

File Number: 39T-04510-2
F. Gerrits / C. Smith

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: FOXHOLLOW NORTH KENT DEVELOPMENTS INC. FOXHOLLOW NORTH KENT SUBDIVISION – PHASE 2 39T-04510 MEETING ON DECEMBER 4, 2017

RECOMMENDATION

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 Foxhollow North Kent Developments Inc. for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. for the Foxhollow North Kent Subdivision, Phase 2 (39T-04510-2) 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 financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Schedule “C”; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

BACKGROUND

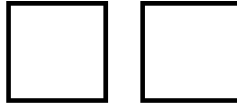
The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009. A number of draft approval extensions have occurred since the original draft approval date. The current expiry date for draft approval is October 14, 2018. The first phase of the subdivision consists of 69 single family detached lots. Access to the first phase is from the extension of Waterloo Drive from the Claybar Subdivision immediately to the south. The 2nd phase will have access through the first phase to Waterloo Drive and will have access to Sunningdale Road West.

This subdivision shall be registered in one (1) phase, consisting of 120 single family detached Lots and two (2) multi-family medium density blocks.

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.

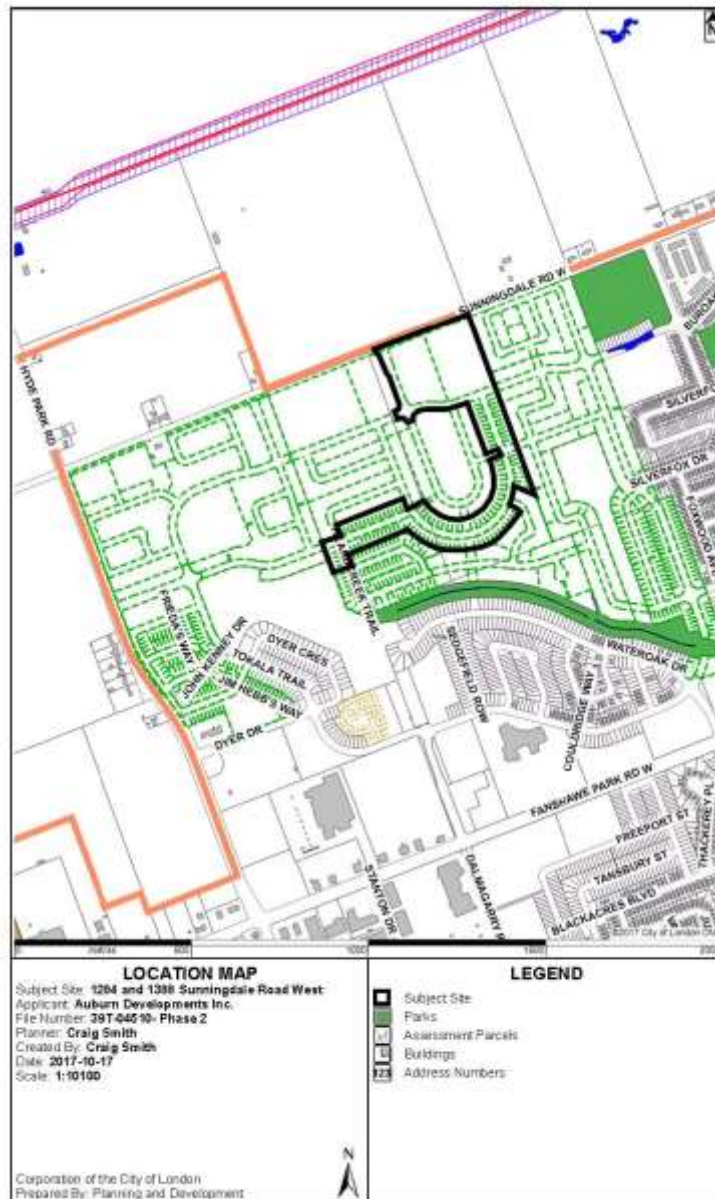
The anticipated reimbursements from the development charge Reserve Funds are:

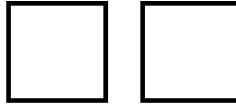


File Number: 39T-04510-2
F. Gerrits / C. Smith

- (i) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$6,675;
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$771,426;
- (iii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$49,860;
- (iv) for the engineering fees and the construction of left and right turn channelization on Sunningdale Road West at Fair Oaks Boulevard, the estimated cost of which is \$433,801, excluding HST, as per the accepted work plan; and
- (v) for the engineering fees and the construction of pavement widening on Fair Oaks Boulevard at Sunningdale Road West consistent with the City's Development Charge By-law provisions regarding paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is \$6,403, excluding HST. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the accepted work plan.

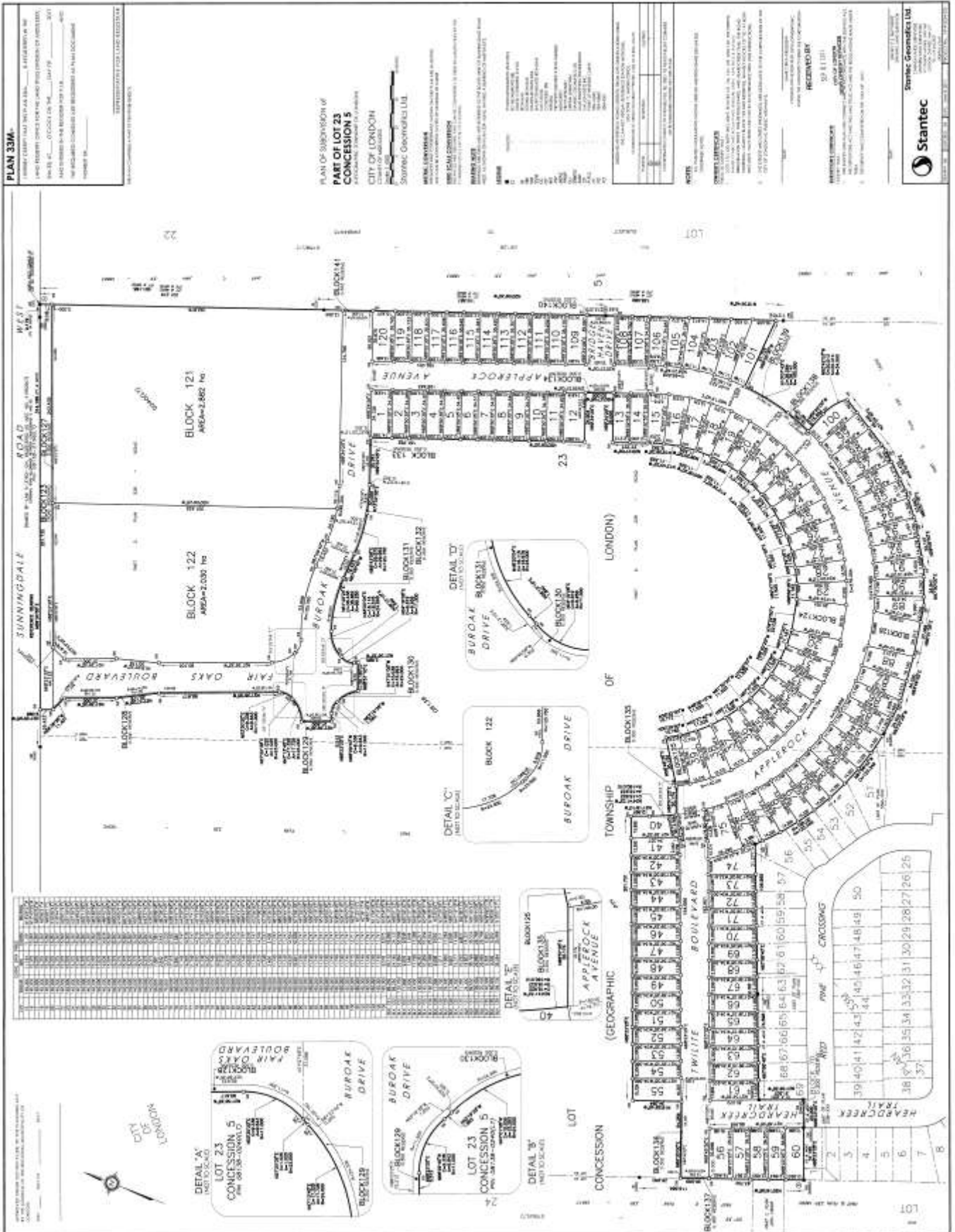
LOCATION MAP

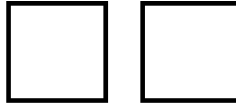




File Number: 39T-04510-2
F. Gerrits / C. Smith

PLAN OF SUBDIVISION

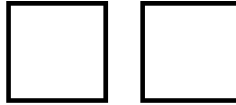




File Number: 39T-04510-2
F. Gerrits / C. Smith

PREPARED BY:	REVIEWED BY AND RECOMMENDED BY:
Craig Smith Senior Planner Development Services (Subdivisions)	Lou Pompili MPA RPP Manager, Development Planning (Subdivisions)
REVIEWED BY:	CONCURRED IN BY:
Matt Feldberg Manager, Development Services (Subdivisions)	Paul Yeoman, RPP, PLE Director, Development Services
SUBMITTED BY:	
George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official	

CS/fg
Attach.
November 24, 2017



File Number: 39T-04510-2
F. Gerrits / C. Smith

<p>Schedule "A" SPECIAL PROVISIONS</p>

5. STANDARD OF WORK

Remove Subsection 5.7 as there are no rear yard catchbasins.

~~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 16.7 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.~~

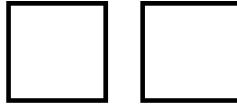
~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~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 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,~~



File Number: 39T-04510-2
F. Gerrits / C. Smith

~~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.~~

24. IDENTIFICATION SIGNS / SITE SIGNAGE

Add the following new Special Provisions:

- #1 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Heardcreek Trail, Fair Oaks Boulevard, Buroak Drive, Twilite Boulevard, Applerock Avenue, Bridge Haven Drive and Future Bush Hill Link adjacent to the raised intersection and raised pedestrian crosswalk locations that indicate Future Raised Intersection and/or Pedestrian Crosswalk Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

25.1 STANDARD REQUIREMENTS

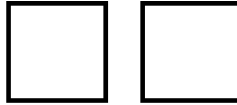
Remove Subsection 25.1 (h) and **replace** with the following:

- (h) Within one (1) year of registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a chain link fence without gates, adjacent to the open space/walkway(s) (Block 125) in accordance with City Standard No. SR-7.0.

Add the following new Special Provisions:

- #2 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 accepted geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.
- #3 The Owner shall comply with conditions set out in the existing reciprocal agreement (Agreement between Claybar Developments Inc., Foxhollow Developments Inc., Fox Hollow North Kent Developments Inc., Landea Developments Inc. and Landea North Developments Inc. dated November 30, 2009) between the adjacent property owner to the east to construct adequate municipal services, grading, drainage and accesses over the external lands to the east, to develop this Plan, all to the satisfaction of the City Engineer, at no cost to the City.
- #4 Prior to assumption of this Plan of Subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
- (i) Temporary maintenance access roads and associated works
- #5 The Owner acknowledges that the City shall retain the existing easement ER682817 (registered December 23, 2009 in accordance with the Heard Drain agreement dated December 1, 2009) over lands external to this Plan.
- #6 The Owner shall register on title and include in all Purchase and Sale or Lease Agreements the requirement that the homes to be designed and constructed on all corner lots (1, 12, 13, 29, 30, 40, 55, 56, 61, 75, 88, 89, 100, 108, 109 and 120), are to have design features, such as but not limited to porches, windows or other architectural amenities that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard. Further, the owner shall obtain approval of their proposed design from the Manager Development Planning or his/her designate prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.
- #7 The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.

25.2 CLAIMS



File Number: 39T-04510-2
F. Gerrits / C. Smith

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

- (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 eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$6,675;
- (ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$771,426;
- (iii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$49,860;
- (iv) for the construction of left and right turn channelization on Sunningdale Road West at Fair Oaks Boulevard, the estimated cost of which is \$377,283, excluding HST, as per the accepted work plan;
- (v) for the engineering costs for the channelization, the estimated cost of which is \$56,518, excluding HST, as per the accepted work plan;
- (vi) for the construction of pavement widening on Fair Oaks Boulevard at Sunningdale Road West consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is \$5,568, including contingency, excluding HST. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the accepted work plan; and
- (vii) for the engineering costs for the internal widening, the estimated cost of which is \$835, excluding HST, as per the accepted work plan.

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

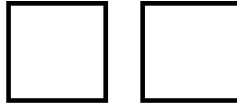
Funds needed to pay the above claims will be committed (on a subdivision by subdivision basis) from approved capital budgets at the time of approval of this Agreement, unless funds in approved capital budgets are insufficient to accommodate commitment to the full extent of the estimated claims. In this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

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

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

Add the following new Special Provisions:

- #8 Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from development charges as defined in the DC By-law, and further, where such works are not oversized pipe works (sanitary, storm or water – the reimbursement of which is provided for in subsidy tables in the DC By-law), then the Owner shall submit through their consulting



File Number: 39T-04510-2
F. Gerrits / C. Smith

engineer an engineering work plan for the proposed works satisfactory to the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:

- i) no work subject to a work plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed work plan; and
- ii) in light of the funding source and the City's responsibility to administer development charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.

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

- i) channelization on Sunningdale Road West;
- ii) internal widening on Fair Oaks Boulevard at Sunningdale Road West; and
- iii) engineering costs for channelization and internal widening

#10 The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable 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.

#11 The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two weeks notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.

#12 The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the work plan prior to authorizing works.

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

#13 The Owner shall grade the portions of Blocks 121 and 122 inclusive, which have a common property line with Sunningdale Road West, to blend with the ultimate profile of Sunningdale Road West, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

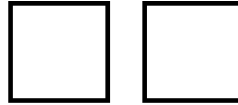
#14 The Owner shall make arrangements with the adjacent property owners to the east and west of this plan and north of Sunningdale Road West, as per the accepted engineering drawings, to regrade a portion of the properties, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

#15 The Owner shall remove all existing temporary diversion swales, channels and interim channels when ultimate servicing is constructed and operational, all to the satisfaction of the City, at no cost to 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 Medway Creek Subwatershed Study and any addendums/amendments;
 - ii) The preferred storm/drainage and SWM servicing option of the Municipal Class EA and any addendum for the Fox Hollow lands;

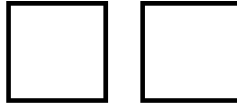


File Number: 39T-04510-2
F. Gerrits / C. Smith

- iii) The accepted Functional SWM Report for the proposed Fox Hollow SWM Facility # 3 (to be constructed by others) and any addendums/amendments;
- iv) The accepted Functional SWM Report for the Temporary SWM Facility to service Phase 2;
- v) 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.
- vi) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
- vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
- viii) The City of London Design Specifications and Requirements Manual, as revised;
- ix) The Ministry of the Environment and Climate Change (MOECC) SWM Practices Planning and Design Manual (2003);
- x) The Ministry of the Environment and Climate Change (MOECC) Low Impact Development (LID) SWM Guidance Manual; and
- xi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

Add the following new Special Provisions:

- #16 The Owner shall develop this Plan of Subdivision in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
- #17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install the proposed stormwater management system, as identified on the accepted engineering drawings, including all temporary channels, diversion swales, overland flow channels on lands in this Plan and external lands, until Foxhollow SWM Facility 1 (North cell) is constructed and operational, to the satisfaction of the City.
- #18 In the event that the site plan for Block 121 in this Plan has not progressed prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct an overflow weir, CSP riser and sediment basin on Block 121, as identified on the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #19 Lots 56, 57, 58, 59 and 60 abutting Open Space blocks used primarily for stormwater management facilities and/or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Furthermore, should the sequential property owners of Lots 56, 57, 58, 59 and 60 desire to construct a fence at the intersection (on the property line) with the Open Space SWM blocks, fencing shall be in accordance with the current City park standards (SPO 4.8) or approved alternative, at no cost to the City.
- #20 The Owner shall ensure the grading of all Lots in this Plan are compatible with the grading on lands to the west adjacent to this Plan and the Fox Hollow SWM Facility # 1 (north cell), on accordance with the accepted engineering drawings and all to the satisfaction of the City Engineer, at no cost to the City.
- #21 Prior to the issuance of a Certificate of Conditional Approval, the Fox Hollow SWM Facility # 3 and associated works shall be constructed and deemed functional and operational and the



File Number: 39T-04510-2
F. Gerrits / C. Smith

proposed storm/drainage servicing works for the subject site shall be connected, all to the specifications and satisfaction of the City Engineer.

#22 In the event that the Owner constructs temporary stormwater works and until said works are decommissioned, the Owner shall complete the following to the satisfaction of the City Engineer, and at no cost to the City:

- i) Operate, monitor and maintain the temporary works;
- ii) Remove and dispose of any sediment to an approved site.
- iii) Address forthwith any deficiencies of the temporary works and/or monitoring program.
- iv) Decommission the temporary works within six months of the permanent works being constructed and operational.

The Owner is responsible for all costs related to the temporary works including decommissioning and any redirection of sewers and overland flow routes.

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 Medway Creek Subwatershed, and connect them to the City’s existing storm sewer system being the 375 mm diameter storm sewer on Heardcreek Trail and the 1800 mm diameter storm on external lands to the east.

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 this not applicable.

- ~~(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.

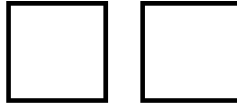
- ~~(j) The Owner shall register on title of Block [redacted] in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block [redacted] in this Plan shall be responsible for installing a sanitary private drain connection, at the owner’s expense, from the said block to 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 Lots and Blocks in this Plan and connect them to the City’s existing sanitary sewage system being the 200 mm diameter sanitary sewer on Heardcreek Trail and the 450 mm diameter sanitary sewer on external lands to the east.

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:



File Number: 39T-04510-2
F. Gerrits / C. Smith

- #23 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary and storm sewers easterly, external to this Plan, as per the accepted engineering drawings, to the satisfaction of the City.
- #24 Prior to the issuance of any Certificate of Conditional Approval, the sanitary trunk sewer and associated works shall be constructed and deemed functional and operational and the proposed sanitary servicing works for the subject site shall be connected, all to the specifications and satisfaction of the City Engineer.
- #25 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 Heardcreek Trail in Plan M- , adjacent to this Plan to accommodate the proposed works and services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

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

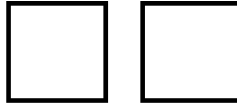
- (c) Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards and accepted engineering drawings, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing municipal system, namely, the existing 250 mm on Heardcreek Trail, the 900 mm diameter watermain on Sunningdale Road West and the 300 mm diameter watermain on Buroak Drive;
 - ii) construct a water valve chamber on Fair Oaks Boulevard at Sunningdale Road West as per the accepted engineering drawings; and
 - 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;

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

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

Add the following new Special Provisions:

- #26 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.
- #27 The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set-out in the accepted water servicing report and accepted engineering drawings study and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging as set out in the accepted water servicing report, and the watermains are no installed to the stage limits, the Owner would be required to submit revised plan and hydraulic modeling as necessary to address water quality.
- #28 The available fire flows for development Blocks within this Plan of Subdivision shall be established through the subdivision water servicing design study as follows:



File Number: 39T-04510-2
F. Gerrits / C. Smith

- Blocks 121 and 122 @ 90 litres per second

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

- #29 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

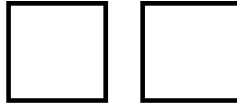
Remove Subsection 25.11 (b) and **replace** with the following:

- (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:
- (i) a fully serviced road connection where Fair Oaks Boulevard in this Plan meets with Sunningdale Road West, including all underground services and all related works as per the accepted engineering drawings;
 - (ii) a fully serviced road connection with Heardcreek Trail in this Plan meets with Heardcreek Trail in Plan 33M-____, including all underground services and all related works as per the accepted engineering drawings;
 - (iii) install temporary street lighting on Fair Oaks Boulevard at the intersection of Sunningdale Road West; and
 - (iv) construct left and right turn lanes, realigning existing ditch, grading, removing existing culvert and existing access and all associated works on Sunningdale Road West 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 Sunningdale Road West and Heardcreek Trail 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.



File Number: 39T-04510-2
F. Gerrits / C. Smith

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 (q) and **replace** with the following:

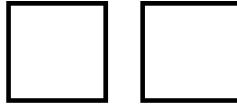
- (q) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - (ii) The Owner shall install the traffic calming circle at Fair Oaks Boulevard and Buroak Drive 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.
 - (iii) The Owner shall register against the title of all Lots and Blocks on Buroak Drive, Fair Oaks Boulevard, Applerock Avenue, Heardcreek Trail, Twilite Boulevard, Bridge Haven Drive and Future Bush Hill Link 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 and splitter islands 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 Sunningdale Road West and Fair Oaks Boulevard or other routes as designated by the City.

Add the following new Special Provisions:

- #30 Prior to any work on the site, the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive, in any year.
- #31 Prior to the issuance of a Certificate of Conditional Approval for Fair Oaks Boulevard, the left turn lane and right turn taper on Sunningdale Road West at Fair Oaks Boulevard shall be tendered and awarded, to the satisfaction of the City.
- #32 The Owner shall ensure that no vehicular access will be permitted to Blocks 121 and 122 from Sunningdale Road West. All vehicular access is to be via the internal subdivision streets.
- #33 Prior to assumption or when required by the City Engineer, the Owner shall construct raised intersections and raised pedestrian crosswalks as identified on the accepted engineering drawings, including permanent signage and pavement markings, as per the accepted engineering drawings, to the specifications and satisfaction of the City:
- #34 Prior to the issuance of any Certificate of Conditional Approval or as otherwise determined by the City, the Owner shall construct a roundabout at the intersection of Fair Oaks Boulevard and Buroak Drive, or provide alternative measures as determined by the City, to the satisfaction of the City Engineer, at no cost to the City.
- #35 The Owner shall remove the existing access and all associated works from Sunningdale Road West across Block 121 as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.



File Number: 39T-04510-2
F. Gerrits / C. Smith

- #36 Prior to the issuance of a Certificate of Conditional Approval for Fair Oaks Boulevard, the owner shall install temporary street lighting at the intersection of Fair Oaks Boulevard and Sunningdale Road, to the specifications of the City, at no cost to the City.
- #37 The Owner shall be required to make minor boulevard improvements on Sunningdale Road West 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.
- #38 The Owner shall construct a left turn lane and right turn taper on Sunningdale Road West at Fair Oaks Boulevard, as per the accepted engineering drawings, to the satisfaction of the City.
- #39 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a maintenance access (to service the sanitary and, storm sewers external to this Plan) from the east limit of Bridge Haven Drive in this Plan over lands external to this Plan, as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.

The Owner shall complete the said maintenance access in accordance to City Standard SPO 1.4A and SPO 1.4B including an asphalt surface, all to the satisfaction of the City Engineer and at no cost to the City.

In the event the ultimate Bridge Haven Drive has been constructed (by Others) or a schedule for completion has been provided to the satisfaction of the City, the Owner shall be relieved of this requirement.

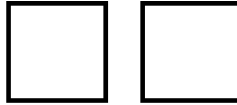
- #40 The Owner shall maintain the sanitary and storm sewer and watermain and temporary maintenance access (to service the sanitary and storm sewer) over lands external to this Plan as required herein until the said sewers and watermain and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.

25.12 PARKS

- #41 All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the Open Space limits to the satisfaction of the City Planner.
- #42 No grading shall occur within proposed park blocks except where determined to be appropriate by the City Planner.
- #43 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the Director, Development and Compliance Division.
- #44 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the Director, Development and Compliance Division.

SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.



File Number: 39T-04510-2
F. Gerrits / C. Smith

SPECIAL WORKS AND SERVICES

Roadways

- Fair Oaks Boulevard and Buroak Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

- Applerock Avenue, Heardcreek Trail, Twilite Boulevard, Bush Hill Link and Bridge Haven Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

- Fair Oaks Boulevard, from Sunningdale Road West to 45 metres south of Sunningdale Road West shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 28.0 metres. The widened road on Fair Oaks Boulevard shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of the following:

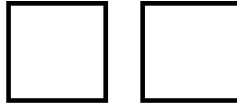
- (i) Buroak Drive
- (ii) Fair Oaks Boulevard

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

- (i) Applerock Avenue – from Twilite Boulevard to Lot 101 – south boulevard
- (ii) Applerock Avenue – from Lot 101 to Lot 120 - east boulevard
- (ii) Heardcreek Trail – west boulevard
- (iii) Twilite Boulevard – south boulevard
- (iv) Bridge Haven Drive – south boulevard

Pedestrian Walkways

Pedestrian walkway to be constructed on Block 125 in this Plan in accordance with the accepted engineering drawings.



File Number: 39T-04510-2
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SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and Foxhollow North Kent Developments 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:

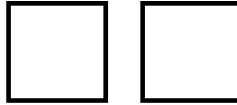
0.3 metre (one foot) reserves:	Blocks 127 to 141 both inclusive
Road Widening (Dedicated on face of plan):	Block 123
Walkways:	NIL
5% Parkland Dedication:	Blocks 124, 125 and 126 of this Plan. Additional Park Blocks to be taken in future phases(s)
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
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File Number: 39T-04510-2
F. Gerrits / C. Smith

SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and Foxhollow North Kent Developments 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:	\$ 848,944
BALANCE PORTION:	<u>\$4,810,683</u>
TOTAL SECURITY REQUIRED	\$5,659,627

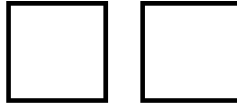
The Cash Portion shall be deposited with the City Treasurer prior to the execution of this Agreement.

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-04510-2
F. Gerrits / C. Smith

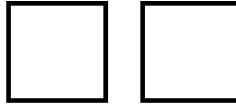
SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2017, between The Corporation of the City of London and Foxhollow North Kent Developments 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:

No multi-purpose easements are required external to this Plan as the City has blanket easements over this Plan and adjacent plans.



File Number: 39T-04510-2
F. Gerrits / C. Smith

Schedule "B"
Related Estimated Costs and Revenues

Agenda Item # Page #

Kent Phase 2 Subdivision - Auburn Developments Inc.
Subdivision Agreement
39T-04510

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost ^(Note 2) (includes HST)
Claims for developer led construction from CSRF	
- Sanitary internal oversized - DC14-WW02001	\$8,875
- Storm sewer oversized - DC14-MS01001	\$771,426
- Watermain oversized - DC14-WD01001	\$49,880
- Widening at Fair Oaks Boulevard - DC14-RS00063	\$5,588
- Engineering for internal widening - DC14-RS00063	\$835
- Channelization on Sunningdale Rd W - DC14-RS00067	\$377,263
- Engineering for channelization - DC14-RS00067	\$56,518
Claims for developer led construction from UWRF	
- None identified.	\$0
Claims for City led construction from CSRF	
- None identified.	\$0
Total	\$1,268,165
Estimated Total DC Revenues ^(Note 2) (2017 Rates)	Estimated Revenue ^(Note 3)
CSRF	\$5,255,847
UWRF	\$473,496
TOTAL	\$5,729,143

1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.

2 Estimated Revenues are calculated using 2017 DC rates and may take many years to recover. The revenue estimates include DC cost recovery for "soft services" (i.e. 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 24 / 2017

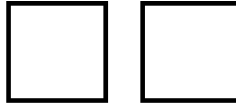
Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Nov 27 / 17

Date

Paul Yeoman
Director, Development Finance



File Number: 39T-04510-2
F. Gerrits / C. Smith

Schedule "C"

SOURCE OF FINANCING

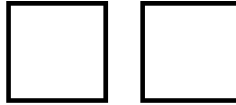
#17209
December 4, 2017
(39T-04510)

RE: Subdivision Special Provisions - Foxhollow North Kent Subdivision - Phase 2
Foxhollow North Kent Developments Inc.
1284 and 1388 Sunningdale Road West
Capital Budget Project No. ES529 - Storm Sewer Internal Oversizing Subsidy (Subledger 2418735)
Capital Budget Project No. ES5145 - Sanitary Sewer Internal Oversizing Subsidy (Subledger 2418731)
Capital Budget Project No. TS1651 - Minor Roadworks-Channellization (Subledger 2418746)
Capital Budget Project No. TS1371 - Road Class Oversizing City Share (Subledger 2418739)
Capital Budget Project No. EW3818 - Watermain Internal Oversizing Subsidy (Subledger 2418737)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that a portion of these works can be accommodated within the Capital Works Budget, and that project TS1651 can be accommodated with a drawdown from the City Services - Road Levies Reserve Fund and project EW3818 from the City Services - Water Levies Reserve Fund, and that subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official, the detailed source of financing is:

	Approved Budget	Additional Funding/ Adjustment	Revised Budget	Committed To Date	This Submission	Balance for Future Work
ESTIMATED EXPENDITURES						
ES529 Storm Sewer Internal Oversizing						
Engineering	\$27,463		\$27,463	\$27,463		\$0
Construction	4,570,177		4,570,177	3,671,272	785,003	113,902
	4,597,640	0	4,597,640	3,698,735	785,003	113,902
ES5145 - Sanitary Sewer Internal Oversizing						
Construction	\$357,300		\$357,300	\$116,098	\$6,793	\$234,409
TS1651 - Minor Roadworks-Channellization 3)						
Engineering	\$250,009	\$57,512	\$307,521	\$250,009	\$57,512	\$0
Construction	1,990,025	383,923	2,373,948	1,990,025	383,923	0
	2,240,034	441,435	2,681,469	2,240,034	441,435	0
TS1371-Road Class Oversizing City Share						
Engineering	\$6,213	\$850	\$7,063	\$6,213	\$850	\$0
Construction	393,787	(850)	392,937	45,539	5,666	338,732
	400,000	0	400,000	54,752	6,516	338,732
EW3818-Watermain Internal Oversizing 3)						
Construction	\$468,287	\$50,738	\$519,025	\$468,287	\$50,738	\$0
NET ESTIMATED EXPENDITURES	\$8,063,261	\$492,173	\$8,555,434	\$6,577,906	\$1,290,485 1)	\$687,043
SOURCE OF FINANCING						
ES529 Storm Sewer Internal Oversizing						
Drawdown from Sewage Works Reserve Fund	\$25,300		\$25,300	\$20,353	\$4,320	\$627
Drawdown from City Services - Mr. SWM Reserve Fund (Development Charges)	4,572,340	0	4,572,340	3,678,382	780,683	113,275
	4,597,640	0	4,597,640	3,698,735	785,003	113,902
ES5145 - Sanitary Sewer Internal Oversizing						
Drawdown from Industrial Oversizing Sewer R.F.	\$12,200		\$12,200	\$721	\$42	\$11,437
Drawdown from City Services - Sewer Reserve Fund (Development Charges)	345,100		345,100	115,377	6,751	222,972
	357,300	0	357,300	116,098	6,793	234,409
TS1651 - Minor Roadworks-Channellization						
Capital Levy	\$28,419		\$28,419	\$28,419		\$0
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2,211,615	441,435	2,653,050	2,211,615	441,435	0
	2,240,034	441,435	2,681,469	2,240,034	441,435	0
TS1371-Road Class Oversizing City Share						
Capital Levy	\$4,400		\$4,400	\$2,026	\$241	\$2,133
Drawdown from Industrial Oversizing R.F.	10,400		10,400			10,400
Drawdown from City Services - Roads Reserve Fund (Development Charges)	385,200		385,200	52,726	6,275	326,199
	400,000	0	400,000	54,752	6,516	338,732
EW3818-Watermain Internal Oversizing						
Drawdown from Industrial Oversizing Water R.F.	\$1,700		\$1,700	\$1,700	\$0	\$0
Drawdown from City Services - Water Reserve Fund (Development Charges)	466,587	\$50,738	517,325	466,587	\$50,738	0
	468,287	50,738	519,025	468,287	50,738	0
TOTAL FINANCING	\$8,063,261	\$492,173	\$8,555,434	\$6,577,906	\$1,290,485	\$687,043
1) Financial Note - Construction						
	ES5429	ES5145	TS1651	TS1371	EW3818	Total
Contract Price	\$771,426	\$6,675	\$377,283	\$5,566	\$49,860	\$1,210,810
Add: HST @13%	100,285	868	49,047	724	6,482	\$157,406
Total Contract Price Including Taxes	871,711	7,543	426,330	6,290	56,342	1,368,216
Less: HST Rebate	86,708	750	42,407	626	5,804	\$138,095
Net Contract Price	<u>\$785,003</u>	<u>\$6,793</u>	<u>\$383,923</u>	<u>\$5,666</u>	<u>\$50,738</u>	<u>\$1,232,123</u>
Financial Note - Engineering						
			TS1651	TS1371		Total
Contract Price			\$58,518	\$835		\$59,353
Add: HST @13%			7,347	109		\$7,456
Total Contract Price Including Taxes			\$65,865	\$944		\$66,809
Less: HST Rebate			6,353	94		\$6,447
Net Contract Price			<u>\$59,512</u>	<u>\$850</u>		<u>\$60,362</u>
Total - Construction and Engineering	\$785,003	\$6,793	\$441,435	\$6,516	\$50,738	\$1,290,485



File Number: 39T-04510-2
F. Gerrits / C. Smith

#17209
December 4, 2017
(39T-04510)

RE: Subdivision Special Provisions - Foxhollow North Kent Subdivision - Phase 2
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Capital Budget Project No. TS1651 - Minor Roadworks-Channelization (Subledger 2418740)
Capital Budget Project No. TS1371 - Road Class Oversizing City Share (Subledger 2418739)
Capital Budget Project No. EW3818 - Watermain Internal Oversizing Subsidy (Subledger 2418737)

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2014.
- 3) The additional funding requirement of \$441,435 for Project TS1651 is available as a drawdown from the City Services - Roads Levies Reserve Fund. Further additional funding of \$50,738 for Project EW3818 is available as a drawdown from the City Services - Water Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward.

The 2014 DC Study identified a 20 year program for minor roadworks - channelization (DC14-RS00067/TS1651) and Watermain internal oversizing (DC14-WD01001/EW3818) with a total projected growth needs of \$2,475,000 and \$1,000,000 respectively. The total funding is allocated to the capital budget proportionately by year across the 20 year period. If the total commitments exceed the accumulated capital budget, funding is brought forward from future years allocations from the DC reserve fund, matching when claims are more likely to occur. The DC funded programs are closely monitored and Council will be apprised of pressure on budgets through the annual DC Monitoring process.

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Jason Senese
Manager of Financial Planning & Policy