and Operational Procedures for Stormwater Management Facilities" requirements to the City for review and acceptance. The program will include, but not be limited to, the following:
 - (i) A work program manual for the maintenance and monitoring of these facilities. The Manual shall include a 'quick reference' figure of the SWM Facility identifying any areas requiring specific inspection (eg. inlet grates);
 - (ii) Protocol of sediment sampling and recording of sediment accumulation volumes; and
 - (iii) Protocol for storage and discharge monitoring.
- (n) Following construction and prior to the assumption of the SWM Facility(s), the Owner shall complete the following, claim to be submitted (refer to work plan requirements) to the City, all



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to the satisfaction of the City Engineer:

- i) Operate, maintain and monitor the SWM Facility(s) in accordance with the accepted maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities";
- ii) Have it's consulting professional engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and acceptance; and
- iii) Ensure that any removal and disposal of sediment is to an approved site satisfactory to the City Engineer.

25.8 SANITARY AND STORM SEWERS

Revise Subsection 25.8 (c) to read:

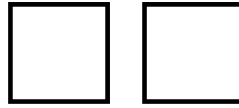
- (c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to sewers in this plan to the storm outlet for the subject lands which is the Stoney Creek via the proposed SWM Facility located on Block 4 in this Plan. The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands, as identified on the accepted engineering drawings, to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

Remove Subsection 25.8 (e) as there are no park and/or school blocks in this plan.

Remove Subsection 25.8 (j) as it is not required.

Insert the following new Special Provisions:

- # The Owner shall construct the extension of the Stoney Creek Trunk Sanitary Sewer to serve the Lots and Blocks in this Plan from the existing 600 mm diameter sanitary stub at the west limit of this plan to Highbury Avenue, external to this plan within an easement, in accordance with the Stoney Creek Trunk Sanitary Sewer Class EA (July 2010), all to the specifications of the City Engineer. 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.
- # The Owner shall construct sanitary sewers to service the Lots and Blocks in this Plan and connect them to the sanitary sewage system being the 600 mm (24") diameter trunk sanitary sewer within an easement at the westerly limit of this plan and ultimately to the trunk sanitary sewer on Stackhouse Avenue. The proposed 600 mm (24") City services funded trunk sanitary sewer is required to be constructed in conjunction with the development of this Plan and routes along Blackwell Boulevard in this Plan from Highbury Avenue extending to the west limit of this Plan to align with the existing stubbed 600 mm trunk sanitary sewer in an easement crossing adjacent lands and ultimately connecting to the trunk sanitary sewer on Stackhouse Avenue. 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 specified herein.
- # Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a granular surface maintenance access using on-site native material (to service the trunk sanitary sewer east of this plan of subdivision), to the satisfaction of the City, at no cost to the City.
- # The Owner shall maintain the trunk sanitary sewer and temporary maintenance access (to service the trunk sanitary sewer) over lands external to this Plan, as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.



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- # The Owner shall construct private drain connections to provide servicing outlets for the blocks, to the specifications and satisfaction of the City Engineer, at no cost to the City.
- # Where street townhouses are planned for any blocks in this subdivision, the Owner shall make provisions for the installation of sanitary private drain connections connecting to municipal sanitary sewers. Provide separate water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all in accordance with applicable City standards or to the satisfaction of the City Engineer

25.9 WATER SERVICING

Insert the following new Special Provisions:

- (#) 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 400 mm (16 inch) diameter water main on Fanshawe Park Road, 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.
- # Prior to assumption, in the event that Blackwell Boulevard to the east of this plan is not constructed as a fully serviced road, the Owner shall be required to construct the 250 mm diameter watermain from the west boulevard of the intersection of Blackwell Boulevard and Rob Panzer Road as shown on the accepted engineering drawings, all to the satisfaction of the City.

25.10 HYDROGEOLOGICAL WORKS

Update the General Provisions to revise Subsection 25.10 (c) as follows:

- (c) 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 (excluding works completed by others) 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 recommendations for foundation design should high groundwater be encountered and any fill required in the plan, to the satisfaction of the City Engineer.

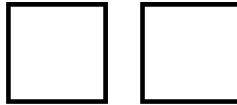
If necessary, the Owner's Professional Engineer shall provide recommendations addressing any contamination impacts that may be anticipated or experienced as a result of the said construction as well as recommendations regarding soil conditions and fill needs in the location of any existing watercourses 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

Remove Subsection 25.11 (b) and **replace** with the following:

- (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 Rob Panzer Road in this plan connects with Fanshawe Park Road East, including all underground services and all related works as per the accepted engineering drawings;



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- (ii) conveyance of major storm overland flows from Fanshawe Park Road and all associated works, including all underground services and all related works as per the accepted engineering drawings;
- (iii) Realignment of the concrete median island works at the intersection of Rob Panzer Road and Fanshawe Park Road and all associated works, at no cost to the City;

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 Fanshawe Park Road East 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-Road.

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.

Remove Subsection 25.11 (n) as there are no walkways in this plan.

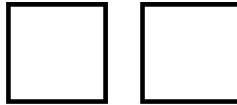
Revise Subsection 25.11 (q) (iv) to include the highlighted:

- (q) (iv) The Owner shall register against the title of all Lots and Blocks on Rob Panzer Road and Blackwell Boulevard 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 and/or accesses to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, splitter island and parking lay-bys to be installed as traffic control devices, to the specifications of the City Engineer.

Insert the following new Special Provisions:

- # The Owner shall construct a temporary turning circle at the west limit of Blackwell Boulevard, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Blackwell Boulevard, all as shown on this Plan of Subdivision, prior to its extension to the west, the Owner shall pay to the City at the time of



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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 west limit of Blackwell Boulevard 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 \$20,000 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.

- # Barricades are to be maintained at west limit of Blackwell Boulevard until lands to the west develop or as otherwise directed by the City. Once lands to the west develop, the Owner shall remove the barricades, restore the boulevards and complete the construction of the roadworks within the limits of the temporary turning circle.

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.

- # The Owner shall direct all construction traffic including all trades related traffic associated with installation of services to access this site from Highbury Avenue North or as otherwise directed 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 this site from Fanshawe Park Road East via Rob Panzer Road.

- # The Owner shall construct an enhanced landscaped boulevard on Rob Panzer Road, to the specifications of the City Engineer.

- # The Owner shall make minor boulevard improvements on Fanshawe Park Road East adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

- # The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.



File Number: 39T-04512

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Rob Panzer Road and Blackwell Boulevard 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').

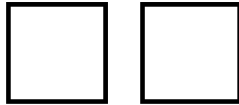
- Rob Panzer Road, from Fanshawe Park Road East to 45 metres north of Fanshawe Park Road East shall have a minimum road pavement width (excluding gutters) of 11.0 metres (36.1') with a minimum road allowance of 28.0 metres. The widened road on Rob Panzer Road shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Rob Panzer Road and Blackwell Boulevard.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.



File Number: 39T-04512

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

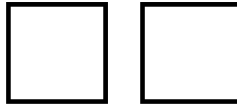
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 5, 6, 7, 8 and 9
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Block 3 satisfies the parkland dedication requirements for: commercial Block 1 of this Plan, Block 1 of the Draft Approved Plan (39T-04512), plus the first 218 dwelling units to be issued permits on residential Block 2 of this plan and Blocks 3, 4 and 5 of Draft Approved Plan (39T-04512). Cash-in-lieu of parkland in accordance with By-Law CP.-9 shall be required for any building permits requested for the 219 th dwelling unit or more in any future phases of draft plan (39T-04512).
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	Block 4

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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File Number: 39T-04512

SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and 700531 Ontario 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:	\$ 772,572
BALANCE PORTION:	<u>\$ 4,377,906</u>
TOTAL SECURITY REQUIRED	\$ 5,150,477

The Cash Portion shall be deposited with the City Treasurer prior to 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 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 of Part 1 – General Provisions, 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.



File Number: 39T-04512

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and 700531 Ontario Limited to which it is attached and forms a part.

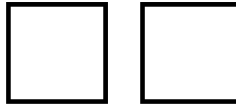
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external easements as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all easements within this Plan to the City.

Multi-Purpose Easements:

- (a) Multi-purpose easements for servicing and access 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) Over Block 2 (east limit) to allow a storm outlet for storm servicing of 1240 Fanshawe Park Road East and Block 2;
- (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) For trunk sanitary sewer and maintenance access, external to this plan, from the east limit of Blackwell Boulevard to Highbury Avenue;
 - (ii) For storm outlet adjacent to the east limit of Block 4, external to this plan; and
 - (iii) Any temporary easements required due to the phasing of this plan as identified on the accepted engineering drawings.
- (c) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over parts of Block 6 within this Plan.

Road Easements:

No road easements are required within this Plan.



File Number: 39T-04512

Schedule "B"

Agenda Item # Page #

Stoney Creek South Subdivision Phase 1- Marsman
Subdivision Agreement
39T-04512

Related Estimated Costs and Revenues

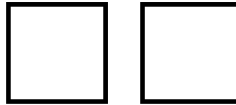
Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost (excludes HST)
Claims for developer led construction from City Services Reserve Fund <small>Note 5, 7, 8</small>	
- Storm sewer - internal oversizing subsidy (DC14-MS01001)	\$154,000
- Pavement widening - Rob Panzer Way - (DC14-RS00063)	\$7,200
- Sanitary trunk sewer (ES4402)	\$1,753,543
- Storm sewer - Fanshawe Park Rd. drainage (TS1475)	\$305,817
Subtotal	\$2,220,560
Claims for developer led construction from Urban Works Reserve Fund	
- SWMF4 - Construction (DC14-UP00637) <small>Note 4</small>	\$1,231,595
- SWMF4 - Land (1.01865 ha) - (DC14-UP00637)	\$314,641
- Stoneycreek Berm Construction - (DC14-UP00637)	\$135,609
- Stoneycreek Berm Land - (DC14-UP00637) <small>Note 6</small>	\$147,531
Subtotal	\$1,829,375
Total	\$4,049,935
Estimated Total DC Revenues ^(Note 2)	Estimated Revenue
CSRF	\$1,117,171
UWRF	\$145,140
Total	\$1,262,311

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2016 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. There is a substantial second phase to the development. The revenues for Phase 2 have not been included in the amounts above.
- 3 The revenues and costs in the table 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 This facility has been identified in the 2014 DC study as an Urban Works Reserve Fund (UWRF) funded storm water management facility and will be subject to the UWRF rules with respect to the submission and payment of claims.
- 5 Tended construction costs and the proposed engineering fees outlined in the draft Work Plan are included in the amounts above. The work plan submitted by Whitney Engineering also outlines cost sharing conditions for all claimable works associated with this plan and is currently not approved. Staff are actively working with the developer to finalize the work plan which is required prior to authorization of any claims submitted.
- 6 Land sale/purchase for the Berm is covered under a separate bylaw and is not part of the Source of Financing for this Plan.
- 7 At the time of this report, the developer has undertaken a public tendering process and has secured firm pricing from a contractor for both local servicing and DC eligible works. The cost for the trunk sanitary sewer noted above includes a \$400,000 contingency amount. The contingency amount noted is the full value in the tender package and could be used for the eligible DC works DC14-RS00063 and TS1475 noted above. The full value was committed against the trunk sanitary due to the risks related to dewatering and the potential for additional cost introduced by 3rd parties such as the Ministry of the Environment and Climate Change or unknown site conditions.
- 8 Any use of contingency will require the approval of City staff in EES in conjunction with a documented recommendation from the developer's engineering consultant. An administrative adjustment which would reduce the committed trunk sanitary will be undertaken following the authorization of a claim that approves the use of contingency for items other than the trunk sanitary. Any amount of funding required over and above the total included in this source of financing report will require Council approval prior to payment.

Reviewed by:

June 9 / 16
Date

P. Christiaans
Peter Christiaans
Director, Development Finance



File Number: 39T-04512

Schedule "C"

SOURCE OF FINANCING

#16106
June 10, 2016

Chair and Members
Planning & Environment Committee

RE: Stoney Creek South Subdivision
Subdivision Agreement - 39T-04512
 (Subledger WS150001, Type "C")
Capital Project ES4402 - Extension of Stoney Creek Sanitary Sewer DC2009
Capital Project ES5429 - Storm Sewer Internal Oversizing - DC14-MS01001
Capital Project TS1371 - Road Class Oversizing City Share - DC14-RS00063
Capital Project TS1475 - Fanshawe Road East Widening Phase 1 - Fanshawe-Highbury Intersection

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services 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 and Chief Building Official, the detailed source of financing for this project is:

<u>SUMMARY OF ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed to Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
ES4402-Extension of Stoney Creek San. Sewer				
Engineering	\$715,561	\$715,561		\$0
Land Acquisition	100,173	100,173		0
Construction	4,016,616	2,162,498	1,784,406	69,712
City Related Expenses	117,708	24,702		93,006
	<u>\$4,950,058</u>	<u>\$3,002,934</u>	<u>\$1,784,406</u>	<u>\$162,718</u>
ES5429-Storm Sewer Internal Oversizing				
Construction	3,448,230	553,518	156,710	2,738,002
TS1371-Road Class Oversizing City Share				
Construction	600,000	4,043	7,327	588,630
TS1475-Fanshawe Rd E. Widening-Ph. 1				
Engineering	884,572	884,572		0
Land Acquisition	268,955	268,955		0
Construction	6,815,847	6,032,779	311,199	471,869
Relocate Utilities	230,000	173,589		56,411
City Related Expenses	75,626	75,626		0
	<u>8,275,000</u>	<u>7,435,521</u>	<u>311,199</u>	<u>528,280</u>
NET ESTIMATED EXPENDITURES	<u>\$17,273,288</u>	<u>\$10,996,016</u>	<u>\$2,259,642</u>	<u>\$4,017,630</u>

SUMMARY OF FINANCING:

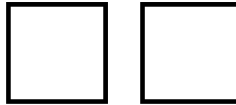
ES4402-Extension of Stoney Creek San. Sewer				
Drawdown from Sewage Works Reserve Fund	\$544,558	\$330,354	\$196,303	\$17,901
Drawdown from City Services - Sewer Reserve Fund (Development Charges)	2) 4,405,500	2,672,580	1,588,103	144,817
	<u>4,950,058</u>	<u>3,002,934</u>	<u>1,784,406</u>	<u>162,718</u>
ES5429-Storm Sewer Internal Oversizing				
Drawdown from Sewage Works Reserve Fund	25,300	4,061	1,150	20,089
Drawdown from City Services - Major SWM Fund (Development Charges)	2) 3,422,930	549,457	155,560	2,717,913
	<u>3,448,230</u>	<u>553,518</u>	<u>156,710</u>	<u>2,738,002</u>
TS1371-Road Class Oversizing City Share				
Capital Levy	4,400	301	545	3,554
Debenture Quota	3) 40,200			40,200
Drawdown from Industrial Oversizing R.F.	10,400	70	127	10,203
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 545,000	3,672	6,655	534,672
	<u>600,000</u>	<u>4,043</u>	<u>7,327</u>	<u>588,630</u>
TS1475-Fanshawe Rd E. Widening-Ph. 1				
Debenture By-Law No. W.-2026(b)-43	1,679,200	1,508,849	63,150	107,201
Drawdown from Urban Works Reserve Fund	300,000	269,566	11,282	19,152
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 6,295,800	5,657,106	236,767	401,927
	<u>8,275,000</u>	<u>7,435,521</u>	<u>311,199</u>	<u>528,280</u>
TOTAL FINANCING	<u>\$17,273,288</u>	<u>\$10,996,016</u>	<u>\$2,259,642</u>	<u>\$4,017,630</u>

1) FINANCIAL NOTE:	ES4402	ES5429	TS1371	TS1475
Contract Price	\$1,753,543	\$154,000	\$7,200	\$305,817
Add: HST @13%	227,961	20,020	936	39,756
Total Contract Price Including Taxes	1,981,504	174,020	8,136	345,573
Less: HST Rebate	197,098	17,310	809	34,374
Net Contract Price	4) & 5) <u>\$1,784,406</u>	<u>\$156,710</u>	<u>\$7,327</u>	<u>\$311,199</u>

FINANCIAL NOTE:

Contract Price
Add: HST @13%
Total Contract Price Including Taxes
Less: HST Rebate
Net Contract Price

TOTAL
\$2,220,560
288,673
2,509,233
249,591
<u>\$2,259,642</u>



File Number: 39T-04512

#16106
June 10, 2016

Chair and Members
Planning & Environment Committee

**RE: Stoney Creek South Subdivision
Subdivision Agreement - 39T-04512
(Subledger WS150001, Type "C")
Capital Project ES4402 - Extension of Stoney Creek Sanitary Sewer DC2009
Capital Project ES5429 - Storm Sewer Internal Oversizing - DC14-MS01001
Capital Project TS1371 - Road Class Oversizing City Share - DC14-RS00063
Capital Project TS1475 - Fanshawe Road East Widening Phase 1 - Fanshawe-Highbury Intersection**

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.
- 3) **NOTE TO CITY CLERK:**
Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act, and accordingly the City Clerk is hereby requested to prepare and introduce the necessary authorizing by-laws.

An authorizing by-law should be drafted to secure debenture financing for project TS1371 - Road Class Oversizing City Share DC14-RS00063 for the net amount to be debentured of \$40,200.
- 4) At the time of this report, the developer has undertaken a public tendering process and has secured firm pricing from a contractor for both local servicing and DC eligible works. The cost for the trunk sanitary sewer noted above includes a \$400,000 contingency amount. The contingency amount noted is the full value in the tender package and could be used for the eligible DC works DC14-RS00063-TS1371 and TS1475 noted above. The full value was committed against the trunk sanitary due to the risks related to dewatering and the potential for additional cost introduced by 3rd parties such as the Ministry of the Environment and Climate Change or unknown site conditions.
- 5) Any use of contingency will require the approval of City staff in EES in conjunction with a recommendation from the developer's engineering consultant. An administrative adjustment which would reduce the committed trunk sanitary will be undertaken following the authorization of a claim that approves the use of contingency for items other than the trunk sanitary. Any amount of funding required over and above the total included in this source of financing report will require Council approval prior to payment of an authorized claim.

EH

Alan Dunbar
Manager of Financial Planning & Policy