



File Number: 39T-12502

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SPECIAL PROVISIONS THE SHREW SPORTS CORPORATION AUTO MALL SUBDIVISION 39T-12502 MEETING ON NOVEMBER 5, 2012 NOT BEFORE 4 PM

RECOMMENDATION

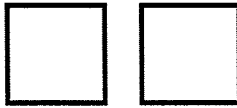
That, on the recommendation of the Senior Planner, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and The Shrew Sports Corporation for the subdivision of land over Part of Lot 1, Concession 1, (Geographic Township of London), City of London, County of Middlesex, situated on the north side of Dundas Street, between Veterans Memorial Parkway and Crumlin Sideroad, municipally known as 2310 – 2350 Dundas Street:

- (a) the attached Special Provisions (Schedule "C"), to be contained in a Subdivision Agreement between The Corporation of the City of London and The Shrew Sports Corporation for the Auto Mall Subdivision (39T-12502), **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues as per Schedule "B", attached hereto; and
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements, and all documents required to fulfill its conditions.

BACKGROUND

On February 22, 2012, the applicant submitted a draft plan of subdivision consisting of 8 commercial Blocks, served by two new municipal streets. The Application was circulated to the required agencies, municipal departments, and surrounding property owners and advertised in the "Living in the City" section of the London Free Press. A Public Meeting was held on May 28, 2012 with Draft Plan Approval being granted on July 6, 2012.

Staff met with the applicant in September and established a tentative timeline to advance the application so that construction could start as early as January 2013. The review process has advanced in an expeditious manner and the special provisions are being brought for the ahead of the previously targeted PEC meeting of November 26th, 2012.



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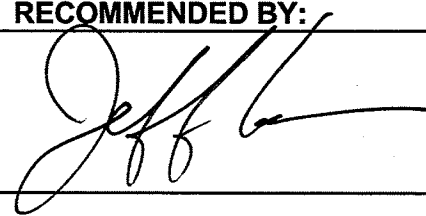

The anticipated claims from the Urban Reserve Fund – General for the cost of roadworks (turn lanes and internal widenings) and for Storm Sewer (oversizing) is estimated at \$503,100.

This subdivision shall be registered in one (1) phase, consisting of eight (8) commercial blocks, several road widenings and 0.3 metre reserves and the creation of two new local streets, namely Auto Mall Avenue and Driver Lane.

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 "A" for the information of the Committee.

PREPARED BY:	RECOMMENDED BY:
	
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT PLANNING	JEFF LEUNISSEN, MCIP, RPP MANAGER, DEVELOPMENT PLANNING DEVELOPMENT PLANNING
CONCURRED BY:	SUBMITTED BY:
	
JENNIE A. RAMSAY P. ENG. MANAGER, DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

NM/fg
Attach.
October 26, 2012



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Schedule "B"

Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	
- Roadworks – turn lanes and internal widenings	\$296,000
- Storm sewer - oversizing	\$207,100
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	\$503,100
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$4,337,994
UWRF	\$2,422,920
Total	\$6,760,914

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 relies on growth related costs (like wastewater treatment plant and road capacity expansion) incurred to serve this subdivision and surrounding areas, the costs of which is not reported above. However, the revenue for those service components is included in the "Estimated Revenues – This Agreement" section above. As a result, the revenues and costs reported above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
4. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

Reviewed By:

Peter Christiaans
Director, Development Finance



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Schedule C – Special Provisions

28. PART II – SPECIAL PROVISIONS

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

- (a) 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 Engineer, or portions thereof as the City Engineer may from time to time determine:
 - (i) For the removal of the temporary turning circle on Auto Mall Avenue inside this Plan, an amount of \$20,000.
- (b) The Owner shall undertake the work at the Owner's entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim under this section.

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

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

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

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

The anticipated claims against the Fund are:

- (i) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated claim valued at \$207,100;
- (ii) for the construction of left turn channelization on Crumlin Sideroad at Auto Mall Avenue, the estimated cost of which is \$208,000;



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- (iii) for the construction of left turn channelization on Dundas Street at Driver Lane, the estimated cost of which is \$42,500;
- (iv) for the construction of pavement widening on Driver Lane at Dundas Street and on Auto Mall Avenue at Crumlin Sideroad, the estimated cost of which is \$45,500. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense;

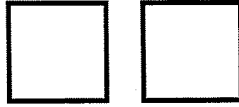
The estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

- (c) 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.
- (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 relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's professional engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City, to the satisfaction of the City and in accordance with the City's security requirements.
- (e) The Owner shall grade the portions of Blocks 5, 6 and 8 of this Plan, which have a common property line with Crumlin Sideroad, to blend with the ultimate profile of Crumlin Sideroad, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City the grades to be taken as the ultimate centreline grades of Crumlin Sideroad. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the ultimate road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

- (f) The Owner shall grade the portions of Blocks 1 and 8 of this Plan, which have a common property line with Dundas Street, to blend with the ultimate profile of Dundas Street, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City the grades to be taken as the ultimate centreline grades of Dundas Street.



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From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the ultimate road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

- (g) The Owner shall adhere to the geotechnical engineer's recommendation under the full time supervision of the placement of engineering fill with respect to 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 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 Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Block within the Affected Lands in order to protect the proposed buildings on the said Blocks from settlement and other harmful effects.

The Owner shall register against the title of each Block within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot and Block with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot or Block within the Affected Lands must adhere to the recommendations of the geotechnical engineer, and shall deliver a certificate of a geotechnical engineer to the City's Chief Building Official upon completion of the foundation on the Block within the Affected Lands that the building construction was completed in accordance with the Owner's geotechnical engineer's recommendations.

- (h) The Owner shall construct a temporary turning circle at the west limit of Auto Mall Avenue, to the satisfaction of the City and at no cost to the City.

If the Owner requests the City to assume Auto Mall Avenue, all as shown on this Plan of Subdivision, prior to its extension to the Auto Mall Avenue, 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 at the west limit of Auto Mall Avenue and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre (5foot) concrete sidewalk on the south boulevard, and restoring adjacent lands, including the relocation of any driveways and street lighting, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$20,000 for which amount sufficient security is to be provided in accordance with 28(a). 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 lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are not longer required at no cost to the City.

- (i) Barricades are to be maintained at the west limit of Auto Mall Avenue until the lands to the west develop or as otherwise directed by the City. The Owner agrees to remove the barricades, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles.



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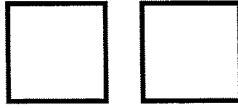
The Owner shall advise all purchasers of lands within this subdivision that any traffic to and from this subdivision will not be permitted to pass the barricade(s) until the removal of the barricade(s) is authorized by the City Engineer.

- (j) The Owner shall construct or install all of the following required works to the specifications of the City Engineer and in accordance with the plans accepted by the City:
- (i) street lighting on Crumlin Sideroad from the existing street lighting on Crumlin Sideroad, south of Auto Mall Avenue, to Auto Mall Avenue, together with associated works, at no cost to the City;
 - (ii) for the installation of street lights at the intersection of Dundas Street and Driver Lane and Crumlin Sideroad and Auto Mall Avenue, together with the associated works with left turn lane, at no cost to the City;
 - (iii) a fully serviced road connection where Driver Lane in this Plan joins with Dundas Street, including all underground services and related works;
 - (iv) a fully serviced road connection where Auto Mall Avenue in this Plan joins with Crumlin Sideroad, including all underground services and related works;
 - (v) left turn lane on Dundas Street at Driver Lane, prior to the issuance of any Certificates of Conditional Approval; and
 - (vi) left turn lane on Crumlin Sideroad at Auto Mall Avenue and any associated works within one year of registration;

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 Dundas Street and Crumlin Sideroad 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 prior to the issuance of any Certificates of Conditional Approval 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's Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

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



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- (k) 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".
- (l) The Owner shall construct the watermains to service the Blocks in this Plan and connect them to the City's existing water supply system, being the 300 mm (12 inch) diameter water main on Dundas Street and the 450 mm (18 inch) diameter watermain on Crumlin Sideroad, to the specifications of the City Engineer.

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

- (m) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have its professional engineer confirm water quality requirements for the watermain 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:
- 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.

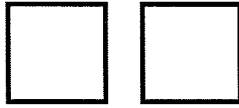
all to the satisfaction of the City Engineer, at no cost to the City.

- (n) The Owner shall register against the title of Blocks 1 to 8, both inclusive, in this Plan, and shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.
- (o) Sewage treatment capacity at the Pottersburg Pollution Control Plant is available for this Plan as of November 30th, 2012 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before November 30th, 2013.

In the event that this Plan and this Agreement are not registered before November 30th, 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 Pottersburg Pollution Control Plant must be allocated for this Plan prior to the Owner's application for building permits in this Plan.

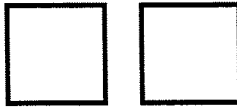
- (p) The Owner shall construct the sanitary sewers to service the Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 300 mm (12 inch) diameter sanitary sewer stub located in the north boulevard of the Dundas



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Street East road allowance. The sanitary 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.

- (q) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner shall also be required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:
- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed upon the submission and acceptance of sanitary inspection video. This plug may only be removed by the City inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;
 - (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
 - (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole 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) Prior to the issuance of a Certificate of Conditional Approval, testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 407, OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing. The Owner shall have it's professional engineer provide a report of the test results to the City;
 - (v) The Owner shall take steps to ensure that during the construction of this subdivision, 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 Block; 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.



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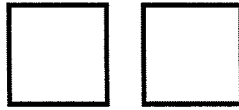
Leakage testing of the Sanitary Sewer System Manholes shall be carried out in accordance with OPSS 407.

- (r) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- (s) The Owner shall construct the storm sewers to service the Blocks in this Plan, which is located in the Crumlin Drain Subwatershed, and connect them to the City's existing storm sewer system being the 1950 mm (78 inch) diameter storm sewer on Dundas Street.

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.

- (t) At the time of site plan application for each Block within this Plan, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation and Stormwater Management Report for this subdivision has 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, all to the satisfaction of the City.
- (u) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control report accepted by the City, to be used during construction and implementation of the plan satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.
- (v) 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 and according to the recommendations and requirements of the following:
 - (i) The SWM criteria and environmental targets for the Pottersburg Creek and Crumlin Drain Subwatershed Study and any addendums/amendments;
 - (ii) The approved Storm/Drainage and SWM Servicing Functional Report/Letter of Confirmation for the subject lands and any addendums/amendments prepared and accepted in accordance with the file manager process;
 - (iii) The design requirements for Permanent Private Stormwater Systems approved by Council on January 18, 2010 and fully in effect January 1, 2012;
 - (iv) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (v) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
 - (vi) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (vii) All applicable Acts, Policies, Guidelines, Standards and requirements of all required approval agencies.

The above criteria should be applied to each Block with respect to storm water quality and quantity controls for each site at the site plan application stage.

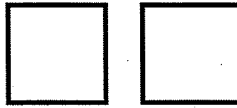


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- (w) Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- (x) The Owner shall maintain the blocks in this Plan in an undisturbed condition, except where interim grading is required, until individual blocks are developed through a site plan application. The Owner shall design site grading for individual blocks in this Plan in conformity with the accepted subdivision grading plan.
- (y) At the time of development of individual Blocks in this Plan, security in the amount of \$10,000 shall be provided under each Development Agreement to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the required ESCP, the ESCP security will be used by the City to undertake all necessary clean-up work, all to the satisfaction of the City.
- (z) Prior to the registration of this Plan, the Owner's consulting engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- (aa) 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.
- (ab) The Owner shall construct as part of Block 4 in conjunction with the site servicing a rear yard catch basin. A storm stub is to be constructed to the lot line of Block 4 and associated temporary measures implemented as prior to the issuance of a Certificate of Conditional Approval unless otherwise approved by the City.

The Owner shall register against the title of Lots incorporating rear yard catchbasins, which includes Block 4 in this Plan and all other affected Blocks 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 Block, 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.

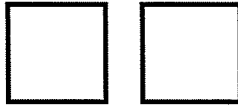
- (ac) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide adequate temporary measures, if necessary, such as easements, catchbasins, grading, erosion and sediment control measures, etc. to address any grading or drainage issues that may arise along the boundary of this Plan.
- (ad) No vehicular access will be permitted to Blocks 5, 6 and 8 of this Plan directly from Crumlin Sideroad and Block 1 of this Plan directly from Dundas Street. Through the



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site plan application, restricted vehicular access may be considered subject to the applicant submitting the necessary supporting analysis to confirm safe access and the provision of all necessary constructed measures to ensure restricted access, such as a raised median, to the satisfaction of the City.

- (ae) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide detailed engineering drawings for the Crumlin Sideroad left turn lane, all to the satisfaction of the City.
- (af) The Owner shall pay cash-in-lieu for parkland consistent with the City of London's parkland dedication by-law CP-9 and Council Policy manual. The required parkland dedication for the proposed draft plan of subdivision is calculated at 2% of the total site area or approximately 0.29 hectares.
- (ag) Block 12 of this Plan may be lifted only for the purpose of extending a public road across 2284 Dundas Street to service external lands to the west, at the City's sole discretion and all to the satisfaction of the City.
- (ah) The Owner shall implement the accepted Commercial Design Guidelines for this Plan, attached here to as Schedule "N", all to the satisfaction of the Manager, Community Planning and Urban Design.
- (ai) Within one (1) year of registration of this Plan, the Owner shall construct for all Blocks adjacent to the Canadian Pacific Railway a 1.83 metre (6'-0") chain link fence with no gates along the common property line. Any other fencing arrangements shall be to the satisfaction of the City at the time of Site Plan Approval.



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SCHEDULE 'C'

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

SPECIAL WORKS AND SERVICES**Roadways**

- Auto Mall Avenue and Driver Lane 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').
- Auto Mall Avenue, from Crumlin Sideroad to 45 metres west of Crumlin Sideroad shall have a minimum road pavement width (excluding gutters) of 11.0 metres (36.1') with a minimum road allowance of 22.5 metres (75'). The widened road on Auto Mall Avenue shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.
- Driver Lane from Dundas Street to 45 metres north of Dundas Street shall have a minimum road pavement width (excluding gutters) of 11.0 metres (36.1') with a minimum road allowance of 28.0 metres. The widened road on Driver Lane shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance width for this street with 30 metre long tapers on both street lines.

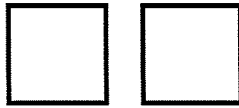
Sidewalks

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

- (i) Auto Mall Avenue – south boulevard
- (ii) Driver Lane – east boulevard

Pedestrian Walkways

There are no walkways in this Plan of subdivision.



File Number: 39T-12502

SCHEDULE 'D'

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

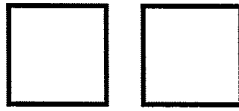
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 11 to 14
Road Widening (Dedicated on the face of the plan):	Block 10
Walkways:	Nil
Parkland Dedication:	Cash-in-lieu at a rate of 2% in accordance with By-Law C P-9 and Council Policy.
Stormwater Management:	Nil

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

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 The Shrew Sports 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:	\$ 258,720
BOND PORTION:	<u>\$1,613,583</u>
TOTAL	\$1,872,303

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

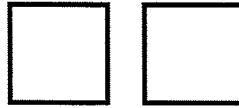
CASH PORTION:	\$ 258,720
BOND PORTION:	NIL

- (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:	\$1,613,583

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

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



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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 The Shrew Sports Corporation, to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within and external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Temporary easement for drainage on Block 3,
 - (ii) Temporary easement for drainage on Block 1, and
 - (iii) Temporary easement for drainage at the west limit of Auto Mall Avenue external to this Plan.

- (b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over parts of Blocks 2 and 3 within this Plan.



File Number: 39T-12502