

File Number: 39T-07503

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</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 HIGHLAND RIDGE LAND CORP. HIGHLAND RIDGE SUBDIVISION (39T-07503) - PHASE 2 MEETING ON OCTOBER 15, 2012</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Manager of Development Services and Planning Liaison, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Highland Ridge Land Corp. for the subdivision of land over Part of Lot 42, Concession 1, (Geographic Township of Westminster), City of London, County of Middlesex.

- (a) the attached Special Provisions (Schedule "D"), to be contained in a Subdivision Agreement between The Corporation of the City of London and Highland Ridge Land Corp. for the Highland Ridge Subdivision (39T-07503), **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues to be as per Schedule "B", attached hereto;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Schedule "A"; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

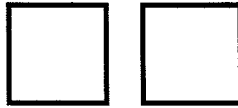
<b>BACKGROUND</b>
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The lands that are the subject of this application are situated north of Southdale Road and east of North Street, within the limits of the South-East Byron Area Plan.

The subject property is located at 890 Southdale Road West and comprises a total area of 4.7 hectares (11.6 acres). The land has historically been used for agricultural purposes. Access to the subdivision is proposed via extensions of Longworth Road and Cranbrook Road.

To the north of the subject lands is an extractive industrial operation and lands held in reserve for future aggregate extraction. New subdivision developments located east and south consisting of predominately single detached dwellings are under construction. The Phase 1 portion of the Highland Ridge (Crestwood) subdivision was registered on October 18, 2005 as Plan 33M-531.

The current plan (Phase 2) was draft approved by the Ontario Municipal Board (OMB) on June 4<sup>th</sup>, 2009. A one year extension was subsequently approved by the OMB on June 1, 2012, resulting in the current Draft Approval lapse date of June 1, 2013.



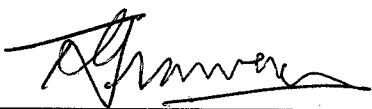
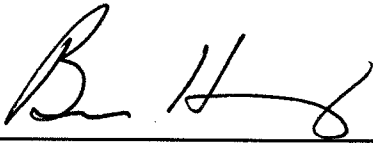

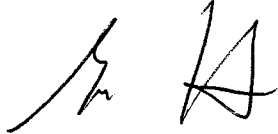
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This plan of subdivision will be registered in one (1) phase, consisting of 21 single family detached Lots and two (2) single family blocks served by an extension of Longworth Road and Cranbrook Road plus one new street, Garrett Avenue.

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

The attached special provisions have been reviewed by the City's Solicitors Office.

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

<b>PREPARED AND RECOMMENDED BY:</b>	<b>REVIEWED BY:</b>
	
<b>TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES &amp; PLANNING LIAISON</b>	<b>BRUCE HENRY MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES</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>

TG/fg  
Attach.  
October 3, 2012

Chair and Members  
 Planning & Environment Committee

October 4, 2012

**RE: Special Provisions - Highland Ridge Land Corp. - Highland Ridge Subdivision, 39T-07503 Phase 2  
 Capital Project ES2107 - Highland Ridge Trunk Sewer Ext. HR-1  
 Highland Ridge Land Corp. - \$150,000.00 (excluding H.S.T.)**

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

Finance Department confirms that the cost of this project can not 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>ESTIMATED EXPENDITURES</b>	<b>Approved Budget</b>	<b>Additional Funding Requirement</b>	<b>Revised Budget</b>	<b>Committed To Date</b>	<b>This Submission</b>
Engineering	\$58,066		\$58,066	\$58,066	
Construction	126,934	75,000	201,934	49,294	152,640
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$185,000</b>	<b>\$75,000</b>	<b>\$260,000</b>	<b>\$107,360</b>	<b>\$152,640</b>

**SOURCE OF FINANCING:**

Drawdown from City Services - Sewers Reserve Fund (Development Charges)	2)	\$185,000		\$185,000	\$107,360	\$77,640
Additional Drawdown from City Services - Sewers Reserve Fund (Development Charges)	2&3)		75,000	75,000		75,000
<b>TOTAL FINANCING</b>		<b>\$185,000</b>	<b>\$75,000</b>	<b>\$260,000</b>	<b>\$107,360</b>	<b>\$152,640</b>

1) **Financial Note:**

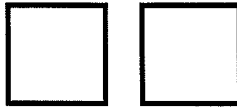
Contract Price	\$150,000
Add: HST @13%	19,500
Total Contract Price Including Taxes	169,500
Less: HST Rebate	16,860
Net Contract Price	<b>\$152,640</b>

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2009.

3) The additional funding requirement of \$75,000 is available as an additional drawdown from the City Services - Sewers Reserve Fund (Development Charges).

JG

*Larry Palarchio*  
 for \_\_\_\_\_  
 Larry Palarchio  
 Director Financial Planning & Policy



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**Appendix / Schedule "B"**

**Related Estimated Costs and Revenues**

<b>Estimated Costs – This Agreement</b>	
Claims from Urban Works Reserve Fund	<b>Nil</b>
Stormwater Management	<b>Nil</b>
Capital Expense – Highland Ridge Sanitary Trunk Sewer	<b>\$150,000</b>
Other	<b>Nil</b>
<b>Total</b>	<b>\$150,000</b>
<b>Estimated Revenues - This Agreement (2012 rates)</b>	
CSRF	<b>\$345,450</b>
UWRF	<b>\$139,167</b>
<b>Total</b>	<b>\$484,617</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.
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








### LOCATION MAP

Subdivision: **Crestwood - Phase 2**  
 Applicant: **Highland Ridge Land Corp.**

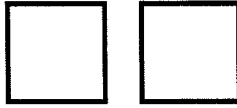
File Number: **39T-07503**  
 Planner: **Terry Grawey**

Date: **2011-07-11**  
 Scale: **1:4200**

### LEGEND

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





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## Schedule 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.

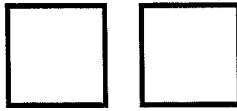
- (a) For any works where the Owner undertakes works at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Urban Works Reserve Fund, the City Services Reserve Fund or the Capital Works Budget, the Owner 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.

The anticipated reimbursements from the Fund are:

- For the cost of constructing the Highland Ridge Sanitary Trunk Sewer (Project # ES2107) within this Plan, the estimate cost of which is \$150,000 limited to this maximum amount (excluding engineering fees as referenced in condition 28. x) herein).

Upon approval of an application for a claim to the CSRF, the City shall pay the approved claim in full to the Owner in accordance with the then in force Development Charges By-law and any policies established thereunder.

- (b) In the event that the Owner undertakes to replot or divide the Lots and Blocks in this Plan, the Owner shall relocate all utilities, municipal services and private services as are necessary for the replotted or divided Lots and 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 relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the replotting or division of Lots and Blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the replotted or divided Lots and Blocks. Should the amount of security held by the City at the time the Lots and Blocks in this Plan are to be replotted or divided be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said replotting or division, then prior to the issuance of the Certificate of Conditional Approval for works serving the said replotting or division, 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.
- (c) Prior to assumption of this 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) for the removal of the temporary turning circle on Garrett Avenue inside this Plan; for the removal of the temporary retaining wall at the south limit of Garrett Avenue in this Plan; for associated restoration including any adjustments to the driveways and servicing on Lots 17, 18 and 19 in this Plan; for the cost of replacing the temporary retaining wall at the south limit of Garrett Avenue in this Plan (should it need to be replaced by the City after assumption), an amount of \$70,000 and
  - (ii) for the removal of the temporary turning facility outside this Plan between Lot 10 and Block 25 in this Plan (adjacent to the north limit of Longworth Road, an amount of \$5,000.
- (d) The Owner shall have a geotechnical engineer's provide full time supervision of the placement of engineering fill with respect to the construction of utilities, roadways,



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driveways and buildings on areas within this plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof in accordance with the geotechnical engineer's recommendations. 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 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 Agreements of Purchase and Sale or Lease 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.

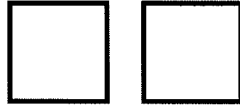
- (e) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a temporary temporary turning facility and barricade outside this Plan between Lots 10 and 25 (adjacent to the north limit of Longworth Road in this Plan), to the satisfaction of the City and at no cost to the City.

If the Owner requests the City to assume Longworth Road, all as shown on this Plan of Subdivision, prior to its connection of Longworth Road to the north, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning facility and barricade outside this Plan between Lots 10 and 25 (adjacent to the north limit of Longworth Road in this Plan) and restoring the affected area, all to the specifications of the City. The estimated cost, including legal fees for releasing easements, and completing the above-noted work is \$5,000 for which amount sufficient security is to be provided in accordance with 28 b). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

When the temporary turning facility is removed as directed by the City Engineer, the City will quit claim the easements which were used for temporary turning facility purposes which are no longer required, at no cost to the City.

- (f) Barricades are to be maintained at the north limit of Longworth Road in this Plan until such time as the temporary access to Southdale Road West, from Thornley Street over Block 46 in Plan 33M-531, is closed and Longworth Road is assumed by the City, or as otherwise directed by the City Engineer. At the time the City Engineer directs the Owner to open Longworth Road to public traffic between this Plan and Plan 33M-394, the Owner shall remove the barricades on Longworth Road at the boundary between this Plan and Plan 33M-394; complete the construction of the roadwork on Longworth Road between this Plan and Plan 33M-394; remove the existing temporary turning circle on Longworth Road in Plan 33M-394; remove the temporary turning facility outside this Plan (between Lot 10 and Block 25 in this Plan); and restore all affected areas in this Plan and in Plan 33M-394, all to the satisfaction of the City Engineer, at no cost to the City.

The Owner shall advise all purchasers of land within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) on Longworth Road is authorized by the City Engineer and that the temporary access to Southdale Road West, from Thornley Street over Block 46 in Plan 33M-531, will be closed when Longworth Road is open.



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- (g) At the time Longworth Road in this Plan is connected to Longworth Road in Plan 33M-394 and open to the public, or as otherwise directed by the City Engineer, the Owner shall remove the temporary access to Southdale Road West, from Thornley Street over Block 46 in Plan 33M-531 to the south of this Plan. and complete all associated restoration, to the specifications of the City Engineer, at no cost to the City.

If funds have been provided to the City by the developer of Plan 33M-531 for the removal of this temporary access to Southdale Road, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that the temporary access has been removed by the developer of Plan 33M-531, then the Owner shall be relieved of this obligation.

- (h) The Owner shall install a barricade at the north leg entrance of Cranbrook Road, north of Longworth Road. The barricade is to be maintained until Cranbrook Road is extended in the future, or as otherwise directed by the City Engineer.
- (i) The Owner shall construct a temporary turning circle, temporary retaining wall and barricade at the south limit of Garrett Avenue, to the satisfaction of the City Engineer and at no cost to the City.

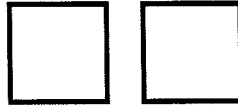
If the Owner requests the City to assume Garrett Avenue, all as shown on this Plan of Subdivision, prior to its extension of Garrett Avenue to the south, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary turning circle, temporary retaining wall and all associated works at the south limit of Garrett Avenue and adjacent lands; completing Garrett Avenue, to the limit of this plan with curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, and 1.5 metre wide concrete sidewalks on both sides; and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. In addition, the Owner shall pay to the City an amount estimated by the City at the time of assumption of this subdivision for the cost of replacing the temporary retaining wall as needed by the City. The estimated cost, including legal fees for releasing easements; completing the above-noted work on this street; and replacing the temporary retaining wall is \$70,000 for which amount sufficient security is to be provided in accordance with Condition 28 b). The Owner shall provide the cash to the City for this purpose at the request of the City prior to assumption of the subdivision if needed by the City.

Should the lands abutting the south boundary of this Plan of Subdivision develop prior to the assumption of Garrett Avenue in this Plan, then the Owner shall remove the temporary turning circle, temporary retaining wall and barricade at the south limit of Garrett Avenue in this Plan; and construct Garrett Avenue as a fully serviced secondary collector road to the south limit of this plan, including any necessary underground servicing and restoration of the adjacent lands, all the satisfaction of and at no cost to the City.

When the lands abutting the south boundary of this Plan of Subdivision develop; the temporary turning circle on Garrett Avenue and adjacent lands is removed; and Garrett Avenue is completed to the south limit of this Plan all to the satisfaction of the City, then the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required, all at no cost to the City.

- (j) Should the temporary turning circle at the south limit of Garrett Avenue be removed prior to assumption, the Owner shall restore the area, including the removal and relocation of the driveway and any associated works for Lot 18 in this Plan, to the specifications of the City Engineer, at no cost to the City.
- (k) The Owner shall include in the Purchase and Sale Agreement of Lot 18 to advise the future owners of this lot that the portion of the proposed driveway within the Garrett Avenue right-of-way and on Lot 18 is temporary and will be removed and relocated at





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the time the temporary turning circle is removed with the southerly extension of Garrett Avenue.

- (l) The Owner shall remove the temporary turning circle on Longworth Road, in Plan 33M-394 to the north of this Plan, and complete the construction of Longworth Road in this location as a fully serviced road, to the specifications of the City Engineer.

If funds have been provided to the City by the developer of Plan 33M-394 for the removal of this temporary turning circle and the construction of this section of Longworth Road, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Longworth Road in Plan 33M-394 is constructed as a fully serviced road by the developer of Plan 33M-394, then the Owner shall be relieved of this obligation.

- (m) The Owner shall remove the temporary turning circle on Cranbrook Road in Plan 33M-531 to the south of this Plan, and complete the construction of Cranbrook Road in these locations as a fully serviced road, to the specifications of the City Engineer.

If funds have been provided to the City by the developer of Plan 33M-531 for the removal of this temporary turning circle and the construction of this section of Cranbrook Road, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Cranbrook Road in Plan 33M-531 is constructed as a fully serviced road by the developer of Plan 33M-531, then the Owner shall be relieved of this obligation.

- (n) 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 this Plan via the temporary access across Block 46 in Plan 33M-531 between Thornley Street and Southdale Road West, or as otherwise approved by the City Engineer.

- (o) 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 Engineer:

- (i) a fully serviced road connection where Cranbrook Road in this Plan joins with Cranbrook Road in Plan 33M-531, including all underground services and related works; and
- (ii) a fully serviced road connection where Longworth Road in this Plan joins with Longworth Road in Plan 33M-394, including all underground services and related works;

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 Cranbrook Road and Longworth 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 Engineer, 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 Engineer 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



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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 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.

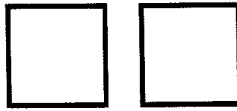
- (p) Prior to the construction of works on existing City streets, the Owner shall have its professional engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- (q) The Owner shall incorporate the approved traffic calming measures into the portions of the road network within this Plan, as required by the City Engineer.

Prior to the issuance of any Certificate of Conditional Approval in this Plan, 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.

- (r) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the existing 250 mm (10 inch) diameter water main on Cranbrook Road and the existing 200 mm (8 inch) diameter water main on Longworth Road, to the specifications of the City Engineer.

The sizing of the watermains in this Plan of Subdivision are to be to the satisfaction of the City Engineer.

- (s) The Owner shall construct a 250 mm (10 inch) diameter watermain on Longworth Road from the existing 200 mm (8 inch) diameter watermain on Longworth Road from the existing Longworth Road to Cranbrook Road.
- (t) The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.
- (u) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its professional engineer confirm water quality requirements for the watermains in this 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 all to the satisfaction of the City Engineer, at no cost to the City:
  - 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 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. (Where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual



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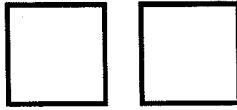
are to be provided to the City Engineer in order to justify the settings for the automatic flushing device).

- (v) The Owner shall submit a report to determine if there will be sufficient water turnover to ensure water quality and determine how many homes are required to be occupied to maintain water quality in the water supply system. If water quality cannot be maintained in the short term, the Owner shall install automatic blow-off valves where necessary to the satisfaction of the City Engineer.
- (w) Sewage treatment capacity at the Greenway Pollution Control Plant is available for this Plan as of October 31, 2012 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before October 31, 2013.

In the event that this 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 this Plan, if such capacity is available at that time.

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

- (x) 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 375 mm (15 inch) diameter sanitary sewer on Cranbrook 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.
- (y) Subject to the implementation of the Environmental Impact Study (EIS), as endorse by City Council, and all necessary approvals, the Owner shall construct the Highland Ridge Sanitary Trunk Sewer and all associated works from the existing 250 mm diameter sanitary sewer in Block 204, Plan 33M-394 across Block 30 in this Plan to Cranbrook Road (adjacent to the Buttonbush Wetland) in conjunction with the servicing of this Plan, to the satisfaction of the City Engineer. This sewer shall not follow the standard assumption process associated with the infrastructure within the subdivision. The sewer has been identified as a Development Charge project (Project # ES2107) and the City shall reimburse the Owner for the cost of the construction of the sewer from the City Services Reserve Fund and assume the sewer upon receipt of a Certificate of Completion of Works from the engineer of record along with a one (1) year warranty period starting from the date of completion. The City has retained the engineer of record; therefore, engineering fees associated with this sewer will not be eligible to be claimed by the Owner. Should the completion of the EIS and other approvals for construction of this sewer not be in place prior to the issuance of any Certificate of Conditional Approval for this Plan, the Owner will no longer be required to construct this sewer.
- (z) 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 Engineer 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



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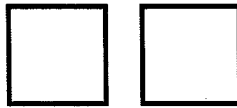
inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;

- (ii) Flow monitoring of the sanitary sewer may be required and a record of flows provided to the City. If the flows are in excess of theoretical flows, the Owner will 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 as well as in previously approved phases which shall remain in place until such time as the top lift of asphalt is placed on the road;
  - (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 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.
- (aa) 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.
  - (ab) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek subwatershed, and connect them to the City's existing storm sewer system being the existing 750 mm (30 inch) diameter storm sewer on Cranbrook Road which ultimately outlets to the South Button Bush Wetland, to the satisfaction of the City Engineer.  
  
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.
  - (ac) The Owner shall construct a storm sewer over Block 29, and provide any necessary easements between Cranbrook Avenue and the west limit of this Plan to provide for storm drainage to serve external lands, to the satisfaction of the City Engineer, at no cost to the City. Alternatively, the Owner may provide cash, in an amount of \$12,000, to the City for the future construction of this said storm sewer prior to the assumption of this Plan, to the satisfaction of the City Engineer.



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- (ad) 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.'
- (ae) The Owner shall have its consulting professional engineer supervise the construction of the stormwater servicing works, including any temporary works to the satisfaction of the City Engineer and according to the recommendations and requirements of the following:
- (i) The SWM targets and criteria for the Dingman Creek Subwatershed Study (Update 2005) and any addendums/amendments;
  - (ii) The approved Crestwood West Subdivision storm drainage and SWM servicing Functional Design Report and Stormwater Management Plan and any addendums/amendments;
  - (iii) The accepted Environmental Impact Study (EIS) and any addendums/amendments;
  - (iv) The approved functional SWM report(s) for the relevant SWM facility(s) for any addendums/amendments;
  - (v) The City's Drainage and Waste Discharge 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;
  - (vii) The Ministry of the Environment SWM Practices Planning and Design Manual, as revised; and
  - (viii) All applicable Acts, Policies, Guidelines, standards and requirements of the applicable SWM agencies, including the City, the Ministry of the Environment and all other relevant agencies.
- (af) 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.
- (ag) The Owner shall implement SWM soft measure Best Management Practices (BMP's) within this 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.
- (ah) Prior to the registration of this Plan, the Owner's consulting engineer shall certify 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 the City, or any approval given by the City Engineer, 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.
- (ai) 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, all to the satisfaction of the City.



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- (aj) The Owner shall only develop Blocks 22, 23 and 24 in conjunction with the adjacent properties in Plan 33M-394, to the satisfaction of the City. Additional servicing, grading and drainage will be required at the time of development of these Blocks to the satisfaction of the City.
- (ak) The Owner shall only develop Blocks 25, 26 and 27 in conjunction with adjacent properties in Plan 33M-531, to the satisfaction of the City. Additional servicing, grading and drainage will be required at the time of development of these Blocks to the satisfaction of the City.
- (al) The Owner shall hold Blocks 28 and 29 in this Plan out of development since these Blocks are located within the 150 metre setback from the limit of extraction of the nearby Aggregate Resource Area known as the Byron Gravel Pits. Future development of Blocks 28 and 29 will require servicing, grading and drainage to the satisfaction of the City.
- (am) Prior to assumption of this plan, the Owner shall construct Cranbrook Road as a fully serviced road, including a sidewalk on the west side from Longworth Road to the north limit of this plan and the relocation of the barricade(s) to the north limit of Cranbrook Road in this plan, to the satisfaction of the City Engineer and at no cost to the City. Alternatively, the Owner may provide cash, in an amount of \$50,000, to the City for the future construction of the above-noted section of Cranbrook Road, to the satisfaction of the City Engineer; and construct a temporary pedestrian access on Cranbrook Road from Longworth Road northerly to Park Block 32 to the satisfaction of the City Engineer and Parks Planning, at no cost to the City.
- (an) Within one (1) year of registration of this Plan, the Owner shall construct a 1.5 m high chain link fence with no gates (SPO 4.8) along the property boundary interface of adjacent to open space lands and parkland, in accordance with current City of London park standards and to the satisfaction of the Manager, Development Services, all at no cost to the City.
- (ao) The Owner shall not grade into any lands zoned Open Space, including the 4.0 metre wide Open Space (OS5) buffer along the west side of Lots 17 and 14, and Block 29, unless explicit permission has been provided by the Manager, Development Services for grading in this area.
- (ap) Prior to commencing any work or grading activity in this Plan, the Owner shall protect open space Blocks 30 and 31, and the 4.0 metre wide open space buffer (on Lots 17 & 14, and Block 29), from encroachment and grading, to the satisfaction of the Manager, Development Services.
- (aq) Within one (1) year of registration of this Plan, the boundary of the Open Space (OS5) Zone shall be monumented within Lots 14 and 17, and Block 29 in accordance with current City of London park standards and to the satisfaction of the Manager, Development Services.
- (ar) Within one (1) year of registration of this Plan, the Owner shall remove the berm on Block 32, (walkway block) and shall grade, service and seed this Block to the satisfaction of the Manager, Development Services, at no cost to the City.
- (as) The Owner shall implement the approved monitoring program for the culvert at the Cranbrook Road crossing through all stages of development, to the satisfaction of the Manager, Development Services, and at no cost to the City.
- (at) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for all Lots and Blocks within this Plan:

*"Purchasers are advised that due to the proximity of the adjacent aggregate extraction operations, sound levels from the facility may at*



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*times be audible.”*

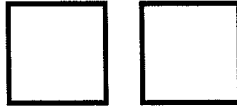
- (au) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for all Lots and Blocks within this Plan:

*“Purchasers are advised that due to the proximity of the adjacent aggregate extraction operations, dust levels from the adjacent aggregate extraction operations facility may at times be increased as extraction moves into the southernmost portion of the pit, and from the internal haul route.”*

- (av) The Owner shall include in all submissions of any application for building permits on any Lot and/or Block within this Plan, that central air conditioning will be installed in the dwelling.
- (aw) The Owner shall transfer to the City a multi-purpose easement in conjunction with this Plan, over lands external to this plan, on an alignment and of sufficient width to permit the construction of a path in general accordance with and acceptable to the Manager, Parks Planning and Design, at no cost to the City.
- (ax) The Owner shall construct a temporary path from the northerly limit of this Plan of subdivision (where Cranbrook Road ends) north westerly to connect to the park block on Longworth Road, being Block 131, Plan 33M-556, then northerly to Cresthaven Woods, all to the satisfaction of and at no expense to the City.

The Owner, at its sole expense shall further maintain the temporary path for a period of five (5) years from the date of construction, all to the satisfaction of the City.

This path linkage will be temporary until such time as the permanent path location is determined through the planning process for the Phase 3 lands located immediately to the north of Plan. Upon development of the Phase 3 lands, the 0.234 hectares of lands yet to be dedicated for Phases 1 (33M-531) and this Plan (Phase 2) will be added to the parkland dedication required for the development of the Phase 3 lands.



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**SCHEDULE 'C'**

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

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

- Longworth Road, Cranbrook Road and Garrett Avenue shall have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').
  
- Cranbrook Road (from Longworth Road to the north limit of the plan) shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60') tapering 30 metres west of the intersection of Cranbrook Road and Longworth Road equally offset from the centreline from the road allowance width of 21.5 metres (70').

**Sidewalks**

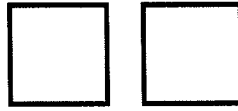
A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Longworth Road, Garrett Avenue and Cranbrook Road (between Longworth Road and the south limit of the plan).

A 1.5 metre (5 foot) sidewalk shall be constructed on west side of Cranbrook Road on from Longworth Road to the north limit of the plan.

**Pedestrian Walkways**

No walkways in this Plan.





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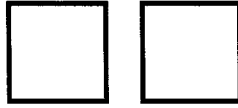
**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated .....2012, between The Corporation of the City of London and Highland Ridge Land Corp. 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 days of registration of this 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 33 and 34
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Block 32 of this Plan, and upon development of the Phase 3 lands, the parkland dedication will be calculated and added to the 0.234 hectares of lands yet to be dedicated for Phases 1 (33M-531) and Phase 2 of this development area.
Dedication of land for Parks in excess of 5%:	Blocks 36, 37 & 38 on Plan 39T-07503, which comprise Block 30 and part of Block 31 on the calculated plan (Note: calculated plan being updated to delineate Blocks 37 & 38, Plan 39T-07503 as a separate parcel within Block 31).
Stormwater Management:	NIL
 <b>LANDS TO BE SET ASIDE FOR SCHOOL SITE:</b>	
School Site:	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 Highland Ridge Land Corporation 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:	\$ 169,380
BOND PORTION:	\$1,124,423
TOTAL	\$1,293,803

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

CASH PORTION:	\$ 169,380
BOND PORTION:	\$ NIL

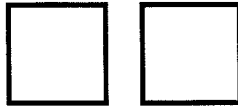
- (b) The following security shall be deposited with the City Treasurer, before the issuance of a Certificate of Conditional Approval respecting land within this subdivision:

CASH PORTION:	\$ NIL
BOND PORTION:	\$1,100,244

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 Highland Ridge Land Corp. to to which it is attached and forms a part.

**Multi-Purpose Easements**

- (a) Multi-purpose easement for servicing including an easement for a storm sewer shall be deeded to the City in conjunction with this Plan, within this Plan, acceptable to the City Engineer as follows:
  - (i) A blanket easement over Block 29.
  
- (b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
  - (i) On adjacent property for any temporary grading measures along the north boundary of this Plan;
  - (ii) On adjacent property for any temporary works and grading at the south limit of Garrett Avenue; and
  - (iii) Between Lot 10 and Block 25, west of Longworth Road, for temporary storm measures.
  
- (c) Multi-purpose easement shall be deeded to the City in conjunction with this Plan, over lands external to this plan, on an alignment and of sufficient width to permit the construction of a path in general accordance with and acceptable to the Manager, Parks Planning and Design.
  
- (d) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over parts of Lots 10 and 11, Lots 17-20, both inclusive and Blocks 22 and 24 within this Plan, if necessary.