

File Number: 39T-04503-2

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON SEPTEMBER 24, 2012
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SPECIAL PROVISIONS CLAYBAR DEVELOPMENTS INC. CLAYBAR SUBDIVISION – PHASE 2 39T-04503-2

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Claybar Developments Inc. for the subdivisions of land over Part of Lot 23, Concession 5, City of London, County of Middlesex, situated on the north side of Tokala Trail, west of Aldersbrook Gate, and north of Fanshawe Park Road West.

- (a) the attached Special Provisions, (Schedule “C”), to be contained in a Subdivision Agreement between The Corporation of the City of London and Claybar Developments Inc. for the Claybar (Phase 2) Subdivision (39T-04503-2) **BE APPROVED**;
- (b) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all related documents required to fulfill its conditions; and
- (c) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and reviews to be as per Schedule “B”.

BACKGROUND

This application for Plan of Subdivision Approval was received on July 9, 2004. The entire Claybar subdivision is comprised of a 32 hectare (80 ac.) property located at 1139 Fanshawe Park Road West, east of Hyde Park Road. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009.

The Owner registered the first phase of this subdivision on November 29, 2010, as Plan 33M-623, which consisted of twenty four (24) single family lots, one (1) school block and two (2) multi-family blocks.

Phase 2 consists of consists of 64 single family detached Lots, three (3) part lot blocks, the extension of Watroak Drive and two (2) new local streets, Couldridge Way and Foxbend Link.

A request for extension of draft approval on the balance of lands in the Claybar Subdivision is being addressed in a separate report to the Planning and Environment Committee.

The City is currently working to complete the Heard Drain channel reconstruction / remediation project. A portion of the existing Heard Drain crosses the subject lands and must be maintained until such time as the conveyance outlet from the Calloway Reit Temporary SWM facility has been relocated to the satisfaction of the City and Ministry of Environment. The special provisions include clauses to protect the existing Heard Drain by ensuring the lots impacted by the drain are held from development until it can be properly decommissioned in accordance with the Ultimate SWM system design for the Fox Hollow Area.



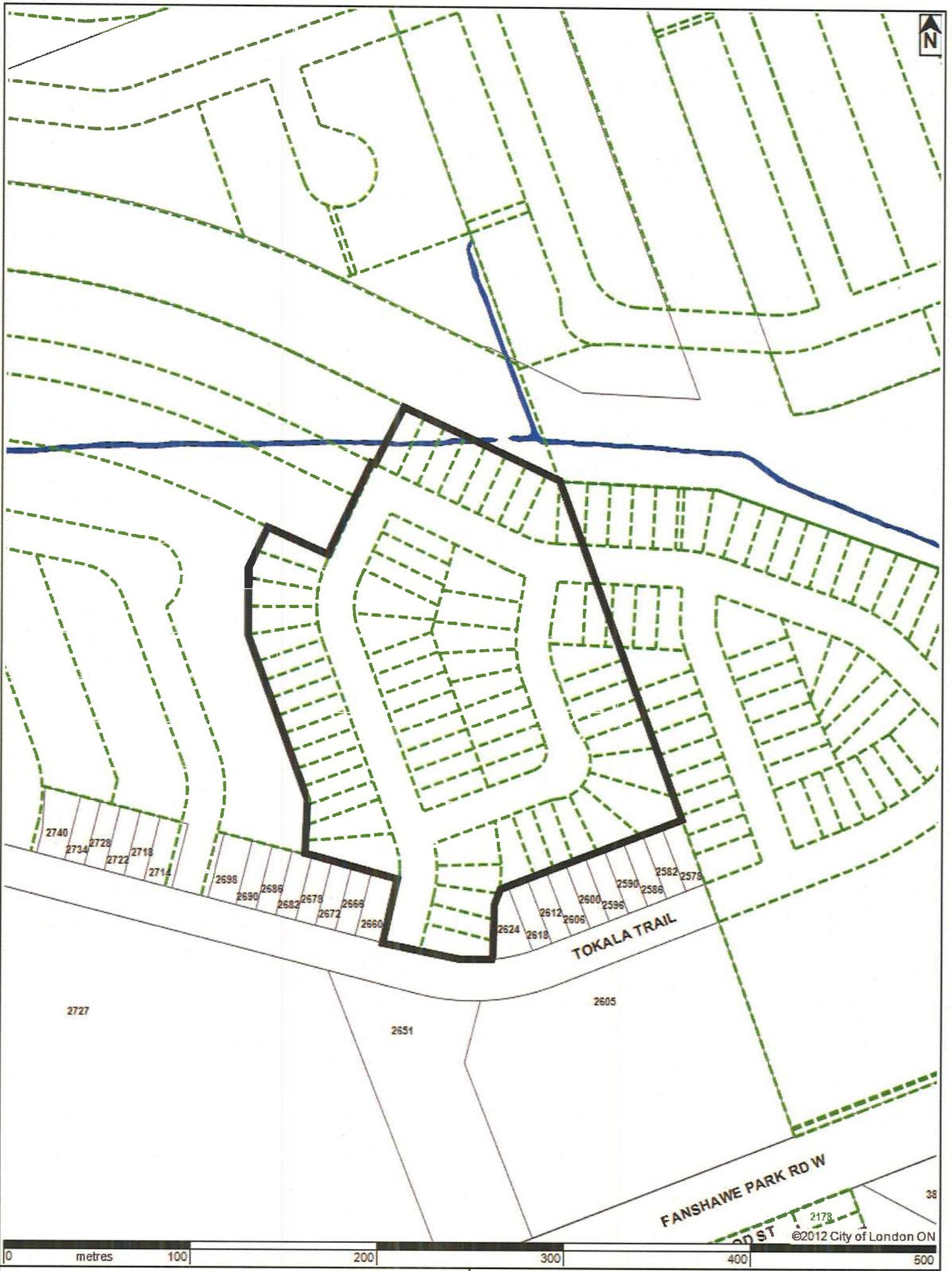
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This report and Special Provisions have been prepared in consultation with the City's Solicitors Office and have been reviewed with the Owner.

A copy of the location plan is attached as Schedule "A" for the information of the Committee.

RECOMMENDED BY:	REVIEWED BY:
 ALLISTER MACLEAN SENIOR PLANNER, DEVELOPMENT SERVICES	 BRUCE HENRY MANAGER OF DEVELOPMENT PLANNING
CONCURRED BY:  TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES	SUBMITTED BY:  GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

AM/fg
 Attach.
 September 13, 2012



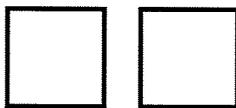
LOCATION MAP

Subject Site: **Phase II**
 File Number: **39T-04503-2**
 Created By: **Allister MacLean**
 Date: **2012-08-21**
 Scale: **1:2500**

LEGEND

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers





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Appendix / Schedule "B"

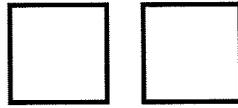
Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General - Storm sewer – subsidy for oversizing	\$152,176
Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	\$152,176
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$1,052,800
UWRF	\$424,128
Total	\$1,476,928

1. Estimated Costs are based on approximations provided by the applicant. Final claims will be determined based on actual costs in conjunction with the terms of the subdivision agreement and the applicable By-law.
2. Estimated Revenues are calculated using 2012 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
3. The revenues and costs in the table above are not directly comparable. This subdivision, like others in the area, also relies on the recently constructed roadwork and SWM facilities, the cost of which is not reported above. Other growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas are not reported above, though the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported 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.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

Reviewed By:

Peter Christiaans
Director, Development Finance



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Schedule C – Special Provisions

28. PART II – SPECIAL PROVISIONS

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

- (a) The Owner shall undertake the work at the Owner's entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim under this section.

If the Owner alleges an entitlement to any reimbursement or payment from the Urban Works Reserve Fund (the "Fund") either as a result of the terms hereof or pursuant to the requirements of City of London By-law C.P.-1473-212 as amended (the "Development Charges By-law"), the Owner may, upon receipt of a Certificate of Conditional Approval pursuant to Clause 9 of the general provisions hereof, make application to the said Fund for payment of the sum alleged to be owing, and as confirmed by the City Engineer and the payment will be made pursuant to the by-law and any policy established by Council to govern the administration of the said Fund.

It is further understood by the Owner that no words or phrases used in this Agreement relating to the calculation of any credits due the Owner or entitlements from the Fund or elsewhere shall be interpreted as an obligation or promise on the part of the City to pay from the said Fund except in conformity with the By-law and policies governing the administration thereof as provided in this clause above and no payment shall be made except from the said Fund and only after appropriate application is made as herein set out.

The City may plead this Agreement as an estoppel against any application or action whatsoever to challenge the validity of this Agreement, the Development Charges By-law or the Fund. In addition, the Owner agrees that in the event that the Fund does not have sufficient funds to pay the Owner's claim by reason of an order or judgement of a Court of Law or, that the Development Charges By-law is void or invalid for any reason, the Owner will not seek further or other reimbursement from the City.

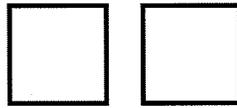
If the Owner undertakes work subject to a claim under this section it shall not seek a credit under Section 38 of the *Development Charges Act* and this clause may be pleaded in any complaint, action, application or appeal to any court or tribunal in which the Owner who is entitled to make a claim against the Fund seeks a credit under Section 38.

The anticipated claims against the Fund are:

- (i) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated claim valued at \$153,000;

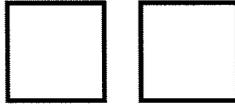
The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

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



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- (c) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in the Plan to the specifications of the City Engineer and at the Owner's entire expense. The City Engineer may require additional inspections by the Owner's professional engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in the Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in the Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.
- (d) The Owner shall adhere to the geotechnical engineer's recommendation under the full time supervision of a geotechnical engineer with respect to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within the Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the geotechnical engineer's recommendations.
- Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots and Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Lot and Block within the Affected Lands in order to protect the proposed buildings on the said Lots and Blocks from settlement and other harmful effects.
- The Owner shall register against the title of each Lot and Block within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot and Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot or Block within the Affected Lands must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Director of Building Control upon completion of the foundation on the Lot or Block within the Affected Lands that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.
- (e) Should barricades be installed at the east limit of Waterloo Drive by the owner of lands to the east, the Owner shall remove the barricades at the time of connecting Waterloo Drive in the Plan to Waterloo Drive on lands to the east, as approved by the City, at no cost to the City.
- (f) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in the Plan to access the site from Fanshawe Park Road West via Aldersbrook Gate.
- (g) The Owner shall construct or install all of the following required works to the specifications of the City Engineer and in accordance with the plans accepted by the City:
- (i) a fully serviced road connection where Couldridge Way in the Plan joins with Tokala Trail in Plan 33M-623, including all underground services and related works; and
 - (ii) a fully serviced road connection where Waterloo Drive in the Plan joins with the proposed Waterloo Drive to the east of the Plan (File No. 39T-05512)



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when available, including all underground services and related works, when lands to the east develop;

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. The Owner shall provide full-time supervision by its professional engineer for all works to be constructed on Tokala Trail and proposed Waterloo Drive 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.

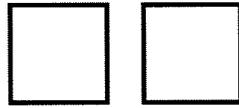
The Owner shall complete the works specified above on a schedule acceptable to the City, or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City (or 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's Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

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

- (h) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (i) The Owner shall construct the watermains to service the Lots and Blocks in the Plan and connect them to the City's existing Hyde Park Pumping Station high level water distribution system, being the 300 mm (12 inch) diameter water main on Tokala Trail, to the specifications of the City Engineer.

The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.

- (j) The Owner shall have its professional engineer confirm water quality requirements for the watermain in the subdivision at the west limit of Waterloo Drive in the Plan by submitting to the City Engineer design calculations which demonstrate there is adequate water turnover to maintain water quality for review and acceptance and/or implement any accepted recommendations by the use of the following:
- i) valving to shut off future connections which will not be used in the near term; and/or
 - ii) automatic flushing devices to maintain water quality, with it being noted that



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the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. *Please note that where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to justify the settings for the automatic flushing device.*

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

- (k) Sewage treatment capacity at the Greenway/Adelaide Pollution Control Plant is available for the Plan as of October, 2012 and will be reserved by the City for the Plan provided the Plan and this Agreement are registered before October 31, 2013.

In the event that the Plan and this Agreement are not registered before October 31, 2013, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to the Plan, if such capacity is available at that time.

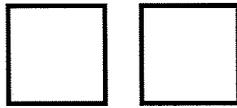
The Owner acknowledges that sewage treatment capacity at the Greenway/Adelaide Pollution Control Plant must be allocated for the Plan prior to the Owner's application for building permits in the Plan.

- (l) The Owner shall construct the sanitary sewers to service the Lots and Blocks in the Plan and connect them to the City's existing sanitary sewage system being the 200 mm (8 inch) diameter sanitary sewer on Tokala Trail at Couldridge Way and the future 200 mm (8 inch) sanitary sewer on Watroak Drive to be constructed in conjunction with the development of lands to the east under draft plan 39T-05512.

Prior to the issuance of any Certificate of Conditional Approval, if the latter sewer is not in place to serve the Plan, as an alternative, the Owner may make the necessary arrangements to obtain the necessary easements and construct the downstream sewer through lands to the east (File No. 39T-05512) to the existing outlet on Tokala Trail at Watroak Drive.

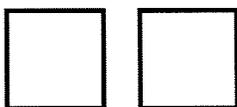
- (m) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures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

- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed upon the submission and acceptance of sanitary inspection video. This plug may only be removed by the City inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;
- (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
- (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;



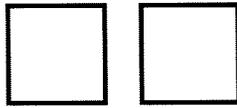
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- (iv) Testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing;
 - (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision and previous phases of subdivisions, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;
 - (vi) On demand by the City and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. The restoration of the private drain connection will be at the sole cost of the Owner and may be make only at the time of or immediately prior to the occupancy of that lot; and
 - (vii) The Owner or their representative shall prepare and submit a recommendation to the City of London which indicates groundwater levels within the subdivision and recommended measures to be taken during construction to ensure that there is no infiltration or inflow to the sanitary sewer manholes. Leakage testing of the Sanitary Sewer System Manholes shall be carried out in accordance with OPSS 407.
- (n) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (o) The Owner shall construct the storm sewers to service the Lots and Blocks in the Plan, which is located in the Medway Creek Subwatershed, and connect them to the City's existing storm sewer system being the 825 mm (33 inch) diameter storm sewer on Tokala Trail and the future 1650 mm (66 inch) diameter storm sewer on Wateroak Drive outletting to the Heard Drain via the Regional Fox Hollow SWM Facility # 2.
- Prior to the issuance of any Certificate of Conditional Approval, if the Wateroak Drive sewer is not in place to serve the Plan, the Owner may make the necessary arrangements to obtain the necessary easements and construct the downstream sewer through lands to the east (File No. 39T-05512) to the existing outlet on Tokala Trail at Wateroak Drive.
- The storm sewers required in conjunction with the 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.
- (p) The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works in accordance with the approved servicing drawings, including any temporary works, to the satisfaction of the City and according to the recommendations and requirements of the following:
- (i) The SWM criteria and environmental targets for the Medway Creek Study;
 - (ii) The preferred storm/drainage and SWM servicing option of the accepted addendum to the Municipal Class EA for the Fox Hollow lands and the accepted Fox Hollow Functional Design;
 - (iii) The approved Functional Design Report for the proposed SWM Facility # 2 and the Fox Hollow storm/drainage and SWM system;



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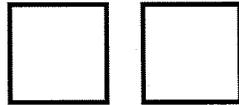
- (iv) The approved Storm/Drainage and SWM Servicing works Design Letter/Report of Confirmation for the subject lands;
 - (v) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised (October 2003);
 - (vii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (q) Prior to the issuance of any Certificate of Conditional Approval for this Subdivision, all relevant storm/drainage and SWM servicing works, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- (r) Prior to the issuance of any Certificate of Conditional Approval, the Heard Drain channel reconstruction/remediation and servicing, the Regional SWM Facility # 2 works and the proposed storm/drainage servicing works, including major and minor storm flow routes, for the subject site, must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specifications and satisfaction of the City. Notwithstanding the foregoing, Block 65 and Lots 19-26, both inclusive, are to be held out of development until such time as the above-noted SWM works are completed and operational, all to the specifications and satisfaction of the City.
- (s) The portion of the existing Heard Drain channel on the subject lands must be maintained until such time as an approved relocated conveyance outlet for the Calloway Reit's lands has been constructed and is operational, in accordance with the accepted Addendum to the Fox Hollow Municipal Class EA Study for Storm/Drainage and SWM Servicing Works and the approved Fox Hollow Functional Design Report for this system. As such, Lots 24, 25 and 26 of this Plan, shall be held out of development until such time as the above-noted works are completed and operational, all to the specifications and satisfaction of the City. Upon the above-noted works being constructed and operational, the portion of the existing Heard Drain on the subject land shall be filled in with suitable engineered fill material, all at no cost and to the satisfaction of the City.
- (t) Concurrent with registration of the plan, the Owner shall provide all required and adequate easements and land dedications related to the stormwater/drainage and SWM servicing works for the subject lands, all to the satisfaction of the City.
- (u) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control report accepted by the City, to be used during construction and implementation of the plan satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (v) The Owner shall provide a security in the amount of \$60,000 for the Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City Engineer approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City Engineer.
- (w) The Owner shall have its professional geotechnical engineer address all geotechnical issues and all required setbacks related to slope stability and adequacy



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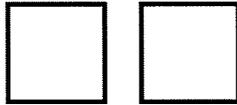
of outlet systems, conveyance capacities during post development conditions, all to the satisfaction of the City and the UTRCA.

- (x) The Owner shall make all necessary adjustments, including easement conveyance, to preserve the temporary outlet for 1139 Fanshawe Park Road West, until such time as a permanent outlet becomes available, all at the cost of the Owner.
- (y) The Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- (z) The Owner shall implement SWM Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within the Plan and the approval of the City.
- (ab) The Owner shall report any contamination encountered during construction or anything suspected as such, to the City Engineer, and, in this event, the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
- (ac) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide adequate temporary measures, if necessary, such as easements, catchbasins, grading, erosion and sediment control measures, etc. to address any grading or drainage issues that may arise along the boundary of the Plan.
- (ad) The Owner shall hold Blocks 65, 66 and 67 in the Plan out of development until they can be combined and developed with the adjacent lands to the east within Draft Approved Plan 39T-05512, to the satisfaction of the City.
- (ae) All Lot and Blocks 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. Should the property owner desire to construct a fence at the interface with the Open Space SWM blocks, fencing shall be limited to black 1.5 meter high chain link fencing in accordance with current City park standards (SPO 4.8) or approved alternate.
- (af) The Owner shall construct the driveways for each Lot or Block in compliance with the approved on street parking plan for this subdivision, attached as **Schedule "N"** to this Agreement and in compliance with the City's Zoning By-law. Prior to assumption of the subdivision by the City, the Owner shall have its Consulting Engineer/Surveyor certify for each Lot or Block to the City that the location and width of the as built driveways complies with the approved parking plan and is in compliance with the City's Zoning By-law. Further, the Owner shall rectify any deficiencies identified by the Consulting Engineer/Surveyor at no costs to the City.
- (ag) Within one (1) year of registration of the 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 Manager, Development Services.



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- (ah) Within one (1) year of registration of the Plan, the Owner shall prepare and deliver to all homeowners adjacent to open space land 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 Manager, Development Services.
- (ai) 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.
- (aj) The Owner shall register on title and include in the Purchase and Sale Agreement for Lot 1 the requirement that the home to be designed and constructed on corner Lot abutting the collector road in the Plan, are required to have a side entry garage, with driveway access from Coldridge Way, a main entry of the home which fronts Tokala Trail and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the collector road. Further, the Owner shall obtain approval of their proposed design from the Manager, Community Planning & Urban Design prior to any submission of an application for building permit for Lot 1 of this Plan.



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SCHEDULE 'C'

This is Schedule 'C' to the Subdivision Agreement dated _____ between The Corporation of the City of London and Claybar Developments Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES**Roadways**

- Couldridge Way and Waterlooak Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20.0 metres (66').
- Foxbend Link shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60')

Sidewalks

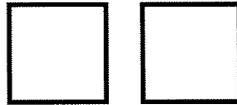
A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Waterlooak Drive.

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

- (i) Couldridge Way – west boulevard
- (ii) Foxbend Link – outside boulevard

Pedestrian Walkways

There are no walkways in the Plan.



File Number: 39T-04503-2

SCHEDULE 'D'

This is Schedule 'D' to the Subdivision Agreement dated this _____ day of _____, 2012, between the Corporation of the City of London and Claybar Developments Inc. to which it is attached and forms a part.

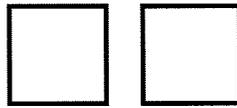
Prior to the Approval Authority granting final approval of the Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within the Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 68 and 69
Road Widening:	Nil
Walkways:	Nil
5% Parkland Dedication:	Cash-in-lieu for Lots 1, 2, 3 and 4 of the Plan --- Remaining parkland to be taken in future phase(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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File Number: 39T-04503-2

SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated _____ between The Corporation of the City of London and Claybar Developments Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 265,880 **
BOND PORTION:	<u>\$1,451,637</u>
TOTAL	\$1,717,517 **

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

CASH PORTION:	\$ 265,880 **
BOND PORTION:	NIL

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

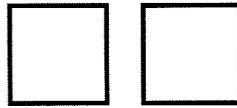
CASH PORTION:	NIL
BOND PORTION:	\$1,451,637

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

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

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

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



File Number: 39T-04503-2

SCHEDULE 'F'

This is Schedule 'F' to the Subdivision Agreement dated this _____ between The Corporation of the City of London and Claybar Developments Inc., to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Temporary easements for servicing shall be deeded to the City in conjunction with the Plan, within the Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
- (i) At west limit of Watroak Drive;
 - (ii) At east limit of Watroak Drive, if necessary; and
 - (iii) Adjacent to the west limit of the Plan for temporary diversion swale, if necessary.