

File Number: 39T-16506  
F. Gerrits / N. Pasato

|                |  |
|----------------|--|
| <b>TO:</b>     | <b>CHAIR AND MEMBERS<br/>PLANNING AND ENVIRONMENT COMMITTEE</b>  |
| <b>FROM:</b>   | <b>GEORGE KOTSIFAS, P. ENG.<br/>MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES<br/>AND CHIEF BUILDING OFFICIAL</b>                                       |
| <b>SUBJECT</b> | <b>SUBDIVISION SPECIAL PROVISIONS<br/>APPLICANT: WASTELL BUILDERS (LONDON) INC.<br/>MICHAEL STREET SUBDIVISION<br/>39T-16506<br/>MEETING ON DECEMBER 4, 2017</b> |

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Wastell Builders (London) Inc. for the subdivision of land over Block 'C', Registered Plan No. 795 and Part of Lot 7, Concession 2, (Geographic Township of London), City of London, County of Middlesex, situated on the north side of Michael Street, municipally known as 1245 Michael Street;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Wastell Builders (London) Inc. for the Michael Street Subdivision, (39T-16506) attached as Schedule "A", **BE APPROVED**;
- (b) the applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Schedule "B",
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

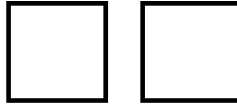
|                   |
|-------------------|
| <b>BACKGROUND</b> |
|-------------------|

The subject site was the former Huron Heights Public School (French Immersion). The school was closed in June 2014 and declared surplus by the Thames Valley District School Board. The subject lands were subsequently sold to a private developer in 2016. The subject site is located on Michael Street, which is generally located south of Huron Street east of Highbury Avenue, and west of Sandford Street. The subject site is approximately 3.4 ha in size, and is an irregular shape. The Draft Plan of Subdivision consists of a 76 unit townhouse development within a Plan of Subdivision. The proposed plan of subdivision consists of five (5) multi-family residential blocks, and one (1) open space block, all served by one (1) new local street (off of Michael Street). A Public Meeting was held at Planning and Environment Committee on January 23, 2017. The subdivision was Draft Approved by the Approval Authority on February 10, 2017.

This subdivision shall be registered in one (1) phase, consisting of five (5) multi-family medium density blocks and one (1) open space block.

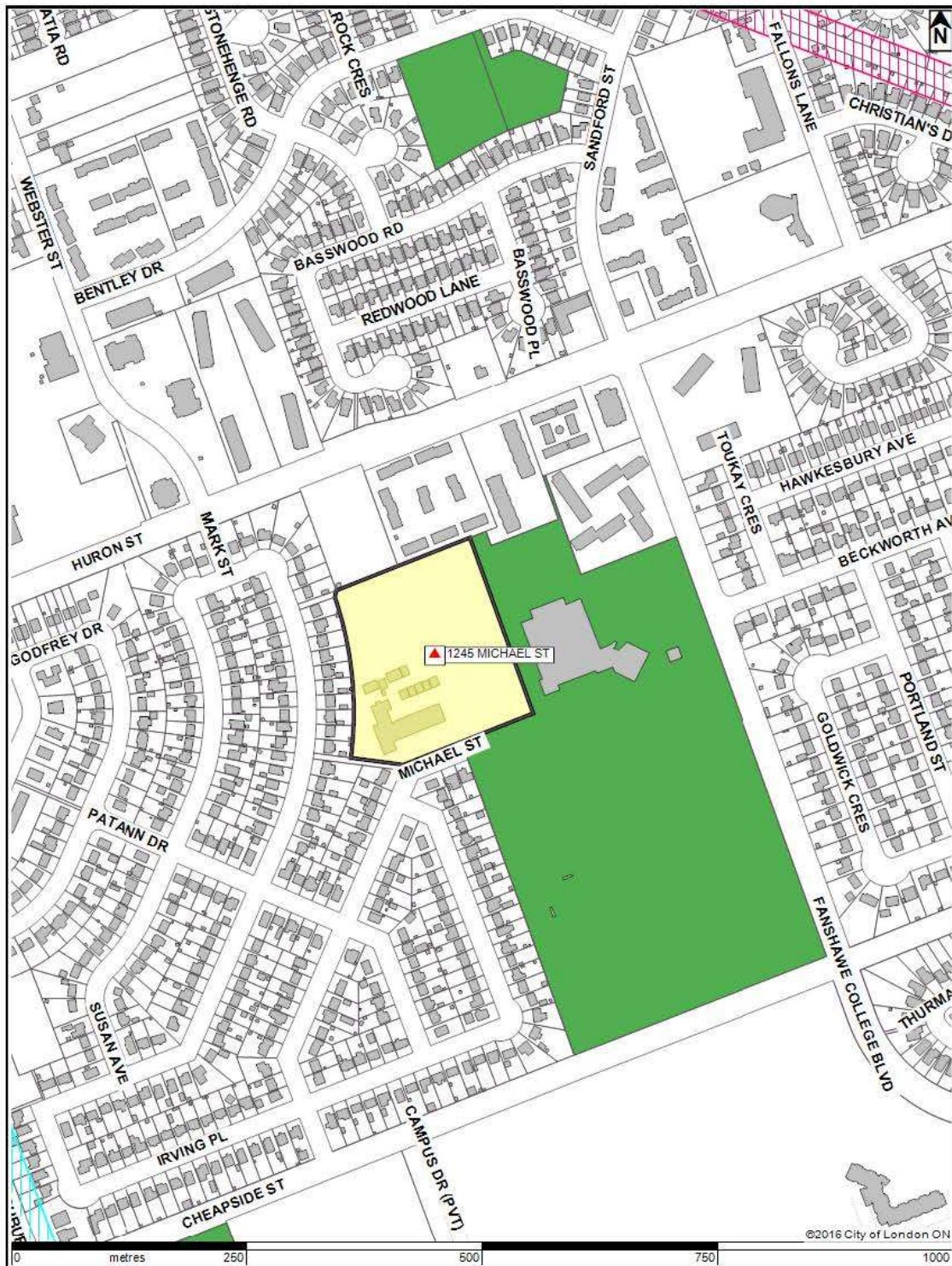
Development Services has reviewed these special provisions with the Owner who is in agreement with them.






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

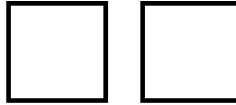


File Number: 39T-16506  
F. Gerrits / N. Pasato

LOCATION MAP

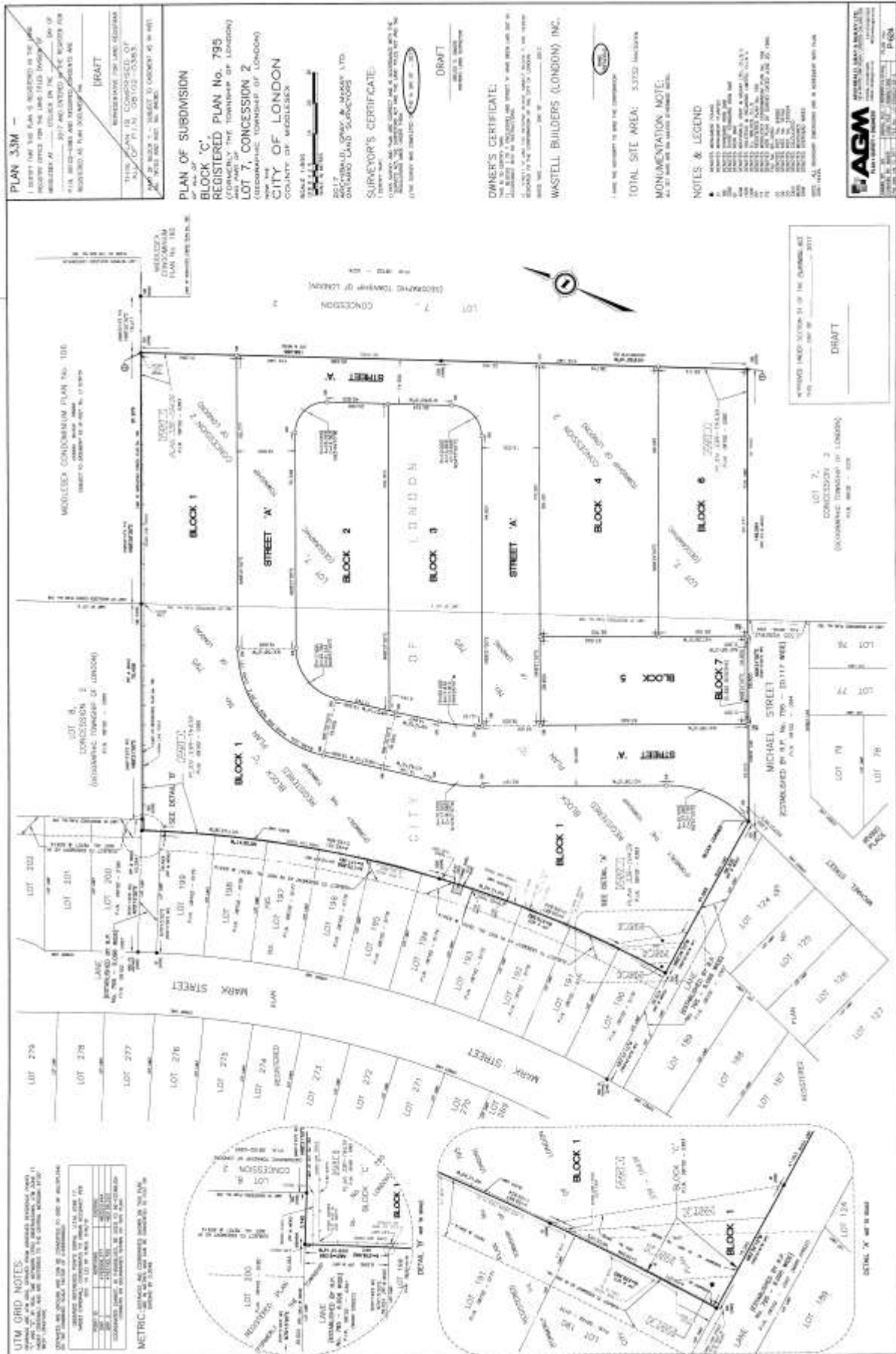


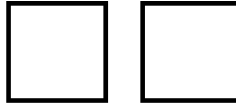
|  |  |
|--|--|
| <p><b>LOCATION MAP</b></p> <p>Subject Site: 1245 Michael Street<br/>         Applicant: <b>Wastell Builders (London) Inc.</b><br/>         File Number: 39T-16506/Z-8664<br/>         Planner: <b>Nancy Pasato</b><br/>         Created By: <b>Nancy Pasato</b><br/>         Date: 2016-08-03<br/>         Scale: 1:5000</p> | <p><b>LEGEND</b></p> <ul style="list-style-type: none"> <li> Subject Site</li> <li> Parks</li> <li> Assessment Parcels</li> <li> Buildings</li> <li> Address Numbers</li> </ul> |
| <p>Corporation of the City of London<br/>         Prepared By: Development and Compliance Services</p>   |  |



File Number: 39T-16506  
F. Gerrits / N. Pasato

PLAN OF SUBDIVISION

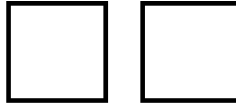




File Number: 39T-16506  
F. Gerrits / N. Pasato

|  |  |
|--|--|
| <b>PREPARED BY:</b>  | <b>REVIEWED BY AND RECOMMENDED BY:</b>   |
|  |  |
| <b>Nancy Pasato, MCIP, RPP<br/>Senior Planner<br/>Development Services (Subdivisions)</b>                            | <b>Lou Pompilii MPA RPP<br/>Manager, Development Planning<br/>(Subdivisions)</b> |
| <b>REVIEWED BY:</b>  | <b>CONCURRED IN BY:</b>  |
|  |  |
| <b>Matt Feldberg<br/>Manager, Development Services<br/>(Subdivisions)</b>  | <b>Paul Yeoman, RPP, PLE<br/>Director, Development Services</b>                  |
| <b>SUBMITTED BY:</b>   |  |
|  |  |
| <b>George Kotsifas, P.ENG<br/>Managing Director, Development and Compliance Services and Chief Building Official</b> |  |

NP/fg  
Attach.  
November 23, 2017



File Number: 39T-16506  
F. Gerrits / N. Pasato

**Schedule "A"**  
**SPECIAL PROVISIONS**

**5. STANDARD OF WORK**

**Remove** Subsection 5.7 as there are no rear yard catchbasins in this Plan.

~~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                      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 1.9 as there are no school blocks in 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.~~

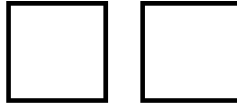
~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~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 was 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 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~~



File Number: 39T-16506  
F. Gerrits / N. Pasato

~~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 (f) and **replace** with the following:

- (f) The Owner shall adhere to the recommendations of its Geotechnical Professional Engineer who shall provide full time supervision with respect to the removal of existing fill **(including but not limited to organic and deleterious materials)** and the placement of new engineered fill and the construction of utilities, roadways, foundation design, driveways and buildings on areas within this Plan **and the implementation of Low Impact Development solutions (LIDs)** as identified by the Geotechnical Professional Engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a Geotechnical Professional 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 Professional Engineer's recommendations.

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a Geotechnical Professional 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.

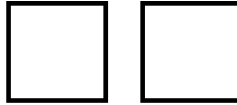
The Owner shall include in the agreement of purchase and sale and in the transfer or deed of each Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Block within the Affected Lands must adhere to the recommendations of the Geotechnical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

**Add** the following new Special Provision:

- #1 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete the following, to the satisfaction of the City, at no cost to the City:
- i) Have his geotechnical engineer investigate and identify areas of the extent of existing organic fill and deleterious fill materials, on the Blocks and streets in this Plan;
  - ii) Have his geotechnical engineer make recommendations on the proper removal and disposal of the said fill materials;
  - iii) Remove and dispose of the said fill materials under the supervision of his geotechnical engineer, in accordance with the recommendations of the geotechnical engineer and in compliance with provincial regulations;
  - iv) Replace the removed fill materials with suitable engineered fill, under the supervision of his geotechnical engineer and as recommended by his geotechnical engineer; and
  - v) Have his geotechnical engineer certify that the said fill materials have been properly removed and disposed of, and replaced with suitable engineered fill.

**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.~~



File Number: 39T-16506  
F. Gerrits / N. Pasato

Add the following new Special Provisions:

- #2 The Owner shall make any necessary alterations to Block 1 in this Plan abutting the walkway at the south limit of Block 1, as per the approved engineering drawings and all to the satisfaction of the City, at no cost to the City.
- #3 The Owner shall implement all geotechnical recommendations made in the geotechnical report, all to the satisfaction of the City.

**25.2 CLAIMS --- Remove Section 25.2 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.

- ~~(a) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City and as authorized by the City in accordance with this Agreement, and which are eligible for a claim and the claim is made against a development charge 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. 1496-244 Schedule 8 as amended (the "Development Charges By-law"), including but not limited to, requirements for a work plan, tendering of construction works and completeness of claims.~~
- ~~(b) If the Owner alleges an entitlement to any reimbursement or payment from a development charge Reserve Fund as a result of the terms hereof, the Owner may, upon approval of this Agreement and completion of the works, make application to the Director Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the Director Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said development charge Reserve Fund.~~

~~The anticipated reimbursements from the development charge Reserve Funds are:~~

- ~~(i) for the construction of **XXXXXXXXXXXX**, the estimated cost of which is **\$**\_\_\_\_\_;~~

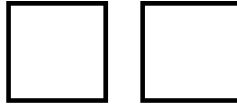
~~The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.~~

~~Funds needed to pay the above claims will be committed (on a subdivision by subdivision basis) from approved capital budgets at the time of approval of this Agreement, unless funds in approved capital budgets are insufficient to accommodate commitment to the full extent of the estimated claims. In this case (ie. insufficient capital budget), the excess of the estimated claim over the approved budget shall be submitted for Council approval in the next following budget year.~~

~~Claims approvals shall generally not materially exceed approved and committed funding in the capital budget for the estimated claims listed in this Agreement.~~

~~Any funds spent by the Owner pending future budget approval (as in the case of insufficient capital budget described above), shall be at the sole risk of the Owner pending Council approval of sufficient capital funds to pay the entire claim.~~

- ~~(c) Upon approval of an application for a claim to a development charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits of discussed above and in accordance with the Council approved "Source of Financing Report" and the then in force Development Charges By-law and any policies established thereunder.~~



File Number: 39T-16506  
F. Gerrits / N. Pasato

## 25.7 STORM WATER MANAGEMENT

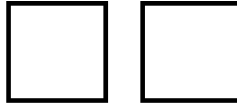
**Remove** Subsection 25.7 (a) and **replace** with the following:

- (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 Pottersburg Creek Subwatershed Study and any addendums/amendments;
  - ii) The stormwater and storm drainage letter/report of confirmation for the subject developed prepared and accepted in accordance with the File Manager process;
  - iii) 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.;
  - iv) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - v) The City of London Design Specifications and Requirements Manual, as revised;
  - vi) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003); and
  - vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

**Add** the following new Special Provisions:

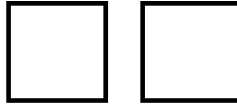
- #4 Prior to assumption of this Plan, the Owner shall operate, monitor and maintain the stormwater works, including but not limited to Low Impact Development solutions (LIDs) which include ponding areas on all private blocks, associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- #5 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have the Low Impact Development solutions (LIDs) as outlined herein, installed and operational in accordance with the accepted engineering drawings, to the satisfaction of the City:
- i) LIDs No. 1 and 2 on existing Stronach Park lands; and
  - ii) infiltration piping and all associated works on Block 6.
- #6 At the time of fine grading and installation of topsoil and sod on the affected Blocks or assumption, whichever shall occur first, the Owner shall have the Low Impact Development solutions (LIDs) as outlined herein, installed and operational in accordance with the accepted engineering drawings, to the satisfaction of the City:
- (i) rear-yard ponding areas along the rear of Blocks 1, 2, 3 and 4.
- #7 The Owner shall include in all Agreements of Purchase and Sale or Lease of Blocks 1, 2, 3 and 4 in this Plan incorporating on-site rear yard ponding and include for the transfer of each of the said Blocks, a covenant by the purchaser or transferee of the said Blocks to observe and comply with the following:





File Number: 39T-16506  
F. Gerrits / N. Pasato

- i) That during the development of the said Blocks in this Plan until this Plan is assumed by the City, the purchaser or transferee shall allow the Owner to enter the Block to install, inspect, maintain and correct any deficiencies as soon as they are detected for the on-site rear yard ponding in accordance with the Ministry of Environment's Environmental Compliance Approval, the accepted engineering drawings and the accepted Stormwater Management Plan, to the satisfaction and at no cost to the City.
  - ii) The purchaser or transferee shall observe and comply with the minimum building setbacks established on the accepted subdivision lot grading plan, by not constructing any structure within the setback areas, and not disturbing the on-site rear yard ponding areas located in the setback areas on each of the Blocks in this Plan.  
  
The purchaser or transferee is prohibited from constructing any structures, pools, extensive landscaping or other features in any location which may affect the operation of the rear yard ponding areas; and
  - iii) The purchaser or transferee shall inspect and maintain the on-site rear yard ponding areas on the said Blocks, including correcting any deficiencies as soon as they are detected, in accordance with the accepted monitor and maintenance manual, Ministry of Environment's Environment Compliance Approval, the accepted engineering drawings and the accepted Stormwater Management Plan to the satisfaction and at no cost to the City.
- #8 Prior to assumption, the Owner shall provide to each Block owner incorporating an on-site rear yard ponding area (Blocks 1, 2, 3 and 4), a copy of the accepted monitoring and maintenance manual for the on-site rear yard ponding areas in this Plan that are to be maintained in accordance with the Ministry of Environment's Environmental Compliance Approval, the accepted engineering drawings and the accepted Stormwater Management Plan, to the satisfaction and at no cost to the City.
- #9 The Owner's professional geotechnical engineer shall ensure that all geotechnical issues and all required setbacks and separation distances related to SWM BMP measures and the rear yard ponding area are adequately addressed for the subject lands, all to the satisfaction of the City and Ministry of the Environment.
- #10 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its Professional Engineer submit a monitoring and maintenance strategy to the city for review and acceptance outlining a program for the monitoring and maintenance of the low impact development features in this Plan, all to the satisfaction of the city, at no cost to the City. This strategy is to be in accordance with the "Low Impact Development Stormwater Management Practice Inspection and Maintenance Guide" prepared by Toronto and Regional Conservation Authority.
- #11 Prior to assumption of this Plan, the Owner shall complete the following, at no cost to the city, all to the satisfaction of the City:
- i) operate, maintain, inspect, monitor and protect the low impact development features, including correcting any deficiencies as soon as they are detected, in accordance with the accepted maintenance and monitoring program; and
  - ii) have its consulting Professional Engineer submit monitoring reports in accordance with the accepted maintenance and monitoring program.
- #12 Prior to assumption of this Plan, the Owner shall have its Professional Engineer certify to the City that all low impact development features in this Plan are constructed and operational in accordance with the Ministry of Environment and Climate Change's Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Report, to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction of the City, at no cost to the City.



File Number: 39T-16506  
F. Gerrits / N. Pasato

## 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 Blocks in this Plan, which is located in the Pottersburg Creek Subwatershed, and connect them to the City's existing storm sewer system being the 300 mm diameter storm sewer on Michael Street.

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 (d) as it is not applicable.

- ~~(d) The Owner shall provide a maintenance access for all sanitary sewer manholes which will be located in easements on private property or ensure the manholes will be located within a paved area in a location acceptable to the City Engineer to facilitate maintenance of the sanitary sewer system.~~

**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.

- ~~(j) The Owner shall register on title of Block [redacted] in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block [redacted] 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 [redacted] described [redacted], 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.~~

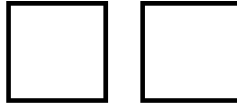
**Remove** Subsection 25.8 (o) and **replace** with the following:

- (o) The Owner shall construct the sanitary sewers to service the Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on Michael Street.

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:

- #13 The Owner shall provide all storm sewer manholes which will be located in easements on private property a maintenance access in accordance with the accepted engineering drawings, to the satisfaction of the City Engineer.
- #14 Prior to the issuance of any Certificate of Conditional Approval, of as otherwise agreed to by the City, the Owner shall install a pathway, culvert and all associated works, on adjacent City Parks lands to the east, as per the accepted engineering drawings, all to the satisfaction of the City.
- #15 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 Michael Street in Plan RP-795, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the Blocks in this Plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.



File Number: 39T-16506  
F. Gerrits / N. Pasato

## 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.

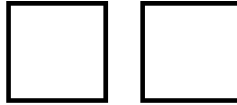
**Remove** Subsection 25.9 (h) and replace with the following:

- #16 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) replace/reconstruct the existing 150 mm watermain and replace with a 200 mm diameter watermain from Irving Place intersection to Michael Circle as per the accepted engineering drawings and in accordance with the Water Servicing Report;
  - ii) construct watermains to serve this Plan and connect them to the new 200 mm diameter watermain on Michael Street, as per the accepted engineering drawings; and
  - iii) construct water services to the watermain on Michael Street in Plan RP-795 to serve the Blocks fronting the reconstructed watermain

**Add** the following new Special Provisions:

- #17 The Owner shall provide sufficient flows to provide fire protection and domestic water supply to support the development of this Plan as per the accepted engineering drawings and the accepted Water Servicing Report, to the specifications and satisfaction of the City, at no cost to the City.
- #18 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.
- #19 The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set-out in the accepted engineering drawings and shall include the implementation of the interim water quality measures (as required). In the event the requested Conditional Approval limits differ from the staging as set out in the accepted engineering drawings, and the watermains are not installed to the staging limits, the Owner shall be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- #20 The Owner shall undertake measures to ensure the water service is maintained (via temporary water service) to all residents on Michael Street and Irving Street during construction of the watermain external to this Plan on Michael Street, to the satisfaction of the City.
- #21 The available fire flows for development Blocks within this Plan of Subdivision shall be established through the subdivision water servicing design study as follows:
- All Blocks @ 94.7 litres / second

Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.



File Number: 39T-16506  
F. Gerrits / N. Pasato

## 25.10 HYDROGEOLOGICAL WORKS

**Remove** Subsection 25.10 (c) and **replace** with the following:

- (c) The Owner shall adhere to the recommendations in the detailed hydro geological report prepared by its Professional Engineer, determining the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this Plan, assess the impact on water balance, recommendations for foundation design should high groundwater be encountered and any fill required in the plan **and recommendations for Low Impact Development (LIDs) system**, to the satisfaction of the City Engineer.

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

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

## 25.11 ROADWORKS

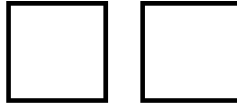
**Remove** Subsection 25.11 (b) and **replace** with the following:

- (b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
- (i) a fully serviced road connection where Michael Street in this Plan connects with Michael Street in Plan RP-795, including all underground services and all related works as per the accepted engineering drawings; and
  - (ii) reconstruction of a portion of Michael Street and all associated 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 **Michael Street** 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



File Number: 39T-16506  
F. Gerrits / N. Pasato

of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

**Remove** Subsection 25.11 (n) as there are no walkways in this Plan

~~(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 in this Plan.

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

~~(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:

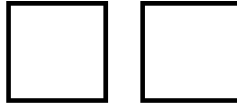
(r) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Cheapside Street via Michael Street.

**Add** the following new Special Provisions:

#22 The Owner shall reconfigure the street stub of Michael Street at Michael Circle as per the accepted engineering drawings, prior to June 1<sup>st</sup> in the year of the issuance of a Certificate of Conditional Approval for Blocks within this Plan to the satisfaction of the City Engineer and at no cost to the City. In the event that a Certificate of Conditional Approval is not issued prior to June 1<sup>st</sup>, this work shall be completed prior to issuance of any Certificate of Conditional Approval.

#23 The Owner shall construct the window street portion of Michael Circle abutting Stronach Park in accordance with the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#24 The Owner shall reconstruct or relocate any surface or subsurface works or vegetation necessary to connect Michael Circle to Michael Street, to the satisfaction of the City, at no cost to the City.



File Number: 39T-16506  
F. Gerrits / N. Pasato

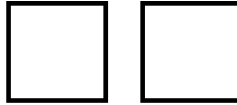
- #25 The Owner shall ensure no vehicular access will be permitted to Block 5 from the existing Michael Street. All vehicular access is to be via the internal subdivision street, Michael Circle.
- #26 Prior to assumption of this Plan, the Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
- #27 All restoration work, including boulevards and driveways on Michael Street external to this Plan, shall be completed, to the satisfaction of the City, at no cost to the City, prior to June 1<sup>st</sup> in the year of the issuance of a Certificate of Conditional Approval for Blocks within this Plan. In the event that a Certificate of Conditional Approval is not issued prior to June 1<sup>st</sup>, this work shall be completed prior to issuance of any Certificate of Conditional Approval.
- #28 The Owner shall construct the driveways for each Block 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 Block 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.

## 25.12 PARKS

**Remove** Subsection 25.12 (a) as this is not applicable and will be dealt with through the Site Plan Approval.

- (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.~~



File Number: 39T-16506  
F. Gerrits / N. Pasato

### **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between The Corporation of the City of London and Wastell Builders (London) Inc. to which it is attached and forms a part.

#### **SPECIAL WORKS AND SERVICES**

##### **Roadways**

- Michael Circle (west leg from existing Michael Street to south leg of Michael Circle) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Michael Circle (north, south and west leg (north of south leg) shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres
- Michael Circle (window street portion) shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 14.5 metres

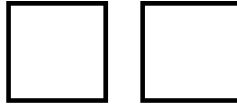
##### **Sidewalks**

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

- (i) Michael Circle – north, south and west boulevards

##### **Pedestrian Walkways**

There are no pedestrian walkways in this Plan.



File Number: 39T-16506  
F. Gerrits / N. Pasato

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between The Corporation of the City of London and Wastell Builders (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.

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

|   |         |
|---|---------|
| 0.3 metre (one foot) reserves:                | Block 7 |
| Road Widening (Dedicated on face of plan):    | NIL     |
| Walkways:                                     | NIL     |
| 5% Parkland Dedication:                       | Block 6 |
| Dedication of land for Parks in excess of 5%: | NIL     |
| Stormwater Management:                        | NIL     |

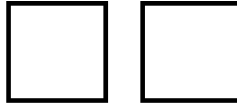
**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

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

**LANDS TO BE HELD IN TRUST BY THE CITY:**

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





File Number: 39T-16506  
 F. Gerrits / N. Pasato

**SCHEDULE “E”**

This is Schedule “E” to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between The Corporation of the City of London and Wastell Builders (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:           | \$ 227,065         |
| BALANCE PORTION:        | <u>\$1,286,701</u> |
| TOTAL SECURITY REQUIRED | \$1,513,766        |

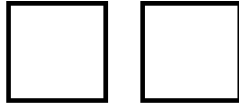
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

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.



File Number: 39T-16506  
F. Gerrits / N. Pasato

### **SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017, between The Corporation of the City of London and Wastell Builders (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.

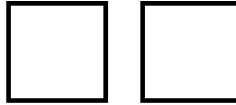
#### **Multi-Purpose Easements:**

(a) 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 Block 4 for storm servicing to Block 6

#### **Road Easements:**

There are no road easements required.



File Number: 39T-16506  
F. Gerrits / N. Pasato

**Schedule "B"**  
**Related Estimated Costs and Revenues**

Agenda Item # Page #

1245 Michael Street - Wastell Builders (London) Inc.  
Subdivision Agreement  
39T-16506

Related Estimated Costs and Revenues


| Estimated DC Funded Servicing Costs <sup>(Note 1)</sup>               | Estimated Cost<br>(excludes HST) |
|---|----------------------------------|
| Claims for developer led construction from CSRF<br>- None identified. | \$0                              |
| Claims for developer led construction from UWRF<br>- None identified. | \$0                              |
| Claims for City led construction from CSRF<br>- None identified.      | \$0                              |
| Total   | \$0                              |
| Estimated Total DC Revenues <sup>(Note 2)</sup><br>(2017 Rates)       | Estimated Revenue                |
| CSRF  | \$923,118                        |
| UWRF  | \$83,536                         |
| TOTAL   | \$1,006,654                      |

- 1 There are no claims for DC funded works associated with this application.
- 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.

Reviewed by:

Nov 23 / 2017

Date

  
\_\_\_\_\_

Malt Feldberg  
Manager, Development Services (Subdivisions)

Nov 23 / 17

Date

  
\_\_\_\_\_

Paul Yeoman  
Director, Development Finance