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”;

(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 Wateroak Drive from the Claybar Subdivision immediately to the south. The 2nd phase will have access through the first phase to Wateroak 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:
(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 this 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
PLAN OF SUBDIVISION
**PREPARED BY:**

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<th>Craig Smith</th>
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<td>Senior Planner</td>
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<td>Development Services (Subdivisions)</td>
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**REVIEWED BY AND RECOMMENDED BY:**

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**CONCURRED IN BY:**

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<td>Director, Development Services</td>
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**SUBMITTED BY:**

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<td>P.ENG</td>
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<td>Managing Director, Development and Compliance Services and Chief Building Official</td>
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CS/fg
Attach.
November 24, 2017
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 plane 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,
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
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
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;
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:


#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
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 ___ in this Plan and include in the Purchase and Sale Agreement, a covenant that the owner of Block ___ in this Plan shall be responsible for installing a sanitary private drain connection, at the owner’s expense, from the said block to the proposed municipal sanitary sewer to the [North, South, East, West] of this Block in City owned lands ___ described ___ or an alternative sanitary outlet, to the satisfaction of the City Engineer, at no cost to the City, should the said block not be developed in conjunction with or serviced through other lands to the east of this block intended to be jointly developed as a school.

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

(o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City’s existing sanitary sewage system being the 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:
#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, all 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:
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 Heards Creek Trail in this Plan meets with Heards Creek 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 Heards Creek 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.
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, Heardscape 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.
#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.
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
(iii) Heardcreek Trail – west boulevard
(iv) Twilite Boulevard – south boulevard
(v) 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.
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

LANDS TO BE HELD IN TRUST BY THE CITY:
Temporary access: NIL
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: $4,810,683
- 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.
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.
Schedule “B”
Related Estimated Costs and Revenues

<table>
<thead>
<tr>
<th>Estimated DC Funded Services Costs((\text{excl. IRT}))</th>
<th>Estimated Costs((\text{excl. IRT}))</th>
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<tbody>
<tr>
<td>Claims for developer fee contribution from CSRF</td>
<td>$9,270</td>
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<tr>
<td>Survey/Viewing/Investigation - DC4-8978/1399</td>
<td>$711,425</td>
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<tr>
<td>Watermain pollution - DC4-8979/1399</td>
<td>$69,444</td>
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<tr>
<td>Engineering for street lighting - DC4-2812/1552</td>
<td>$305</td>
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<tr>
<td>Engineering for irrigation - DC4-2812/1552</td>
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<td>Engineering for transmission - DC4-2812/1552</td>
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<tr>
<td>Claims for developer fee contribution from WARR</td>
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<td>Claims for City fee contribution from CSRF</td>
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Estimated Total DC Revenues(\(\text{excl.} \text{ IRT}\))

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<thead>
<tr>
<th>CSRF</th>
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<tr>
<td>WARR</td>
<td>$473,976</td>
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<tr>
<td>TOTAL</td>
<td>$5,730,823</td>
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</table>

1. Schedule Items are based on agreements provided for the applicant and include engineering, construction and contingencies costs within KRT. Details of the agreements (Agreements, Contract, Agreement, IRT, Agreements, Contract, Agreement, IRT) will be available upon request. For further information, please contact the City’s Finance Department.

2. Estimated Revenue is calculated using 1991 DC rates and may vary by city to city. The revenue estimates include DC (and recovery to city) for street, park, and water services. The estimated total includes the estimated cost of the project plus the estimated total of the project. The estimated total includes the estimated cost of the project plus the estimated total of the project. The estimated total includes the estimated cost of the project plus the estimated total of the project. The estimated total includes the estimated cost of the project plus the estimated total of the project.

3. The revenue and cost tables above are not fully comparable. The City employs a “top-down” approach to recovery of costs, as the “top-down” approach is more suitable for larger projects. The city’s approach to recovery of costs is a “top-down” approach, as the “top-down” approach is more suitable for larger projects. The city’s approach to recovery of costs is a “top-down” approach, as the “top-down” approach is more suitable for larger projects. The city’s approach to recovery of costs is a “top-down” approach, as the “top-down” approach is more suitable for larger projects.

Reviewed by:
Matt Feldberg
Manager, Development Services (Subdivisions)

Date: 10/27/19

Paul Veenman
Director, Development Finance

File Number: 39T-04510-2
F. Gerrits / C. Smith
**Schedule “C” SOURCES OF FINANCING**

<table>
<thead>
<tr>
<th>Source of Financng</th>
<th>Estimated Costs</th>
<th>Additional Expenditures</th>
<th>Total Estimated Costs</th>
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</thead>
<tbody>
<tr>
<td>Engineering</td>
<td>$327,300</td>
<td>$305,906</td>
<td>$633,206</td>
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<tr>
<td>Construction</td>
<td></td>
<td></td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

**Notes:**
- The schedule above includes estimated costs for various sources of financing, including engineering and construction.
- The total estimated costs sum up to $633,206.

**FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:**

Financial Corporate Services recommends the following schedule of sources of financing to be incorporated into the Capital Works Budget and presented to the City Council. The funds are recommended to be allocated as follows:

- **Engineering:** $327,300
- **Construction:** $305,906

The total estimated costs are $633,206, which includes all the anticipated costs for the project.

**Agenda Item #:**

**Page #:**

**File Number:** 39T-04510-2

**F. Gerrits / C. Smith**
RE: Subdivision Special Provisions - Foshollow North Kent Subdivision - Phase 2
Foshollow North Kent Development Inc.
1204 and 1300 Earnshaw Road West
Capital Budget Project No. 85586 - Storm Sewer Internal Overflowing Subsidy (Subsidizer 2418719)
Capital Budget Project No. 836145 - Sanitary Sewer Internal Overflowing Subsidy (Subsidizer 2418721)
Capital Budget Project No. 791651 - Minor Roadworks - Channelization (Subsidizer 2418743)
Capital Budget Project No. 791671 - Road Class Overflowing City Sewer (Subsidizer 2418738)
Capital Budget Project No. 799613 - Wastewater Internal Overflowing Subsidy (Subsidizer 2419737)

A17239
December 4, 2017
(207-04550)

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

2) Development changes 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 T31651 is available as a cashflow from the City Services - Roads Levies Reserve Fund. Further additional funding of $50,739 for Project T303639 is available as a cashflow 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-R5000967/181/351) and Wastewater internal overflowing (DC14-R2000667/161/351) with a total present growth needs of $3,475,000 and $1,000,000 respectively. The total funding is allocated to the capital budget proportionally by year across the 20 year period. If the total commitments exceed the accumulated capital budget funding, 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 approving pressure on budgets through the annual DC Monitoring process.

John Cooke
Manager of Financial Planning & Policy