



File Number: 39T-10504

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON SEPTEMBER 24, 2012</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT</b>	<b>SPECIAL PROVISIONS PEMIC LAND CORP. and SIFTON PROPERTIES LIMITED RIVERBEND MEADOWS PHASE 3 39T-10504</b>

<b>RECOMMENDATION</b>
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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 Pemic Land Corp. and Sifton Properties Limited for the subdivisions of land over all of Block 48, Plan 33M-549, City of London, County of Middlesex, situated on the east side of Riverbend Road, north of Shore Road, municipally known as 1480 Riverbend Road.

- (a) the attached Special Provisions, Appendix "D", to be contained in a Subdivision Agreement between The Corporation of the City of London and Pemic Land Corp. and Sifton Properties Limited for the Riverbend Meadows Subdivision, (39T-10504) **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Appendix "B", attached hereto;
- (c) the applicant **BE ADVISED** that the Director of Development Finance has summarized the claims and revenues to be as per Appendix "A"; 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.

<b>BACKGROUND</b>
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On October 14, 2010, Pemic Land Corp. submitted a draft plan of subdivision application for a 2.35 hectare (5.8 acre) vacant parcel of land located at 1480 Riverbend Road. The lands represent a block in a plan of subdivision (33M-549) which had originally been created and set aside as an elementary school site for the London District Catholic School Board (LDCSB). The application was accepted on October 28, 2010 on the understanding staff would be prepared to initiate the process; but, not be in a position to recommend draft approval until the time period for the LDCSB to purchase the subject lands lapsed or the School Board has signed-off that they will not be purchasing the property. The LDCSB held the sole rights to purchase the lands up until November 2, 2011, the lapse date established in accordance with the terms of the subdivision agreement for 33M-549.

Pemic Land Corp. had submitted a draft plan of subdivision application containing 29 single detached lots served by the extension of two local streets extending westerly from Logans Way to Riverbend Road. The north and south legs of Logans Way are linked by an existing public road which lies outside the draft plan on the east forming the crescent. The applicant is proposing that this section of road be closed in the future resulting in the creation of two additional single detached lots.

Notice of the application was advertised in the Living in the City section of the London Free Press on November 20, 2010, and circulated to area residents and commenting agencies and departments on November 16, 2010. On May 2, 2011, the Built and Natural Environment Committee (BNEC) held a public meeting in order to receive public input, and report to the Approval Authority any issues



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raised with respect to the application for draft plan of subdivision.

On May 9, 2011, Municipal Council passed a resolution to advise the Approval Authority that there were no issues raised at the public participation meeting of the Built and Natural Environment Committee with respect to the application by Pemic Land Corporation; it being noted that draft plan approval of the proposed plan of subdivision was considered premature until the time period established for the LDCSB to complete the transaction of purchase and sale of the subject lands has lapsed or the School Board waived its right to purchase.

Notwithstanding the lapse date for the LDCSB to complete the transaction of purchase and sale was November 2, 2011, on August 22, 2011 Barry Card on behalf of Pemic Land Corp. appealed the draft plan of subdivision application to the Ontario Municipal Board with respect to the failure of the Approval Authority to make a decision within 180 days after submission of the application. The Board had scheduled an appointment for a hearing of this appeal for January 23, 2012.

The Ontario Municipal Board had issued its order on February 17, 2012, granting draft approval for this plan of subdivision as submitted.

The time period in which the LDCSB had to complete the acquisition of the school block has lapsed and there has been no transaction of purchase and sale.





The conditions of Draft Approval require the applicant to submit an application to change the street name of the south leg of Logans Way to Logans Trail. The applicant has done so and this matter is scheduled to be heard at a public participant meeting before the Civic Works Committee on October 1, 2012. This condition requires the applicant to have a qualified masonry contractor replace the municipal number and street name inscriptions on the existing homes on southern leg of Logans Way, which shall be at no cost or expense to the homeowners or the City.

This subdivision shall be registered in one (1) phase, consisting of 29 single family detached Lots.

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

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

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

<b>RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>LARRY MOTTRAM, MCIP, RPP SENIOR PLANNER, DEVELOPMENT SERVICES</b>	<b>JEFF LEUNISSEN, MCIP, RPP MANAGER OF DEVELOPMENT PLANNING</b>
<b>CONCURRED BY:</b>	<b>SUBMITTED BY:</b>
	
<b>JENNIE A. RAMSAY P. ENG. MANAGER, DEVELOPMENT SERVICES</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>



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**Appendix "A"****Related Estimated Costs and Revenues**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund – General	Nil
Stormwater Management	Nil
Capital Expense – external sidewalk	\$25,600
Other	Nil
<b>Total</b>	<b>\$25,600</b>
<b>Estimated Revenues - This Agreement (2012 rates)</b>	
CSRF	\$466,050
UWRF	\$192,183
<b>Total</b>	<b>\$669,233</b>

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.

Reviewed By:

Peter Christiaans  
Director, Development Finance

APPENDIX 'B'

#12134

Chair and Members  
Planning & Environment Committee

September 14, 2012

**RE: Special Provisions - Pemic Land Corp. and Sifton Properties Limited - Riverbend Meadows Phase 3  
Capital Project TS7082-11 - 2011 Works Undertaken by Developer on Behalf of the City  
Pemic Land Corp. and Sifton Properties Limited - \$25,600 (excluding H.S.T.)**

**FINANCE DEPARTMENT REPORT ON THE SOURCES OF FINANCING:**

Finance Department confirms that the cost of this project can be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development & Compliance Services and Chief Building Official, the detailed source of financing for this project is:

<b><u>ESTIMATED EXPENDITURES</u></b>	<b><u>Approved Budget</u></b>	<b><u>Committed To Date</u></b>	<b><u>This Submission</u></b>	<b><u>Balance for Future Work</u></b>
Construction	\$416,500	\$157,376	\$26,051	\$233,073
<b>NET ESTIMATED EXPENDITURES</b>	<b><u>\$416,500</u></b>	<b><u>\$157,376</u></b>	<b><u>\$26,051</u></b>	<b><u>\$233,073</u></b>
<b><u>SOURCE OF FINANCING:</u></b>				
Capital Levy	\$416,500	\$157,376	\$26,051	\$233,073
<b>TOTAL FINANCING</b>	<b><u>\$416,500</u></b>	<b><u>\$157,376</u></b>	<b><u>\$26,051</u></b>	<b><u>\$233,073</u></b>

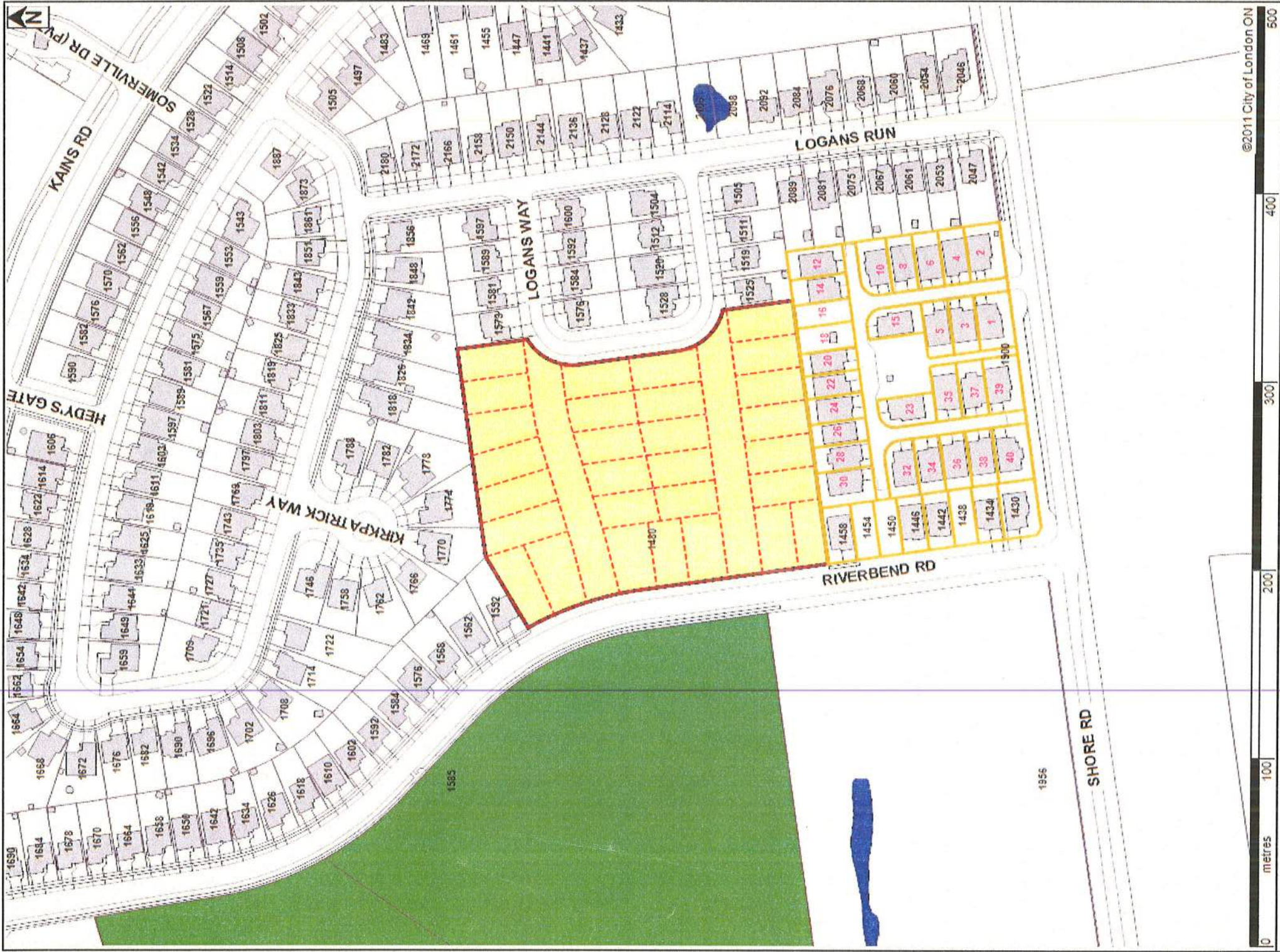
1) **Financial Note:**

Contract Price	\$25,600
Add: HST @13%	3,328
Total Contract Price Including Taxes	28,928
Less: HST Rebate	2,877
Net Contract Price	<u>\$26,051</u>

JG

Alan Dunbar  
Manager of Financial Planning & Policy





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### LOCATION MAP

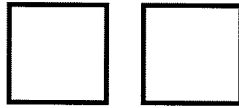
Subject Site: 1480 Riverbend Rd  
 Applicant: Pemic Land Corp.  
 Roll Number: 080070219040000  
 File Number: 39T-10504  
 Planner: L. Mottram  
 Created By: LM  
 Date: 2011-12-01  
 Scale: 1:2500

### LEGEND

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







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## Appendix "D" – 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.

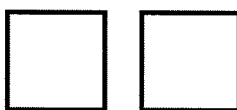
- (a) Where the Owner undertakes works at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Urban Works Reserve Fund, the City Services Reserve Fund or the Capital Works Budget, the Owner must conform 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, Sections 1.6, 1.7, 1.8 and 1.9 of the above by-law including requirements for tendering and completeness of claims.

**CLAIMS AGAINST THE CAPITAL WORKS BUDGET**

- (b) If the Owner alleges an entitlement to any reimbursement or payment from the City's City Services Reserve Fund or Capital Works Budget (Development Finance) as a result of the terms hereof, the Owner may, upon approval of this Agreement, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer 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 Capital Works Budget.

The anticipated reimbursements from the Budget are:

- For the cost of construction of a sidewalk on the proposed Logans Trail and Logans Way to Logans Run in Plan 33M-549. The claim will be limited to this maximum amount of \$25,600 excluding applicable taxes.
- (c) Upon approval of an application for a claim to the City's Capital Works Budget, the City shall pay the approved claim in full to the Owner in accordance with the then in force policies established thereunder.
- (d) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relogged blocks in this 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 relogging of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relogged blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relogged be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relogging, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relogging, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City Engineer in accordance with the City's security requirements.
- (e) The Owner shall adhere to the recommendation in the geotechnical report through the provision of full time supervision by a qualified geotechnical engineer with respect to the placement of engineering fill and the construction of utilities, roadways, driveways and buildings on areas within this 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.



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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.

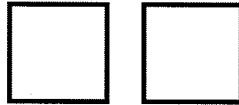
The Owner shall register against the title of each Lot and Block within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot and Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee 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 Chief Building Official 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.

- (f) 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 Riverbend Road via Kains Road and Shore Road, or other routes designated by the City.
- (g) 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) sanitary and storm pipes, water services and any associated works for Lots 7 to 13 both inclusive, fronting Riverbend Road;
  - (ii) a fully serviced road connection where Logans Way in this Plan joins with Logans Way in Plan 33M-549, including all underground services and related works;
  - (iii) a fully serviced road connection where Logans Way in this Plan joins with Riverbend Road in Plan 33M-549, including all underground services and related works;
  - (iv) a fully serviced road connection where the proposed Logans Trail in this Plan joins with Logans Way in Plan 33M-549, including all underground services and related works;
  - (v) a fully serviced road connection where the proposed Logans Trail in this Plan joins with Riverbend Road in Plan 33M-549, including all underground services and related works; and
  - (vi) all sidewalks as defined in Schedule "C" of this Agreement.

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 Logans Way, the proposed Logans Trail and Riverbend Road 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, 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, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the



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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 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.

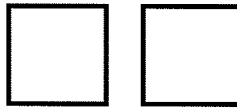
- (h) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (i) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing low level water supply system, being the 200 mm (8 inch) diameter water main on Riverbend Road and the 150 mm (6 inch) diameter water main on Logans Way (north leg) and Logans Way (south leg, proposed to be renamed Logans Trail), to the specifications of the City Engineer.
- (j) The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.
- (k) The Owner shall construct water services to serve the lots in this Plan fronting Riverbend Road, Lots 7 to 13, both inclusive and connect them to the existing 200 mm (8") diameter watermain on Riverbend Road, to the satisfaction of and at no cost to the City.
- (l) The Owner shall install new water valves on the existing watermains on Riverbend Road and Logans Way, (north leg) and Logans Way, (south leg, proposed to be renamed Logans Trail), to the satisfaction of the City and Ministry of Environment requirements.
- (m) Sewage treatment capacity at the Oxford Pollution Control Plant is available for this Plan as of September, 2012 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before September 30, 2013.

In the event that this Plan and this Agreement are not registered before September 30, 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 this Plan, if such capacity is available at that time.

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

- (n) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 450 mm (18 inch) diameter sanitary sewer on Riverbend Road. 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.
- (o) The Owner shall construct sanitary private drain connections to serve the lots in this Plan fronting Riverbend Road, Lots 7 to 13, both inclusive and connect them to the existing 450 mm (18") diameter sanitary sewer on Riverbend Road, to the satisfaction of and at no cost to the City.
- (p) 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

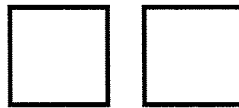




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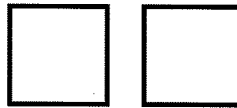
works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:

- (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 in conjunction with the first occupancy. This plug may only be removed by the City of London 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) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole as well as in previously approved phases. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
  - (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 made 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 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.
- (q) 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. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (r) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Downstream Thames Subwatershed, and connect them to the City's existing storm sewer system being the 1200/1350 mm (48/54 inch) diameter storm sewer on Riverbend Road.
- The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City and at no cost to the City unless otherwise specified herein.
- (s) The Owner shall construct storm private drain connections to serve the lots in this Plan fronting Riverbend Road, Lots 7 to 13, both inclusive and connect them to the existing 1200/1350 mm (48/54") diameter storm sewer on Riverbend Road, to the satisfaction of and at no cost to the City.



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- (t) 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. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (u) The Owner shall provide a security in the amount of \$60,000 for this 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 for the River Bend SWM Facility # 1 and # 2 and all other downstream City infrastructure, all to the satisfaction of the City.
- (v) The Owner shall have its consulting professional engineer design and supervise the construction of the stormwater servicing works, 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 Downstream Thames Subwatershed Study;
  - (ii) The approved storm/drainage and SWM servicing works Design letter/Report of Confirmation for the subject lands, which shall be consistent with the Stormwater Conceptual Plan River Bend Subdivision – Phase 1 Design Report (2011);
  - (iii) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - (iv) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
  - (v) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
  - (vi) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (w) 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.
- (x) The Owner shall address forthwith any deficiencies of the stormwater works and/or monitoring program.
- (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 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. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
- (aa) Prior to the issuance of any Certificate of Conditional Approval, the Owner's professional engineer shall identify major and minor storm flow routes for the subject land and those flow routes shall be constructed and operational, all to the satisfaction of the City.



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- (ab) The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM servicing works for the subject lands, all to the satisfaction of the City.
- (ac) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation for this subdivision have been implemented with respect to the effects of the construction associated with the subdivision on existing ground water elevations, private wells in the area and the impact on the water balance of the subject plan, to the satisfaction of the City.
- (ad) The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Lots 2, 3, 5, 6, 14, 15, 17 and 18 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 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.
- (ae) 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.
- (af) 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 this Plan.
- (ag) In the event that the westerly leg of Logans Way is closed in accordance with the Municipal Act, or closed by a Judge's Order, the Owner shall construct any adjustments to existing Logans Way, within Plan 33M-549, and services in accordance with the accepted design studies and accepted servicing drawings, including all necessary removals and restoration and all associated works, as required by and to the satisfaction of the City, at no cost to the City, unless otherwise specified herein. Should Plan 33M-549 not be assumed at the time this Plan develops, the Owner shall make arrangements with the Owner of Plan 33M-549 for any adjustment to the existing road and services.
- (ah) The Owner shall make any adjustments to existing services eg. street lights, catchbasins, fire hydrants, trees, etc. to accommodate the proposed lotting pattern on Riverbend Road, to the satisfaction of the City, at no cost to the City.
- (ai) Within six (6) months of the date City passes a By-law renaming the south leg of Logans Way to the proposed Logans Trail, the Owner shall have a qualified masonry contractor replace the municipal number and street name inscription on the existing homes on Logans Way (southern leg) outside of this subdivision, at no cost or expense to the homeowners or the City, all to the satisfaction of the City.
- (aj) The Owner shall hold Blocks 30 and 31 of this Plan out of development until they can be combined and developed with the adjacent lands to the east, to the satisfaction of the City.
- (ak) The Owner shall install all services for the future lots outside of this Plan, on Logans Way and the proposed Logans Trail, situated on the westerly portion of Logan's Way.





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**SCHEDULE 'C'**

This is Schedule 'C' to the Subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Pemic Land Corp. to which it is attached and forms a part.

**SPECIAL WORKS AND SERVICES****Roadways**

- Logans Way and the proposed Logans Trail shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60')

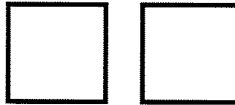
**Sidewalks**

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

- (i) Logans Way – south boulevard from Riverbend Road to east limit of plan;
- (ii) Logans Trail – north boulevard from Riverbend Road to east limit of plan;
- (iii) Logans Way – south boulevard from east limit of plan to Logans Run; and
- (iv) Logans Trail – north boulevard from east limit of plan to Logans Run

**Pedestrian Walkways**

There are no pedestrian walkways in this Plan.



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**SCHEDULE 'D'**

This is Schedule 'D' to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2012 between the Corporation of the City of London and Pemic Land Corp. and Sifton Properties Limited 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:**

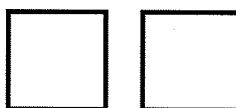
0.3 metre (one foot) reserves:	Nil
Road Widening (Dedicated on the face of the plan):	Nil
Walkways:	Nil
5% Parkland Dedication	Nil -- parkland was provided through previous phases
Stormwater Management:	Nil

**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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**SCHEDULE 'E'**

This is Schedule 'E' to the subdivision Agreement dated \_\_\_\_\_ between The Corporation of the City of London and Pemic Land Corp. and Sifton Properties Limited 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:	\$170,341 **
BOND PORTION:	<u>\$720,600</u>
TOTAL	\$890,941**

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

CASH PORTION:	\$170,341**
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:	\$720,600

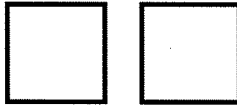
**\*\* Includes \$60,000 for Erosion and Sediment Control Plan security as per Clause u).**

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 11<sup>th</sup> 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.





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**SCHEDULE 'F'**

This is Schedule 'F' to the Subdivision Agreement dated this \_\_\_\_\_ between The Corporation of the City of London and Pemic Land Corp. and Sifton Properties Limited, to which it is attached and forms a part.

**Multi-Purpose Easements**

There are no multi-purpose easements required for this Plan.