

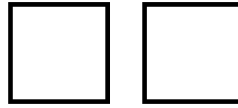
File Number: 39T-08502

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| 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: KENMORE HOMES (LONDON) INC. BIERENS (WESTFIELD) SUBDIVISION 39T-08502 MEETING ON SEPTEMBER 11, 2017 |

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| RECOMMENDATION |
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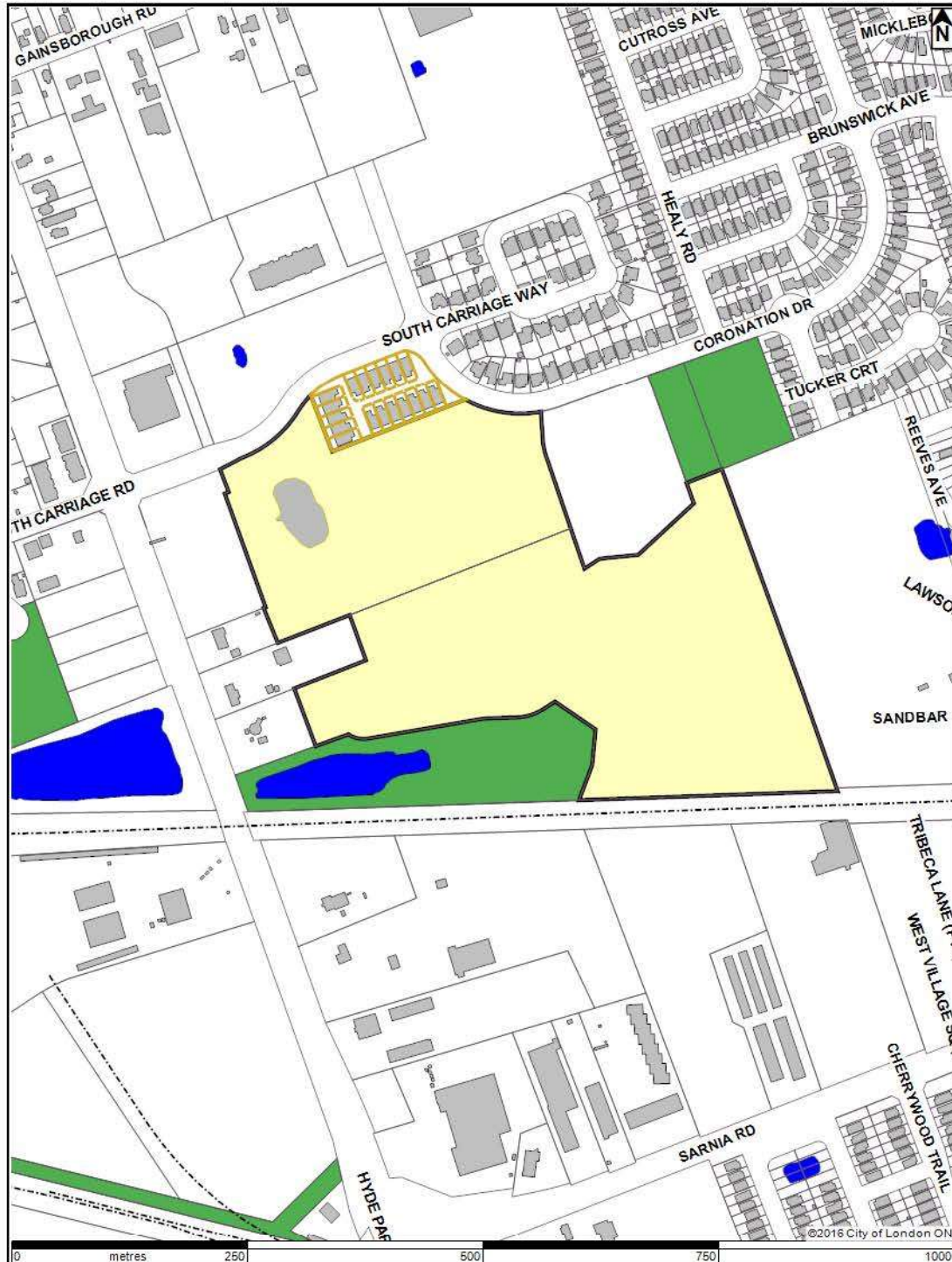
That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Kenmore Homes (London) Inc. for the subdivision of land over Part of Lot 24, Concession 3, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Coronation Drive, north of the Canadian Pacific Railway and on the east side of Hyde Park Road, municipally known as 1331 Hyde Park Road.






- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Kenmore Homes (London) Inc. for the Beirens (Westfield) Subdivision (39T-08502) attached as Schedule "A", **BE APPROVED**;
- (b) the applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached 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.

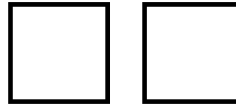


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Location Map



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| <p>LOCATION MAP</p> <p>Subject Site: Kenmore - Draft Plan of Subdivision Applicant: Kenmore Homes (London) Inc. File Number: 39T-08502 Planner: C. Smith Created By: Frank Gerrits Date: 2016-03-15 Scale: 1:5000</p> <p>Corporation of the City of London Prepared By: Development and Compliance Services</p> | <p>LEGEND</p> <ul style="list-style-type: none">  Subject Site  Parks  Assessment Parcels  Buildings  Address Numbers |
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BACKGROUND**Draft Plan**

On January 15, 2008 the applicant submitted an application for Draft Plan of Subdivision and associated Official Plan and Zoning by-law amendments for the northern portion of this parcel (255 South Carriage Road under file 39T-08502) and the southern portion of this parcel (1331 Hyde Park Road under file 39T-08503). Since that time, Kenmore Homes acquired both 1331 Hyde Park Road and 255 South Carriage Road and as a result applications 39T-08502 and 39T-08503 were consolidated under one file, being 39T-08502.

December 7, 2011, the applicant submitted a revised application for Draft Plan of Subdivision and associated Official Plan and Zoning By-law Amendments. The Public Participation Meeting was held on March 26, 2012. Council subsequently referred the matter back to staff for further information.

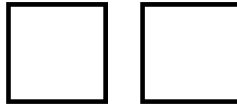
The application was appealed by Sydenham Investments. On November 6, 2013, the Ontario Municipal Board issued a notice advising the City of London Approval Authority that the appeal was withdrawn by letter dated September 13, 2013,

As per Section 51 (51) of the *Planning Act*, the draft plan approval was granted and the lapse date for draft plan approval is September 14, 2019.

The first phase of the subdivision (33M-700) was registered on July 7, 2015 consisting of 58 single family detached lots, two (2) park blocks and numerous reserve blocks. This second and final phase of the subdivision consists of 97 single detached lots, eight (8) townhouse blocks and various reserve blocks served by four (4) new local streets. Access to this phase will be via South Carriage Road and Coronation Drive.

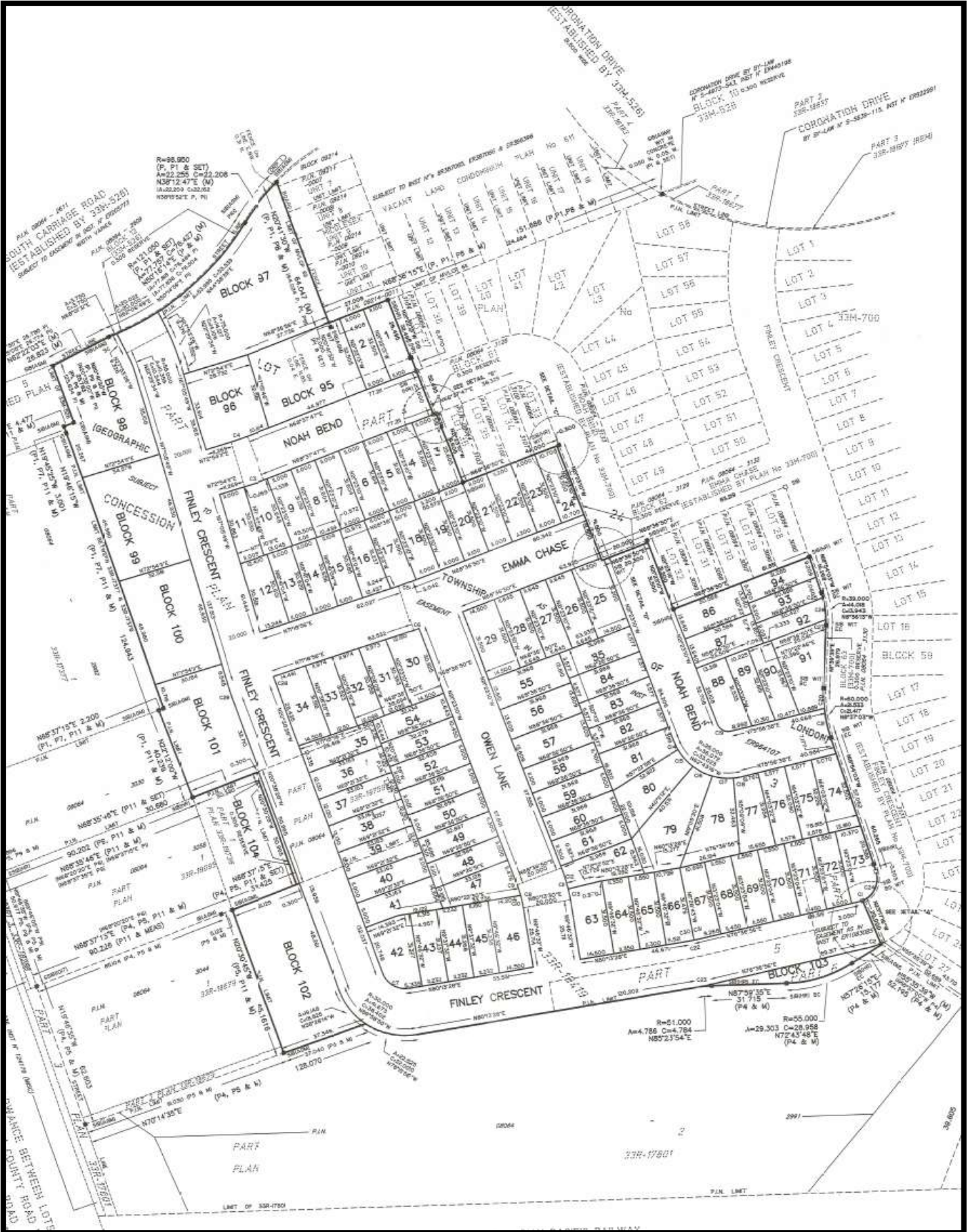
The Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

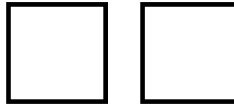
This report has been prepared in consultation with the City's Solicitors Office.



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Plan of Subdivision Phase 2





File Number: 39T-08502

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| PREPARED AND RECOMMENDED BY: | REVIEWED BY: |
| | |
| C. SMITH, MCIP RPP SENIOR PLANNER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES | LOU POMPILII, MCIP RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES |
| CONCURRED IN BY: | SUBMITTED BY: |
| | |
| PAUL YEOMAN, RPP, PLE DIRECTOR, DEVELOPMENT SERVICES | GEORGE KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL |

CS/
Attach.



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| <p>Schedule "A" SPECIAL PROVISIONS</p> |
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SPECIAL PROVISIONS FOR THE SUBDIVISION AGREEMENT:**5. STANDARD OF WORK**

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

- 5.7 The Owner shall provide minimum side yard setbacks as specified by the City for buildings which are adjacent to rear yard catch basin leads which are not covered by an easement on Lots in this Plan.

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 12, 15, 16, 19, 20, 29, 30, 34, 46, 48, 49, 57, 58, 61, 62, 63, 66, 67 and 88 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 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 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.

16. PROPOSED SCHOOL SITES

Remove Subsections 16.3 to 16.9 as there are no school blocks within this plan.

~~16.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

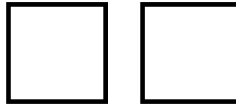
~~16.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~16.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~16.7 The Owner agrees that the school blocks shall be:~~

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said~~



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~~works to be established prior to assumption of the subdivision by the City.~~

~~16.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of his obligations under this Agreement.~~

~~16.9 If and when the City purchases the site, the City may establish a policy with respect to the ultimate use or disposition of the site.~~

25.1 STANDARD REQUIREMENTS

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

~~(h) Prior to the issuance of a Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway(s) (Block(s) _____) in accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

The Owner acknowledges that if servicing is installed for the proposed street townhouses in this Plan prior to site plan approval, it is at the Owner's risk. If the servicing is in non-standard location, it is to be relocated accordingly, all to the satisfaction of the City, at no cost to the City.

Prior to Final 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 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 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.

The Owner shall include in any submission for a building permit application for Block 102 and Lots 42-46 and 63-73 that for these units an EW5 construction rating or equivalent from foundation to rafters shall be utilized along with the installation of glazed windows for all building faces that have exposure to the CP Rail line is required

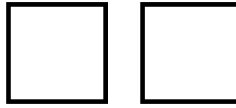
The Owner shall in any submission for a building permit application for Block 102 and Lots 42-46 and 63-73 include central air conditioning.

The Owner to register on title and include in all Purchase and Sale Agreements the following clauses to be registered on title:

a) For all lots:

"Warning: Canadian Pacific Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings; the Canadian Pacific Railway will not be responsible for any complaints or claims arising from the use of such facilities and/or operations on, over or under the aforesaid rights-of- way."

"The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of Hyde Park Road as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."



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- b) For Block 102 and Lots 42-46 and 63-73:
This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.)"
- c) For Blocks 98-101 and Lots 38-41, 47-51, 57-62, 74-83, and 86-94:
This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment. (Note: The location and installation of the air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices)."
- d) For Block 102 and Lots 42-46 and 63-73:
"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 and rail traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
- # Prior to the development of Block 102 the Owner shall install a 3 metre high noise barrier on private property as recommended in the Noise Assessment- Appendix 2 prepared by Development Engineering (London) Ltd. dated March 24, 2017. Property Owners of Block 102 are to be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.
- # Prior to the development of Blocks 98-102 the Owner shall install a consistent fencing treatment which is graffiti proof (i.e. a living wall) along the rear should a noise wall not be required.
- # The Owner to register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots (11, 12, 24, 25, 29, 30, 34, 42, 46, 63, 73,74, 88 and 91) in this Plan, are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior side yard road frontage.

25.1 CLAIMS

Remove Subsection 25.2 (b) as there are no claims in this Plan and **replace** with the following:

There are no eligible claims for works by the Owner paid for from a Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

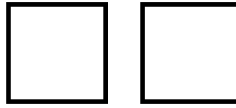
25.5 EROSION AND SEDIMENT CONTROL

Add the following new Special Provision:

- # Prior to the issuance of a Certificate of Conditional Approval, the Owner shall decommission and/or remove all existing temporary erosion and sediment control measures (eg. rock check dams, sediment basin, etc.), to the satisfaction of the City, at no cost to the City.

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:



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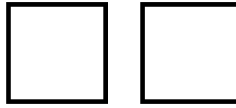
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall obtain permission from adjacent property owners for grading on property external to this plan, to the satisfaction of the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove and relocate the existing earth stockpile generally located on the southerly Lots adjacent to the existing SWMF (Lots 40 to 49), all to the satisfaction of the City and at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner's shall have shop drawings of the required retaining wall submitted to the City and stamped and certified by a structural engineer for Block 101 in this Plan, all to the satisfaction of the City.
- # Prior to the issuance of any Certificate of Conditional Approval for Block 101 in this Plan, the Owner shall construct the proposed retaining wall adjacent to the rear property lines of each of the said Block 101 as shown on the accepted engineering drawings and have its professional engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- # The Owner shall register against the title of Lots 1 and 2 and Blocks 95 and 101 in this Plan, and include in the Agreement of Purchase and Sale for the transfer of the said Lots and blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot and/or Block shall be responsible for the maintenance of the retaining walls located on the said Lot and/or Block in the future, at no cost to the City.
- # Prior to assumption, the Owner's professional engineer shall certify to the City, the retaining walls on Lots 1 and 2 and Blocks 95 and 101 are in a state of good repair and functioning as intended, all to the satisfaction of 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:
 - i) The SWM criteria and environmental targets for the Stanton Drain Subwatershed Study and any addendums/amendments;
 - ii) The accepted Hyde Park Community Storm Drainage and Stormwater Management Servicing Schedule B Class Environmental Assessment;
 - iii) The approved Stormwater Management Functional Design Report for the Hyde Park SWM Facility 1 and the approved Stormwater Management Functional Design Report for the Hyde Park SWM Facility 1B1;
 - iv) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and 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 this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - vii) The City of London Design Specifications and Requirements Manual, as revised;
 - viii) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Add the following new Special Provisions:



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- # Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct the catchbasin lead and spillway on Block 102 outletting to the SWM pond, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

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 Stanton Drain Subwatershed, and connect them to the City's existing storm sewer system being the 1800 mm diameter storm sewer located on South Carriage Road and the 1200 mm diameter storm sewer outletting to the Hyde Park SWM Facility 1B1.

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.

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

- ~~(e) Where required, storm and sanitary sewer easements on park/school blocks shall be to the satisfaction of the City and the appropriate school board. Maintenance access requirements shall be provided to the satisfaction of the City Engineer.~~

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

- ~~(j) The Owner shall register on title of Block _____ in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block _____ in this Plan shall be responsible for installing a sanitary private drain connection, at the owner's expense, from the said block to the proposed municipal sanitary sewer to the (North, South, East, West) of this Block in City owned lands _____ described _____, or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.~~

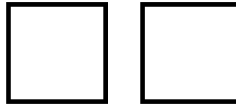
Remove Subsection 25.8 (o) and **replace** with the following:

- (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 450 mm diameter sanitary sewer on South Carriage Road, the 200 mm diameter sanitary sewer on Emma Chase, the 200 mm diameter sanitary sewer on Noah Bend and the 200 mm diameter sanitary sewer on Finley Place.

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.

Add the following new Special Provisions:

- # Where street townhouses are planned for any blocks in this subdivision, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and 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.
- # 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 Noah Bend, Emma Chase and Finley Crescent in Plan 33M-700, adjacent to this plan to accommodate the proposed works and services on this street to accommodate the lots in this plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the



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approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

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.

Remove Subsection 25.9 (h) and **replace** with the following:

- # 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 high-level municipal system, namely, the existing 200 mm diameter watermain on South Carriage Road, the 200 mm diameter watermain on Finley Crescent, the 200 mm diameter watermain on Emma Chase and the 200 mm diameter watermain on Noah Bend;
 - ii) The available fireflow and appropriate hydrant colour code (in accordance with the City of London Design Criteria) are to be shown on engineering drawings. The fire hydrant colour code markers shall be installed by the City of London at the time of Conditional Approval;
 - iii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units;

Add the following new Special Provisions:

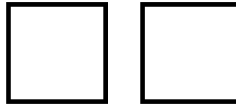
- # The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible to meter and pay the billed costs associated with any automatic flushing 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 shall ensure 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 not installed to the phase limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- # With respect to the proposed blocks, the Owner shall include in all agreements of purchase and sale, and/or lease of Blocks in this plan, a warning clause advising the purchaser/transferee that should these develop as a Vacant Land Condominium or in a form that may create a regulated drinking water system under O.Reg. 170/03, the Owner shall be responsible for meeting the requirements of the legislation.

If deemed a regulated system, there is potential the City of London could be ordered to operate this system in the future. As such, the system would be required to be constructed to City standards and requirements.

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:



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- (i) a fully serviced road connection where South Carriage Road in this plan connects with South Carriage Road in Plan 33M-526, including all underground services and all related works as per the accepted engineering drawings;
- (ii) a fully serviced road connection where Noah Bend in this plan connects with Noah Bend in Plan 33M-700, including all underground services and all related works as per the accepted engineering drawings;
- (iii) a fully serviced road connection where Emma Chase in this plan connects with Emma Chase in Plan 33M-700, including all underground services and all related works as per the accepted engineering drawings;
- (iv) a fully serviced road connection where Noah Bend in this plan connects with Finley Crescent in Plan 33M-700, including all underground services and all related works as per the accepted engineering drawings;
- (v) a fully serviced road connection where Finley Crescent in this plan connects with Finley Crescent in Plan 33M-700, 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 South Carriage Road, Noah Bend, Emma Chase and Finley 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.

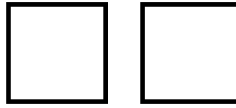
Where required by the City Engineer, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area 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 the plan.

~~(n) Prior to the issuance of any Certificate of Conditional Approval, concrete sidewalks shall be constructed on all pedestrian walkways shown in this plan in accordance with City Standard SR-7.0 and accepted design drawings and shall extend to the travelled portion of the streets connected by the walkway. Concrete drainage swales and chain link fence shall be provided in accordance with City standard SR-7.0 and accepted design drawings along both sides of such walkways for their entire length. Alternative concrete sidewalks with a flat cross-section, without swales, may be substituted upon approval of the City. Ornamental obstacle posts shall be provided in all walkways as required by the City.~~

Remove Subsection 25.11 (q) as there are no traffic calming measures required in this plan.

~~(q) Where traffic calming measures are required within this Plan:~~



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- ~~(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.~~
- ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
- ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
- ~~(iv) The Owner shall register against the title of all Lots and Blocks on (insert street names) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.~~

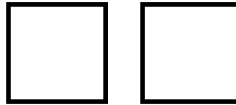
Remove Subsection 25.11 (r) and **replace** with the following

- (r) 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 Hyde Park Road via South Carriage Road.

Add the following new Special Provisions:

- # For any construction within the South Carriage Road right-of-way, the Owner shall restore the road, make revisions to traffic calming measures, street lights and relocate any utilities to the extent necessary for the blocks fronting South Carriage Road and for the construction of any intersecting local street, as shown on the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- # The Owner shall reconstruct South Carriage Road, fronting this plan to accommodate servicing to the satisfaction of the City Engineer, at no cost to the City, in accordance with approved design criteria and accepted engineering drawings.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements, financial and otherwise with the City to have the ownership of Block 12, Plan 33M-526 (the 0.3 metre reserve) transferred to the Owner and include those lands by combining with the respective property owners of Blocks 97 and 98 and Finley Crescent in the final plan, to the satisfaction of the City, at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements, financial and otherwise, with the City to have Block 12, as shown on Plan 33M-526, dedicated as public highway with South Carriage Road, at no cost to the City, to the satisfaction of the City Engineer.
- # The Owner shall remove the temporary turning circles on the east limit of Finley Crescent and Noah Bend and adjacent lands, in Plan 33M-700 to the east of this Plan, and complete the construction of Finley Crescent and Noah Bend in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-700 for the removal of the temporary turning circles and the construction of this sections of Finley Crescent and Noah Bend and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.



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In the event that Finley Crescent and Noah Bend in Plan 33M-700 are constructed as a fully serviced roads by the Owner of Plan 33M-700, then the Owner shall be relieved of this obligation.

- # The Owner shall be required to make minor boulevard improvements on South Carriage Road 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 construct the driveways for each Lot in compliance with the approved on street parking plan for this subdivision, attached as **Schedule "N"** to this Agreement and in compliance with the City's Zoning By-law. Prior to assumption of the subdivision by the City, the Owner shall have its Professional Engineer/Surveyor certify for each Lot to the satisfaction of the City that the location and width of the as built driveways complies with the approved parking plan and is in compliance with the City's Zoning By-law. Further, the Owner shall rectify any deficiencies identified by the Professional Engineer/Surveyor at no costs to the City.

There are no City parks in this phase of subdivision. All required parkland dedication was provided through the registration of the first phase of subdivision (33M-700). Section 25.10 to be deleted.

~~25.10 PARKS~~

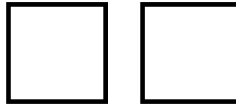
- (a) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Park Blocks and Open Space Blocks, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate that identifies that the Block has been rough graded as per the approved plan and receive City approval of rough grades prior to topsoil installation.~~

- (b) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with City Standard S.P.O. 4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.~~

- (c) ~~The Owner shall not grade into any park or open space area. Where Lots abut lands zoned as open space, all grading of the developing Lots at the interface with the park or open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the park or open space zones shall be to the satisfaction of the City.~~



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SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Kenmore Homes (London) Inc. to which it is attached and forms a part.

– SPECIAL WORKS AND SERVICES**Roadways**

- Finley Crescent, Noah Bend, Emma Chase and Owen Lane shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

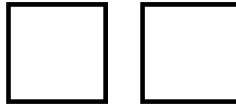
Sidewalks

A 1.5 metre sidewalk shall be constructed on one side of the following:

- (i) Finley Crescent – outside boulevard
- (ii) Noah Bend – outside boulevard – north of Emma Chase
- (iii) Noah Bend – inside boulevard – south of Emma Chase
- (iv) Emma Chase – south boulevard
- (v) Owen Lane – east boulevard

Pedestrian Walkways

There are no walkways in this plan.



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SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Kenmore Homes (London) Inc. 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.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

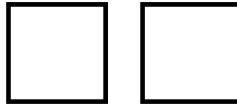
| | |
|---|--|
| 0.3 metre (one foot) reserves: | Block 104 |
| Road Widening (Dedicated on face of plan): | NIL |
| Walkways: | NIL |
| 5% Parkland Dedication: | NIL- Dedication taken in phase 1 (33M-700) |
| Dedication of land for Parks in excess of 5%: | NIL |
| Stormwater Management: | NIL |

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

| | |
|--------------|-----|
| School Site: | NIL |
|--------------|-----|

LANDS TO BE HELD IN TRUST BY THE CITY:

| | |
|-------------------|-----|
| Temporary access: | NIL |
|-------------------|-----|



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SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Kenmore Homes (London) Inc. 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: | \$ 436,190 |
| BALANCE PORTION: | <u>\$2,471,741</u> |
| TOTAL SECURITY REQUIRED | \$2,907,931 |

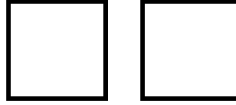
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this agreement.

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, the City may limit the issuance of building permits until the security requirements have been satisfied.

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



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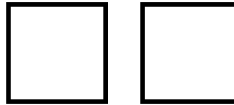
SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2016, between The Corporation of the City of London and Kenmore Homes (London) Inc. 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:

There are no multi-purpose or temporary turning circle easements required in this Plan.



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Schedule "B"
Related Estimated Costs and Revenues

Related Estimated Costs and Revenues

| Estimated DC Funded Servicing Costs ^{Note 1} | Estimated Cost ^{Note 3} (excludes HST) |
|--|--|
| Claims for developer led construction from CSRF - No claims identified. | \$0 |
| Total | \$0 |
| Estimated Total DC Revenues ^{Note 2} (2017 Rates) | Estimated Revenue ^{Note 3} |
| CSRF | \$3,484,974 |
| UWRF | \$313,718 |
| TOTAL | \$3,798,692 |

- 1 There are no claims identified in this phase of the subdivision.
- 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.

Aug 15 / 2017
 Date

Reviewed by:

 Matt Feldberg
 Manager, Development Finance