

Agenda Item #

File Number: 39T-03518 Nancy Pasato/Frank Gerrits

то:	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: CEDAR HOLLOW DEVELOPMENTS INC. CEDAR HOLLOW SUBDIVISION PORTION OF 1800 CEDARHOLLOW BOULEVARD 39T-03518 MEETING ON JUNE 6, 2017

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 Cedar Hollow Developments Inc. for the subdivision of land over a portion of 1800 Cedarhollow Boulevard (south of Fanshawe Park Road East and east of Cedarhollow Boulevard):

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Cedar Hollow Developments Inc. for the Cedar Hollow Subdivision (Phase 4) (39T-03518) attached as Schedule "A", **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues <u>attached</u> as Schedule "B"; and
- (c) 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 initial Cedar Hollow Subdivision (39T-03518) was comprised of a 39.3 hectare (97 acre) parcel of land located on the south side of Fanshawe Park Road East, east of Highbury Avenue North. The first phase was registered on August 30, 2007 as 33M-580 and comprised of 147 single detached lots and two multi-family blocks along Killarney Road, Cedarcreek Crescent and Cedarhollow Boulevard. Phase 2, which consisted of 122 single family detached lots, 1 medium density residential block, 1 park block and the extension of Cedarpark Drive and creation of 1 new local street (Reilly Walk), was registered on January 5, 2012 as 33M-640. Phase 3, which consisted of 42 single detached lots, all served by the extension of Cedarpark Drive, was registered on January 28, 2015 as 33M-678.

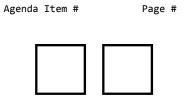
Phase 4 originally consisted of approximately 59 single detached lots along the extension of Cedarpark Crescent and Kilcrest Way. In April, 2016, Council approved a zoning by-law amendment for the remainder of the subdivision to permit the development of an elementary school for the Thames Valley District School Board. A revision to the draft approval to remove the school lands and subdivide the remainder of the site was administratively approved on August 2, 2016. Phase 4 consists of nine (9) single detached lots, all served by the extension of Cedarpark Way (formerly Cedarpark Crescent). This will be the final phase for the Cedarhollow Subdivision.

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

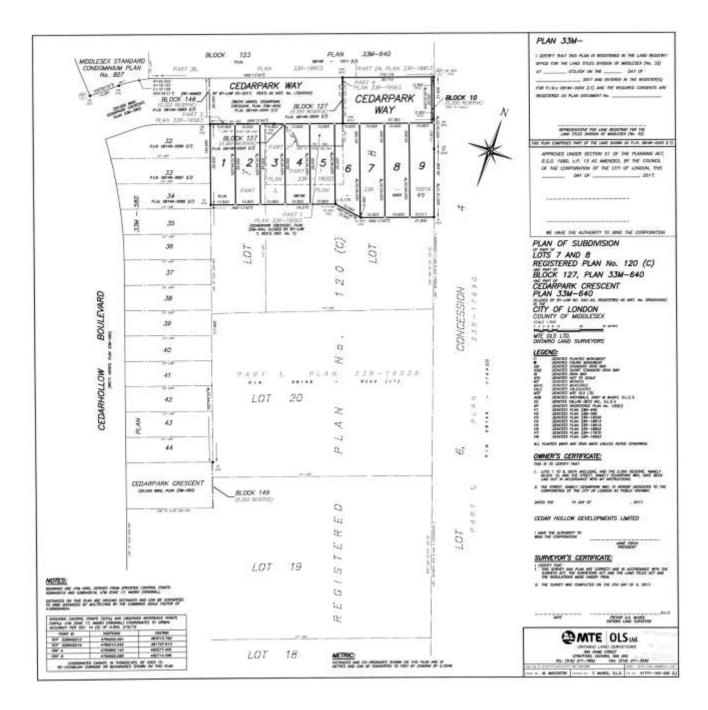
This report has been prepared in consultation with the City's Solicitors Office.







Proposed final plan - Cedarhollow



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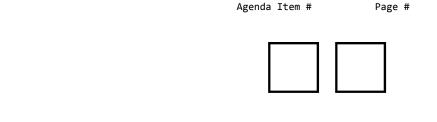
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PREPARED BY:	RECOMMENDED BY:
NANCY PASATO, MCIP, RPP SENIOR PLANNER	ALLISTER MACLEAN, MCIP, RPP MANAGER, DEVELOPMENT PLANNING
DEVELOPMENT SERVICES	DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
JENNIE A. RAMSAY, P. ENG.	GEORGE KOTSIFAS, P. ENG.
MANAGER,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

NP/fg Attach. May 23, 2017

\\CLFILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2003\39T-03518 - Cedar Hollow Developments Ltd. - 1671 Fanshawe Park Rd E\Special Provisions\39T-03518-4 - Cedarhollow Phase 4 - PEC REPORT.doc



Schedule "A" SPECIAL PROVISIONS

5. STANDARD OF WORK

Remove Subsection 5.7 as there are no rearyard catchbasins in this Plan of Subdivision.

16. PROPOSED SCHOOL SITES

Remove Subsection 16.3 to 16.9 as there is no school site in this Plan of Subdivision.

25.1 STANDARD REQUIREMENTS

Remove Subsection 25.1 (h) as there are no walkways in this Plan of Subdivision.

Add the following new Special Provisions:

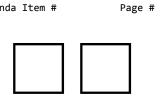
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement all geotechnical recommendations made in the geotechnical report accepted by the City, to the satisfaction of the City, at no cost to the City.
- # Prior to assumption of this subdivision in whole or in part 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 Cedarpark Way inside this Plan, an amount of \$20,000.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing municipal or private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this plan, quit claimed to the satisfaction of the City, at no cost to the City.

- # Prior to Conditional Approval, the Owner shall install signage within the development advising purchasers of the potential for elevated levels of noise and dust from time to time from the adjacent pit operation.
- # The Owner shall install forced air heating with the provisions for central air conditioning for all dwellings units; and the following warning clause be placed on title:

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air-conditioning. Installation of air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality and Ministry of the Environment noise criteria.

(Note: The location and installation of the outdoor air conditioning device



should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"

The Owner shall include the following warning clause on title for all Lots within this Plan:

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"Purchasers are advised that due to the proximity of the adjacent industry (aggregate extraction, processing and trucking operation), sound levels from this use may at times be audible and dust impacts may be expected."

25.2 **CLAIMS**

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

If the Owner alleges an entitlement to any reimbursement or payment from a development (b) 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 development charge Reserve Funds are:

for the construction of a right turn taper on Fanshawe Park Road at Cedarhollow (i) Boulevard, the estimated cost of which is \$171,956, as per the accepted work plan;

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.

Add the following new Special Provisions:

- Where the proposed development calls for the construction of works, 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:
 - no work subject to a work plan shall be reimbursable until both the City Engineer (or i) 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.

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The following works required by this subdivision shall be subject to a work plan:

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i) right turn taper on Fanshawe Park Road

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:
 - i) The SWM criteria and environmental targets for the North Thames Subwatershed Study and any addendums/amendments;
 - ii) The accepted Municipal Class Environmental Assessment (EA) for Storm Drainage and Stomwater Management Servicing Works for the Kilally North and any addendums/amendments;
 - iii) The approved Functional Stormwater Management Report for Kilally North Servicing Area Regional SWM Facility or any updated Functional Stormwater Management Plan;
 - 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

Remove subsection 25.8 (c) and replace with the following:

(c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the North Thames Subwatershed, and connect them to the City's existing storm sewer system being the 1200 mm diameter storm sewer on Cedarhollow Boulevard in Plan 33M-580 outletting to the Kilally North Stormwater Management Facility.

Remove Subsection 25.8 (d) as there are no manholes located on private property.

Remove Subsection 25.8 (e) as there are no park/school blocks in this Plan of Subdivision.

Remove Subsection 25.8 (j) as this is not applicable.

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Remove Subsection 25.8 (o) and replace with the following:

(o) 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 600 mm diameter sanitary sewer on Cedarhollow Boulevard in Plan 33M-580.

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Add the following new Special Provisions:

Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct new services and make adjustments to the existing works and services on Cedarhollow Boulevard and Cedarpark Way in Plans M-580 and M-640, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

Remove Subsection 25.9 (b) as this only applies to Blocks in a Plan of Subdivision.

Remove Subsection 25.9 (d) and replace with the following:

(d) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall install and commission the accepted water quality measures required to maintain water quality within the water distribution system during build-out, all to the satisfaction of the City Engineer, at no cost to the City. The measures which are necessary to meet water quality requirements, including their respective flow settings, etc. shall be shown clearly on the engineering drawings.

Add the following new Special Provisions:

- # The Owner acknowledges that implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device from the time of their installation until removal/assumption. Any incidental and/or ongoing maintenance of the automatic flushing devices is/are the responsibility of the Owner.
- # The Owner acknowledges the limits of any request for Conditional Approval shall conform to the phasing plan as set-out in the accepted water servicing design study and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the phasing as set out in the accepted design study, and the watermains are no installed to the phase limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- # Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
 - i) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 200 mm diameter watermain stub on Cedarpark Crescent in Plan 33M-580;

25.11 ROADWORKS

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

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(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:

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(i) a fully serviced road connection where Cedarpark Way in this plan connects with Cedarpark Crescent in Plan 33M-580, 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 Cedarpark Crescent 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.

Remove Subsection 25.11 (n) as there are no walkways in this Plan of Subdivision.

Remove Subsection 25.11 (q) as there are no traffic calming measures in this Plan of Subdivision.

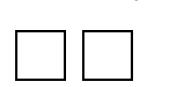
Remove Subsection 25.11 (r) and replace with the following:

(q) 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 Fanshawe Park Road East via Cedarhollow Boulevard.

Add the following new Special Provisions:

The Owner shall construct a temporary turning circle at the east limit of Cedarpark Way, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Cedarpark Way, 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 Cedarpark Way and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre (5foot) concrete sidewalks on the north side, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City.



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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.

- # The Owner shall close a portion of Cedarpark Crescent in Plan 33M-640, to the satisfaction of the City, at no cost to the City.
- # The Owner shall be required to make minor boulevard improvements on Cedarhollow Boulevard 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.
- # The Owner shall ensure Lots 6, 7, 8 and 9 have a minimum 6 metre long driveway outside the pavement portion of the temporary turning circle to the building envelope as identified on the accepted engineering drawings, to the satisfaction of the City.

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SCHEDULE "C"
This is Schedule "C" to the Subdivision Agreement dated this day of, 2017 between The Corporation of the City of London and Cedar Hollow Developments Limited to which is attached and forms a part.
SPECIAL WORKS AND SERVICES Roadways
 Cedarpark 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').
<u>Sidewalks</u>
A 1.5 metre (5 foot) sidewalk shall be constructed on the north boulevard of Cedarpark Way.
Pedestrian Walkways

There are no pedestrian walkways in this Plan.

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SCHEDULE "D"	·
This is Schedule "D" to the Subdivision Agreement dated between The Corporation of the City of London and Cedar F is attached and forms a part.	•
Prior to the Approval Authority granting final approval of the City, all external lands as prescribed herein. Furthermore, we Plan, the Owner shall further transfer all lands within this P	vithin thirty (30) days of registration of the
LANDS TO BE CONVEYED TO THE CITY OF LONDON:	
0.3 metre (one foot) reserves:	Block 10
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL – satisfied through previous phases
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL
LANDS TO BE SET ASIDE FOR SCHOOL SITE: School Site:	NIL
LANDS TO BE HELD IN TRUST BY THE CITY:	

NIL

Temporary access:

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SCHEI	DULE "E"		
This is Schedule "E" to the Subdivision Ag between The Corporation of the City of Lond is attached and forms a part.		•	
The Owner shall supply the total value of se	ecurity to the Cit	ity is as follows:	
CASH P	ORTION:	\$ 94,507	
BALANC	E PORTION:	\$535,542	

The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

TOTAL SECURITY REQUIRED

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 - <u>Initial Construction of Services and Building Permits</u>, 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.

\$630,050

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SCHEDULE "F"
This is Schedule "F" to the Subdivision Agreement dated this day of, 2017,
between The Corporation of the City of London and Cedar Hollow Developments 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:



Schedule "B" RELATED ESTIMATED COSTS AND REVENUES

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost		
Claims for developer led construction from CSRF - Roadworks - channelization at Cedarhollow Boulevard (DC14-RS00067)	\$145,725		
- Roadworks - engineering (DC14-RS00067)	\$26,231		
Claims for City led construction from CSRF - None identified.	\$0		
Total	\$171,956		
Estimated Total DC Revenues (Note 2)	Estimated Revenue		
CSRF	\$244,116		
UWRF	\$21,933		
TOTAL	\$266,049		

- 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 2017 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.
- 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 New requirements of developer constructed works were incorporated into the 2014 DC By-law. The developer led construction work above will require a work plan to be provided and approved by the City. The work plan should include summary of work completed and costs incurred as well as estimated costs of all Engineering and construction of the eligible subdivision works.

Reviewed by:

Matt Feldberg

Date

Manager, Development Finance



Schedule "C" SOURCE OF FINANCING

#17114

Chair and Members Planning and Environment Committee

June 6, 2017 (39T-03518)

RE: Subdivision Special Provisions - Cedar Hollow Developments Inc.

Portion of 1800 Cedar Hollow Boulevard Cedar Hollow Subdivision

Capital Project TS1651 - Minor Roadworks - Channelization

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCE 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 Senior Planner, Development Services, the detailed source of financing for this project is:

ESTIMATED EXPENDITURES	_	Approved Budget	Committed to Date	This Submission	Balance for Future Work
Consulting		\$315,536	\$30,616	\$26,693	\$258,227
Construction		\$1,115,282	239,718	148,290	727,274
Relocate Utilities		150,000			150,000
NET ESTIMATED EXPENDITURES	_	\$1,580,818	\$270,334	\$174,983 1	\$1,135,501
SOURCE OF FINANCING:					
Capital Levy		\$28,419	\$28,115	\$304	\$0
Debenture Quota		136,007		17,895	118,112
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	1,416,392	242,219	156,784	1,017,389
TOTAL FINANCING	-	\$1,580,818	\$270,334	\$174,983	\$1,135,501
Financial Note		Engineering	Construction	Total	
Contract Price		\$26,231	\$145,725	\$171,956	
Add: HST @13%	_	3,410	18,944	22,354	
Total Contract Price Including Taxes		29,641	164,669	194,310	
Less: HST Rebate	_	2,948	16,379	19,327	
Net Contract Price	-	\$26,693	\$148,290	\$174,983	

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

Manager of Financial Planning & Policy

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