



File Number: 39T-11501  
 Planner: Nancy McKee

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICAL</b>
<b>SUBJECT</b>	<b>SPECIAL PROVISIONS TRIDON PROPERTIES LIMITED NORTHRIDGE VILLAGE PHASE II SUBDIVISION 39T-11501 MEETING ON APRIL 16, 2012</b>

<b>RECOMMENDATION</b>
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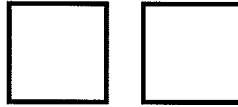
That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Tridon Properties Limited for the subdivision of land over Part of Lot 10, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the west side of Stackhouse Avenue, north side of Fanshawe Park Road West, municipally referred to as 1100 Fanshawe Park Road East.

- (a) the attached Special Provisions, as shown in Schedule "D", to be contained in a Subdivision Agreement between The Corporation of the City of London and Tridon Properties Limited for the Northridge Village Phase 2 (39T-11501) **BE APPROVED**;
- (b) the financing for this project in the amount of \$363,762.17 (exclusive of HST) **BE APPROVED** as set out in the Source of Financing Report attached hereto as Appendix "A";
- (c) the applicant **BE ADVISED** that the Director - Development Finance has summarized the related costs and revenues as per Schedule "B", attached hereto; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

<b>BACKGROUND</b>
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On March 31, 2011, the applicant submitted a draft plan of subdivision consisting of 59 single detached lots, served by one new municipal street. Once draft approval is granted, it will supersede the previous draft plan (39T-99520). Notice of Application was circulated to the required agencies, municipal departments, and surrounding property owners on April 6, 2011. Notice of Application was advertised in the Living in the City section of the London Free Press on April 16, 2011. Notice of the Public Meeting was circulated to area property owners on July 7, 2011 and published in "Living in the City" on April 9, 2011. The public meeting was held on July 18, 2011. Draft Approval was granted on August 19, 2011. There were no appeals to the decision.

This subdivision shall be registered in one (1) phase, consisting of 59 single family detached lots, a road widening block, several 0.3 m reserve blocks and one walkway block, all serviced by one new local road.



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## **Issues Raised**

### **1. Cost sharing arrangement**

Through the draft approval for this site, it was determined that the stormwater flows from Fanshawe Park Road East will need to be routed through the Tridon site. A condition of Draft Approval was added (condition #38) which incorporated revised elements of cost sharing and claimability which are not normally covered. The City has proposed a cost sharing scenario with the applicant for oversizing. The agreement is detailed in the special provisions.

There was considerable discussion on the application including cost estimates, elements to be cost shared, etc. All parties agreed that south leg pipe and stormceptors would be cost-shared on a pro-rated basis according to storm flows and that all outlet works beyond the limits of the subdivision should be 100% claimable. The Applicant felt that the north leg sewer should also be pro-rated. However, staff did not feel the intent of the original cost sharing arrangement contemplated cost-sharing of the north leg storm sewers, as the initial agreement was the result of finding drainage solution for flows from Fanshawe Park Road East and two existing properties fronting Fanshawe Park Road East. The total cost sharing for stormwater works is estimated to be \$363,762.17 (exclusive of HST).

The special provisions also reflect the engineering fees that have been vetted to date. Remaining engineering fees will be included in the estimate of works and will be paid out based on actual invoices to be reviewed following construction. The additional storm water serving costs for Fanshawe Road will be reflected in the 2013 Transportation capital budget.

### **2. Stormwater – Adjacent lands**

Through the draft approval, Mr. and Mrs. Ross, owners of 1150 Fanshawe Park Road East, expressed concerns with how storm flows will be accommodated. Through the draft approval, a condition was added for Tridon to provide a stormwater outlet on an interim basis for 1150 and 1152 Fanshawe Park Rd E. A change was made to conditions of draft approval noting specifically that any future design studies submission will address storm/drainage and stormwater management servicing works for the interim and ultimate drainage from external lands at 1150 & 1152 Fanshawe Park Road East. The submitted engineering drawings for Tridon/Northridge Village reflect the need to pick up interim drainage from the east (1150 & 1152 Fanshawe Park Rd E) by showing rear yard catchbasins set at the east property line. A rear yard catchbasin is located between lots 43 and 44 and another is located between lots 50 and 51. Under interim conditions, grading constraints prevent flows from reaching the rear yard catchbasin between lots 43 and 44. A temporary catchbasin is to be constructed on 1150 Fanshawe Park Road East and connect into the rear yard catchbasin between lots 43 and 44 to drain this property under interim conditions. Tridon is to obtain permission from the Owner of 1150 Fanshawe Park Road East for the construction of this temporary catchbasin. A temporary multi-purpose easement is to be provided by Tridon over the rear yard catchbasin between lots 43 and 44 and its lead. The temporary catchbasin can be removed once 1150 and 1152 Fanshawe Park Road East are redeveloped and flows are directed to Fanshawe Park Road East. At that time the municipal easement will be quit claimed and the rear yard catchbasins will function as typical rear yard catchbasins to service lots within the Northridge Village Subdivision.

The Development Services Division has reviewed these special provisions with the Owner.

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.



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<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>NANCY MCKEE, MCIP, RPP                  SENIOR PLANNER                  DEVELOPMENT SERVICES DIVISION</b>	<b>D.N. STANLAKE                  DIRECTOR, DEVELOPMENT PLANNING                  DEVELOPMENT SERVICES DIVISION</b>
<b>SUBMITTED BY:</b>	
	
<b>GEORGE KOTSIFAS, P.ENG.                  DIRECTOR OF BUILDING CONTROLS                  AND CHIEF BUILDING OFFICIAL</b>	

NM/fg  
 Attach.  
 March 30, 2012

Chair and Members  
 Planning & Environment Committee

April 5, 2012

**RE: Special Provision - Northridge Village Phase II Subdivision - 39T-11501**  
**Storm Sewer Oversizing for Road Drainage**  
**Capital Project TS1475-2 - Fanshawe Road E Widening, Phase 2 - Adelaide to Highbury**  
**Tridon Properties Limited**  
**Engineering - \$22,762.17 (excluding H.S.T.)**  
**Construction - \$341,000.00 (excluding H.S.T.)**

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

Finance Department confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Director of Building Controls and Chief Building Official, the detailed source of financing for this project is:

<b><u>ESTIMATED EXPENDITURES</u></b>	<b><u>Approved Budget</u></b>	<b><u>Committed To Date</u></b>	<b><u>This Submission</u></b>	<b><u>Balance for Future Work</u></b>
Engineering	\$25,000		\$23,163	\$1,837
Land Acquisition	1,025,000	30,015		994,985
Construction	350,000		347,002	2,998
<b>NET ESTIMATED EXPENDITURES</b>	<b><u>\$1,400,000</u></b>	<b><u>\$30,015</u></b>	<b><u>\$370,165</u></b>	<b><u>\$999,820</u></b> 1)

<b><u>SOURCE OF FINANCING:</u></b>					
Debenture Quota	2)	249,800	5,355	66,039	178,406
Drawdown from City Services - Roads Reserve Fund (Development Charges)	3)	1,150,200	24,660	304,126	821,414
<b>TOTAL FINANCING</b>		<b><u>\$1,400,000</u></b>	<b><u>\$30,015</u></b>	<b><u>\$370,165</u></b>	<b><u>\$999,820</u></b>

1) **Financial Note:**

	<b><u>Engineering</u></b>	<b><u>Construction</u></b>	<b><u>Total</u></b>
Contract Price	\$22,762	\$341,000	\$363,762
Add: HST @13%	2,959	44,330	47,289
Total Contract Price Including Taxes	25,721	385,330	411,051
Less: HST Rebate	2,558	38,328	40,886
Net Contract Price	<b><u>\$23,163</u></b>	<b><u>\$347,002</u></b>	<b><u>\$370,165</u></b>


**NOTE TO CITY CLERK:**

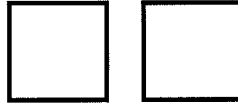
2) Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act, and accordingly 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 TS1475-2 Fanshawe Road E Widening, Phase 2 - Adelaide Street to Highbury Ave. for the net amount to be debentured of \$249,800.

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

EH

  
 Alan Dunbar  
 Manager of Financial Planning & Policy



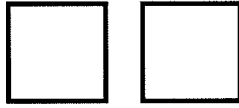
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**SCHEDULE "B"**

**Related Estimated Costs and Revenues**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund – General	<b>Nil</b>
Stormwater Management	<b>Nil</b>
Capital Expense – Fanshawe Park Road E – storm sewer oversizing for road drainage	<b>\$363,762.17</b>
Other	<b>Nil</b>
<b>Total</b>	<b>\$363,762.17</b>
<b>Estimated Revenues - This Agreement (2012 rates)</b>	
CSRF	<b>\$970,550</b>
UWRF	<b>\$390,993</b>
<b>Total</b>	<b>\$1,361,543</b>

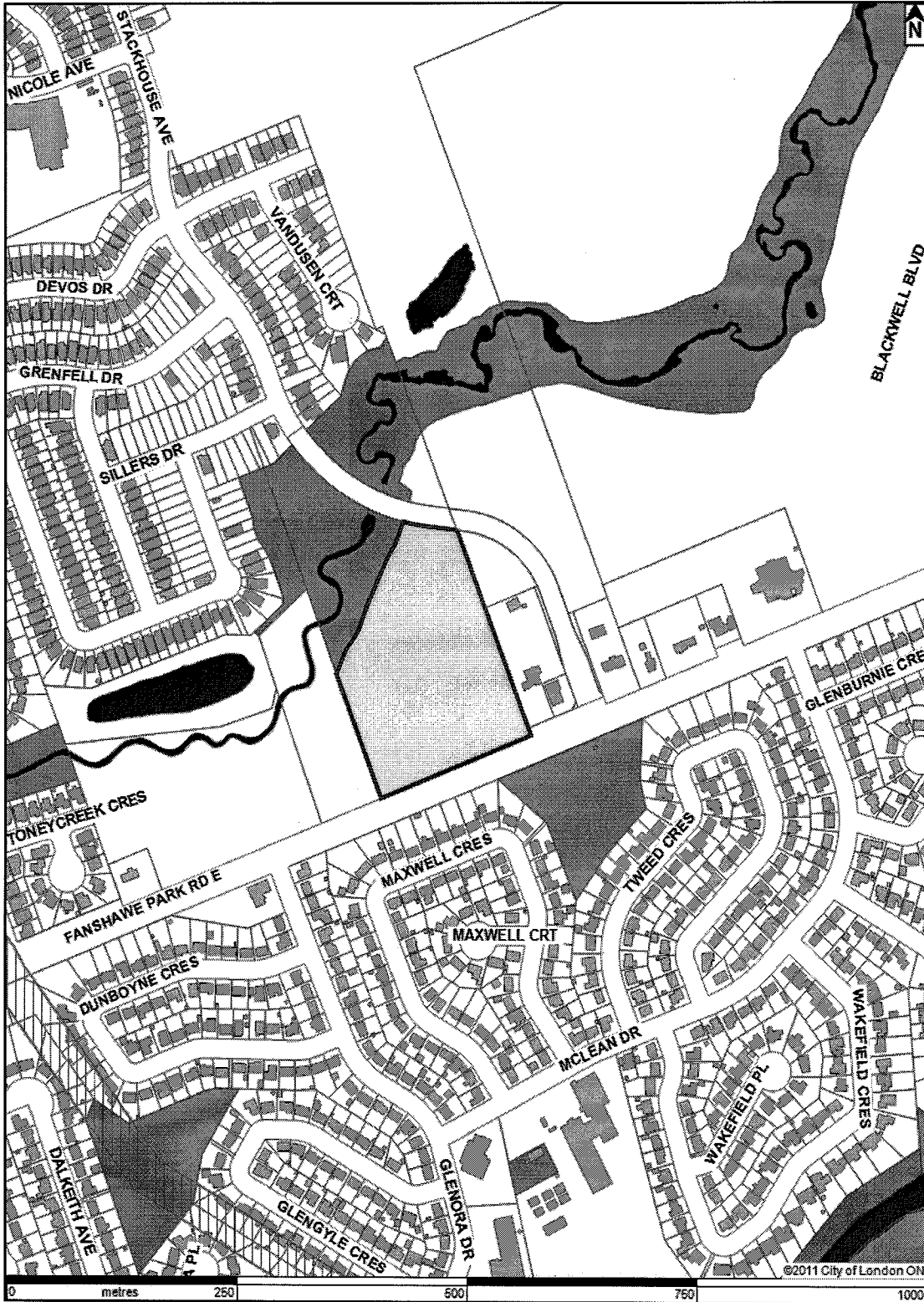
1. Estimated Costs are based on approximations provided by the applicant. Actual claims will be determined in conjunction with the terms of the agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2012 DC rates. The revenue estimates includes DC cost recovery for "soft services" (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.



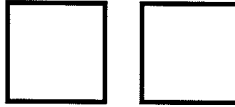
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**SCHEDULE "C"**

Location Map and Draft Approved Plan of Subdivision







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**SCHEDULE "D"**

Subdivision agreement

**28. PART II – SPECIAL PROVISIONS**

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

(a) For any works where the Owner undertakes works at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Urban Works Reserve Fund, the City Services Reserve Fund or the Capital Works Budget, the Owner must conform with the By-law and policies governing the administration thereof as included in the requirement of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"). For any claim from any fund, the Owner must comply with the rules of eligibility applied under Schedule 7 of the above by-law including requirements for tendering and completeness of claims.

(b) Notwithstanding clause 28(a), the Owner is entitled to a reimbursement or payment from the City's Capital Works Budget (Transportation Division) as a result of the terms hereof, and the Owner may, upon approval of this Agreement, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said Capital Works Budget.

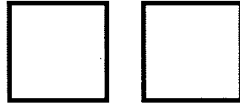
The anticipated reimbursements from the Capital Works Budget are:

- for oversizing of the internal storm sewers in this Plan to accommodate approximately 230 linear metres external to the plan along Fanshawe Park Road East and Stackhouse Avenue for the storm/drainage conveyance system, including the outlet structure and stormceptors as the stormwater quality control system for this subdivision. The cost sharing of these works with the City shall be based on contributing flow rates and shall be claimed from the City's Capital Works Budget (Transportation Division) estimated to be \$341,000(CDN) exclusive of HST; and
- for approved preliminary and detailed design consulting fees as accepted by the City, that were necessary and pertinent to the design of the stormwater management and storm drainage works necessary to accommodate approximately 230 linear metres of storm drainage area external to this Plan along Fanshawe Park Road East and Stackhouse Avenue and shall be claimed from the City's Capital Works Budget (Transportation Division) in the amount of \$22,762.17 (CDN) exclusive of HST.

(c) Upon approval of an application for a claim to the City's Capital Works Budget, the City shall pay the approved claim in full to the Owner in accordance with the then in force policies established thereunder.

(d) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's professional engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of





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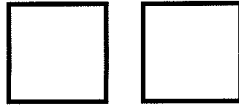
sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.

- (e) The Owner shall grade the portions of Lots 22 and 43 and along Howlett Circle right-of-way, which have a common property line with Fanshawe Park Road East, to blend with Fanshawe Park Road East ultimate grades (as provided by the City) in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City. The Owner's Professional Engineer shall determine the elevations along the common property line such that the grades will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.
- (f) The Owner shall adhere to the geotechnical engineer's recommendation under the full time supervision of a geotechnical engineer with respect to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within this Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the geotechnical engineer's recommendations.

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

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

- (g) The Owner shall construct or install all of the following required works to the specifications of the City Engineer and in accordance with the plans accepted by the City Engineer:
  - (i) a fully serviced road connection where Howlett Circle in this Plan joins with Stackhouse Avenue, including all underground services, ditch removal, sidewalks matching in, and related works;
  - (ii) provide interim measures to address interim overland flows from portions of Fanshawe Park Road East to the Stoney Creek;



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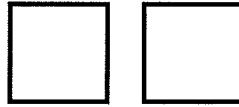
- (iii) water connections to Fanshawe Park Road East at Howlett Circle (east and west legs);
- (iv) sanitary connections to Fanshawe Park Road East at Howlett Circle (east and west legs); and
- (v) storm sewer stub to Fanshawe Park Road East at Howlett Circle (west leg) to provide drainage for portions of Fanshawe Park Road when it is reconstructed by 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 West and Stackhouse Avenue in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City Engineer, 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 Engineer or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City, a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City's Planning, Engineering & Environmental Services Department prior to commencing any construction on City land or right-of-way.

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

- (h) The Owner shall grade the subdivision to receive and convey external overland flows under both interim and ultimate conditions with the Fanshawe Park Road reconstruction, all to the satisfaction of the City.
- (i) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (j) 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 (15 inch) diameter watermain on Fanshawe Park Road East, to the specifications of the City Engineer.



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(k) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its professional engineer confirm water quality requirements for the watermain in the subdivision at the north limit of Howlett Circle in this Plan by submitting to the City Engineer design calculations which demonstrate there is adequate water turnover to maintain water quality for review and acceptance and/or implement any accepted recommendations by the use of the following:

- i) valving to shut off future connections which will not be used in the near term; and/or
- ii) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. Where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to justify the settings for the automatic flushing device.

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

(l) Sewage treatment capacity at the Adelaide Pollution Control Plant is available for this Plan as of March, 2012 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before March, 2013.

In the event that this Plan and this Agreement are not registered before March, 2013, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.

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

(m) 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 (24 inch) diameter sanitary sewer on Fanshawe Park Road East.

(n) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner shall also be required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:

- (i) Installation of plugs in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed in conjunction with the first occupancy. This plug may only be removed by the City of London inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;



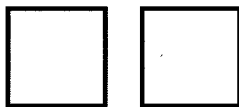
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- (ii) Flow monitoring of the sanitary sewer may be required at any time up to assumption and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
- (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole as well as in previously approved phases. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
- (iv) Testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing;
- (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision, practices which contravene City of London By-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;
- (vi) On demand by the City and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. The restoration of the private drain connection will be at the sole cost of the Owner and may be make only at the time of or immediately prior to the occupancy of that lot; and
- (vii) The Owner shall take measures during all construction to ensure that there is no infiltration or inflow to the sanitary sewer manholes, and undertake leakage testing of the Sanitary Sewer System Manholes, in accordance with OPSS 407, and to the satisfaction of the City, and at no cost to the City.
- (o) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (p) The Owner shall remove the existing ditch on Stackhouse Avenue and provide alternate conveyance of upstream storm flows, to the satisfaction of the City. The Owner shall provide a temporary municipal blanket easement over all of Lot 59 of this plan for temporary storm sewers, catchbasins and ponding area as identified on the accepted drawings. The City will quit claim the easement when the temporary storm sewers, catchbasins and ponding area are no longer required, all to the satisfaction of the City, all at the Owner's expense. A Certificate of Conditional Approval will not be issued for Lot 59 until such time as the temporary municipal easement is removed.



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- (q) 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 outlet them to the Stoney Creek via stormwater quality control stormceptor systems in accordance with the accepted Functional SWM report and the accepted design drawings. 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.
- (r) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion/sediment control plan (ESCP) accepted by the City, to be used during construction and implementation of the plan satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (s) The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City Engineer approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City Engineer.
- (t) The Owner shall have its consulting professional engineer supervise the construction of the stormwater and storm drainage servicing works, including any temporary works to the satisfaction of the City and according to the recommendations and requirements of the following:
- (i) The SWM criteria and environmental targets for the Stoney Creek Study;
  - (ii) The accepted Municipal Class EA for Storm Drainage and Stormwater Management Servicing Works for Stoney Creek Undeveloped Lands and any addendums/amendments;
  - (iii) The City's accepted Minor Revisions/Amendments to the Municipal Class Environmental Assessment (EA) Study Schedule B for Storm/Drainage and Stormwater Management (SWM) Servicing works for Stoney Creek Undeveloped Lands and any addendums/Amendments;
  - (iv) The approved Functional Storm Drainage and Stormwater Management Report for Northridge Village Subdivision and subsequent addendums/amendments;
  - (v) Storm drainage calculations to address interim and ultimate drainage from external lands (ie. Drainage ditch and outlet from Stackhouse Avenue), to the satisfaction of the City;
  - (vi) The approved Water Balance Report for the subject lands, to the satisfaction of the City;
  - (vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - (viii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
  - (ix) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
  - (x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (u) Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works, including



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major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.

- (v) Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall confirm that major and minor storm flow routes for the subject land have been constructed and be operational, all to the satisfaction of the City.
- (w) The Owner shall have their professional engineer submit semi-annual monitoring reports to the City demonstrating that the works perform in accordance with the approved design criteria. The reports are to provide test results on the volume and nature of the sediment accumulating in the works. The timing and content of the monitoring reports is to be in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" guidelines. The Owner shall ensure that the monitoring program commences when building permits have been issued on fifty percent (50%) of the lots in the Plan and shall continue until assumption.
- (x) The Owner shall address forthwith any deficiencies of the stormwater works and/or monitoring program, all to the satisfaction of the City.
- (y) Prior to assumption, the Owner shall operate, monitor and maintain the works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the City Engineer.
- (z) Prior to the acceptance of engineering drawings, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff generated from within this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from within this subdivision.
- (aa) The Owner shall implement SWM Best Management Practices (BMP's) within this Plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
- (ab) The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Lots 12, 13, 15, 16, 20, 21, 43, 44, 50 and 51 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the agreement of purchase and sale for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.



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- (ac) The Owner shall construct municipal storm sewers and provide the appropriate easements to the City, between Lots 43 and 44, as shown on the accepted engineering drawings and to the satisfaction of the City. The City will quit claim the easements when deemed that they are no longer required, all to the satisfaction of the City and all at no cost to the City.
- (ad) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide adequate temporary measures, if necessary, such as easements, catchbasins, grading, erosion and sediment control measures, etc. to address any grading or drainage issues that may arise along the boundary of this Plan, all to the satisfaction of the City.
- (ae) Within one (1) year of the registration of this Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of Lots 1, to 13 both inclusive, abutting Open Space lands, all to the satisfaction of and at no cost to the City.
- (af) Within one (1) year of the registration of this Plan, the Owner shall construct a chain link fence, without gates, on Lots 12 and 13 of this Plan, adjacent to the walkway, Block 60, of this Plan, all in accordance with City Standard No. SR-7.0, and to the satisfaction of and at no cost to the City.
- (ag) The Owner shall implement the recommendations of the "Road Noise Impact Assessment", dated August 18, 2011 and revised December 15, 2011, prepared by o2e inc. and certified by Novus Environmental Inc., in the following manner:

The owner shall include in any submission for a building permit for Lots 22, 23, 42, and 43 noise attenuation walls, with a minimum surface density of 20 kg/m<sup>2</sup>, without gaps or cracks, plans which incorporate noise attenuation walls as described below:

- A 2.44 m wooden barrier wall extending from the southwest corner of Lot 22, eastward along the south development boundary a distance of approximately 20.0 m, with a return northward a minimum 5.0 m, inside the property line;
- A 2.44 m wooden barrier wall extending from the southeast corner of Lot 43, westward along the south development boundary a distance of approximately 20.0 m, with a return northward a minimum 5.0 m, inside the property line; and
- A 2.44 m wooden barrier wall along the south property lines of Lots 23 and 42, extending a total distance of 30.0 m, positioned on private property and such that the rear yards of Lots 23 and 42 are fully screened from Fanshawe Park Road East to the south.

The Owner agrees in accepting offers of purchase and sale to advise owners, that a sound barrier is located inside the property line within the side and/or rear yard of the property and that the said sound barrier shall not be altered or removed. It shall be the obligation of the owner of the Lot to repair, to maintain and to replace the noise attenuation barrier, as needed, when requested by the City, all to the satisfaction of the City, and at no cost to the City.

Prior to assumption, the Owner shall provide certification from a qualified individual that the noise attenuation barriers be constructed in accordance with the accepted noise study, to the satisfaction of the City.

- (ah) The following warning clause shall be registered on title and included in all



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Agreements of Purchase and Sale or Lease for Lots 19, 20, 21, 44, 45, and 46, of this Plan:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

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

- (ai) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 22, 23, 42 and 43, of this Plan:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the criteria of the Municipality’s and Ministry of the Environment’s noise criteria.”

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

- (aj) The Owner shall include in any submission for a building permit application for Lots 12, 20, 21, 22, 23, 24, 41, 42, 43, 44, 45 and 46, the inclusion of forced air heating with provisions for future air conditioning (which can be installed at the owner’s option) which is sized to accommodate central air conditioning by the occupant if they so desire.

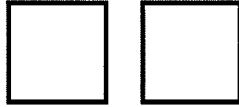
- (ak) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 12, 20, 21, 22, 23, 24, 41, 42, 43, 44, 45 and 46:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of Environment’s noise criteria.

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

(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



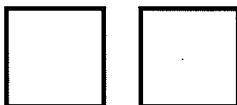


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minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

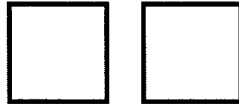
“The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Fanshawe Park Road East as it relates to the interior or outdoor living areas of any dwelling unit on this lot. The City of London will not be responsible for constructing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

- (al) The Owner shall include in all agreements of purchase and sale or lease provide notice to the public that any fencing or noise mitigation feature measures shall not to be tampered with or altered and further that the owner shall have sole responsibility for the repair, maintenance and replacement of these features in accordance with the approved plan and/or provision or set of provisions included in the subdivision agreement, all at the owner's expense and to the satisfaction of the City.
- (ao) The Owner shall construct the concrete overflow channel extending from Block 60 into the Stormwater spillways across the future east/west multi-use pathway located within the adjacent, open space lands, all to the satisfaction of the City, at cost recoverable to the City.
- (ap) Prior to assumption of the stormwater outlet, the Owner shall plant a landscape treatment, consistent with the approved engineering drawings, within the outlet dissipation areas located within the existing, City owned, open space block to the satisfaction of the City.
- (aq) Section 4 – Standard of Work, Clause (14) is hereby amended to read as follows:  
  
Prior to assumption, the Owner shall erect at all street intersections and other locations within or without the subdivision as required by him, permanent signs designating street names, parking, and any other signage as required by the City, shall be installed and maintained by the Owner, and at no expense to the City. All signs shall be of a design approved by the City Engineer.
- (ar) Section 4 – Standard of Work, Clause (25) is hereby amended to read as follows:  
  
The Owner shall, at his own expense, obtain community mailbox location plans for the said plan of subdivision from Canada Post and the location of the said community mailboxes shall be shown on the subdivision "Identification Sign" in compliance with Section 25 of the General Provisions and displayed in a prominent location in the housing sales office(s).  
  
The exact mailbox locations shall be field located as the adjacent sites are built and prior to assumption the Owner shall install a 1.5 metre wide concrete pad between the curb and the boulevard at the finalized stop locations, all to the satisfaction of the City Engineer and the Canada Post.
- (as) Section 4 – Standard of Work, last Clause, is hereby to be amended to read as follows:  
  
Any variance from items (1) to (26) above must be clearly set forth in **Schedule "C"**. All the foregoing works and services must be fully maintained by the Owner at its own expense in a manner and to a degree satisfactory to the City Engineer and the Owner shall retain for himself, his heirs and assigns, the right to enter at all reasonable times and from time to time, upon all Lots and Blocks in the plan of subdivision in order to maintain all the foregoing works and services, until the same have been assumed by the City and the warranty period has expired whichever shall be the later. Any damage thereto or failure thereof shall be forthwith repaired to the satisfaction of the City Engineer. Winter maintenance



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work including ploughing, salting and sanding shall be provided for all streets and sidewalks within this plan of subdivision to a degree which, in the opinion of the City Engineer, is consistent with the number of residences under construction or occupied on any street. All survey monuments shall at all times be carefully preserved and immediately repaired or replaced under the direction of on Ontario Land Surveyor if accidentally damaged or destroyed. The Owner shall obtain and grant to the City easements for the said sewer, water and electric services whenever the same are on private property, such grants to be at the expense of the Owner, and in a form approved by the City Solicitor, and further provided that until such time as the foregoing works and services have been assumed by the City, the Owner shall for the purpose of minimizing or eliminating danger of damages or inconvenience arising out of personal injury and damage to property, direct all or certain construction vehicles or equipment associated with the construction of this subdivision along such streets specified by the City Engineer.



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### SCHEDULE 'C'

This is Schedule 'C' to the Subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Tridon Properties Limited to which it is attached and forms a part.

#### SPECIAL WORKS AND SERVICES

##### Roadways

- Howlett Circle shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62')
  
- Howlett Circle (window street portion fronting Fanshawe Park Road East) has a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 14.5 metres (47.8') in accordance with the City of London Window Street Standard Guidelines UCC-2M.

##### Sidewalks

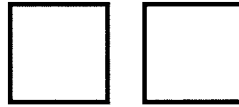
A 1.5 metre (5 foot) sidewalk shall be constructed on one side of:

- (i) Howlett Circle – west leg – west boulevard, and
- (ii) Howlett Circle– east leg – east boulevard

The Owner shall provide sidewalk links from Howlett Circle to the future sidewalk on Fanshawe Park Road East in accordance with the City of London Window Street Standard Guidelines UCC-2M to the satisfaction of the City Engineer, at no cost to the City. Breaks in the 0.3 metre reserve are to be identified on the survey plan when submitted to the City.

##### Pedestrian Walkways

A City of London pedestrian walkway shall be constructed on Block 60 of this Plan.



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**SCHEDULE 'D'**

This is Schedule 'D' to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012, between the Corporation of the City of London and Tridon Properties 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 62, 63 and 64  |
| Road Widening (Dedicated on the face of the plan): | Block 61  |
| Walkways:  | Block 60  |
| Parkland Dedication:                               | Cash-in-lieu for parkland consistent with the City's parkland dedication By-Law CP-9 and Council Policy Manual, collected at the time of building permit. |
| Dedication of land for Parks in excess of 5%:      | NIL   |

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

- |              |     |
|--------------|-----|
| School Site: | Nil |
|--------------|-----|



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SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Tridon Properties Limited to which it is attached and forms a part.

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

CASH PORTION:	\$ 238,588 **
BOND PORTION:	\$1,050,121
TOTAL	\$1,288,709

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

CASH PORTION:	\$ 238,588 **
BOND PORTION:	NIL

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

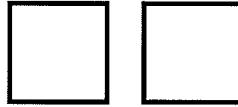
CASH PORTION:	NIL
BOND PORTION:	\$1,288,709

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

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

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

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



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SCHEDULE 'F'

This is Schedule 'F' to the Subdivision Agreement dated this \_\_\_\_\_ between The Corporation of the City of London and Tridon Properties Limited, to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Temporary multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
- i) Over Lots 43 and 44, and
  - ii) Across all of Lot 59.