



File Number: 33M-606

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JANUARY 8, 2013
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SUBDIVISION AGREEMENT AMENDMENT FUTURESTREETS INC. 1460 HAMILTON ROAD SUBDIVISION 39T-04509 AND 39T-07506

RECOMMENDATION

That, on the recommendation of the Manager, Development Planning, the Subdivision Agreement between The Corporation of the City of London and Futurestreets Inc., which was registered on the 26th day of June, 2009 as Instrument Number ER648737 for the Futurestreets Subdivision **BE AMENDED** as set out in the attached Subdivision Amendment Agreement.

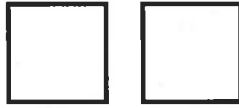
BACKGROUND

On April 21, 2009, Municipal Council passed a resolution to approve the Special Provisions for a subdivision agreement entered into between the Corporation of the City of London and Futurestreets Inc. for 1460 and 1480 Hamilton Road (Phase 2) subdivision consisting of Lots 1 to 93 both inclusive, Blocks 94 to 108 both inclusive, and the streets known as Frederick Crescent, Bourdeau Road, Purcell Court and Purcell Drive Plan 33M-606. The same Council Resolution authorized the Mayor and the City Clerk to execute the agreement, any amending agreements and all other documents required to fulfil the conditions.

The subdivision agreement included a number of servicing conditions regarding the provision of municipal services and temporary road works over Lots 35 and 44 on Plan 33M-606, inclusive of a transfer of a temporary multi-purpose easement to the City over the Lots 35 and 44, to be held until such time that a road is available to the east of this Plan. All works and related expenses were to be borne by the Owner.





As a result of an appeal by Futurestreets to the Official Plan and Zoning By-law amendments, Minutes of Settlement were approved by the Ontario Municipal Board. In the Settlement between the City and Futurestreets, the City agrees to construct a road along the western limit of 1510 Hamilton Road to connect Purcell Drive to Purcell Court, and amend the Subdivision Agreement for Plan 33M-606. The existing Subdivision Agreement for Plan 33M-606 contains clauses requiring Futurestreets to build a temporary road over two building lots (34 and 44) and that this road is to remain until such time as the lands to the east redeveloped. It also requires the lots on which the temporary road is to be located to be withheld from development. Futurestreets agreed to withdraw its appeals on the basis that these requirements be removed from their agreement. The Minutes of Settlement requires the amending agreement to be brought forward for consideration on or before January 8, 2013.

The attached amending agreement fulfils one of the conditions of Minutes of Settlement in association with the Ontario Municipal Board Appeal to Official Plan Amendment No. 475 and Zoning By-law Amendment No. Z.-1-101908 regarding 1510 Hamilton Road. (OMB Case No. PL100332).

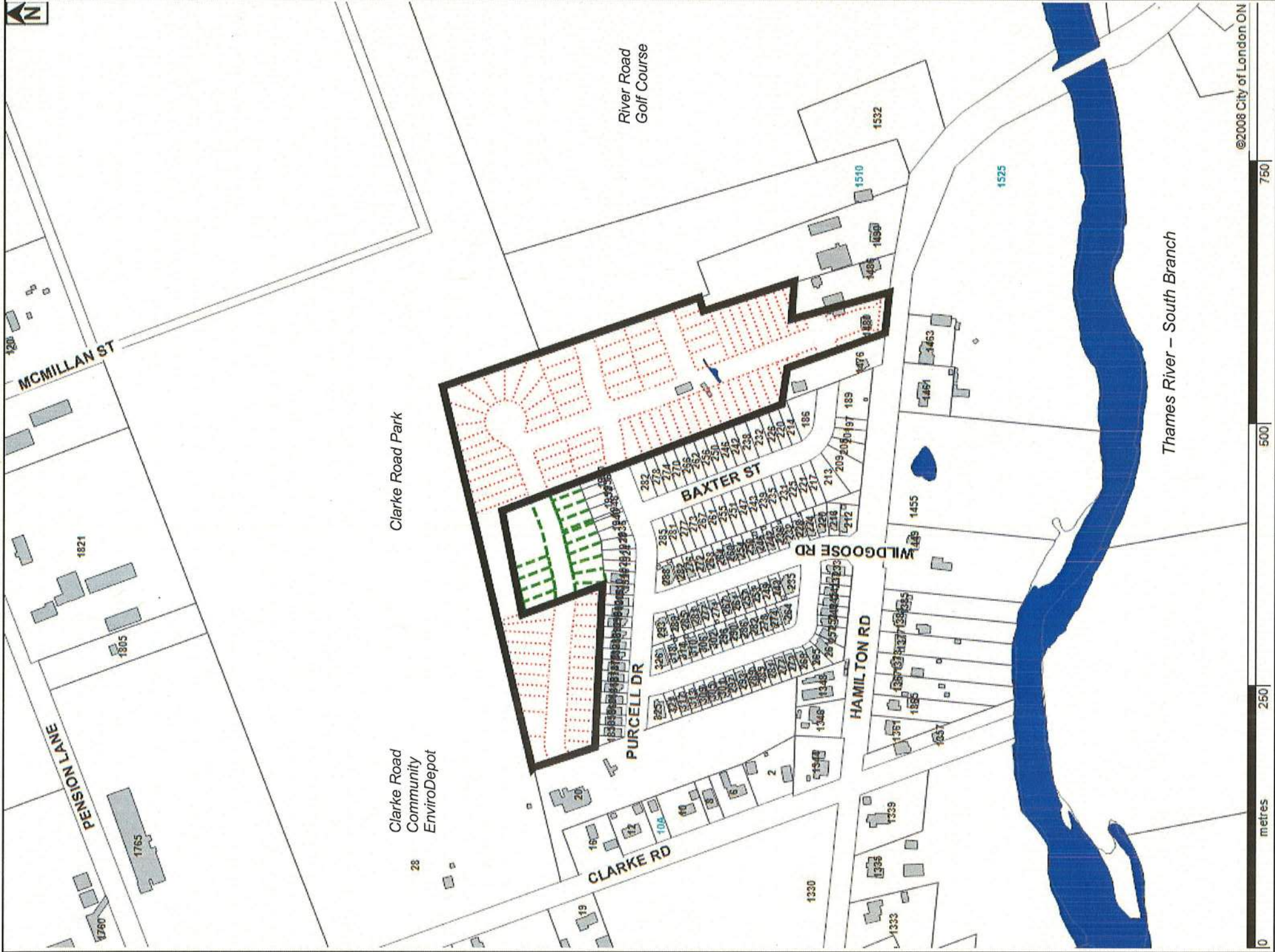


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A copy of the location plan is attached for the information of the Committee.






RECOMMENDED BY:	REVIEWED BY:
	
JEFF LEUNISSEN, MCIP, RPP MANAGER OF DEVELOPMENT PLANNING	TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES
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

JL/fg
Attach.
December 19, 2012



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LEGEND

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

LOCATION MAP

Subject Site: Futurestreets Inc. - Plan of Subdivision
 Applicant: Futurestreets Inc.
 File Number: 39T-07506/OZ-7421
 Planner: Jeffrey Leunissen
 Created By: Jeffrey Leunissen
 Date: 2008-03-05
 Scale: 1:4500





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THIS AGREEMENT made, in triplicate, this _____ day of January, 2013.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the "City")

OF THE FIRST PART

AND

FUTURESTREETS INC.
a Company incorporated under the laws
of the Province of Ontario
(hereinafter called the "Owner")

OF THE SECOND PART

WHEREAS the Parties hereto have entered into a certain Subdivision Agreement dated the 21st day of April, 2009, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) on the 26th day of June, 2009, as Instrument Number ER648737, respecting the lands more particularly described in Schedule "A" attached hereto and other lands (the "Agreement");

AND WHEREAS the Parties have agreed to amend the Agreement as hereinafter set out;

AND WHEREAS the Parties have agreed that the amendments are reasonable, having regard to the nature of the development subject to the Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the sum of ONE DOLLAR (\$1.00) of lawful money of Canada now paid by the Owner to the City, the receipt whereof is hereby acknowledged, the City and the Owner covenant and agree that the Agreement be and the same is hereby amended as follows:

- 1. That Part II – Special Provisions, Section 28, Clause (a) (iii) set out as follows, be deleted in its entirety.

"28(a)(iii) for the removal of the temporary access road between Purcell Drive and Purcell Court inside this Plan, an amount of \$20,000.00."

- 2. That Part II – Special Provisions, Section 28, Clause (e) set out as follows, be deleted in its entirety.

"(e) The Owner shall construct a temporary access road, as shown on the accepted servicing drawings, from Purcell Drive to Purcell Court across Lots 35 and 44, to the specifications of the City Engineer and at no cost to the City.

This access road shall remain in place until a road is available to the east of this Plan to the satisfaction of the City Engineer and the General Manager of Planning, at which time the Owner shall remove this access road and restore the lots and street boulevards at no cost to the City. The City shall then release the temporary easement at no cost to the City.



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If the Owner requests the City to assume Purcell Drive and Purcell Court, all as shown on this Plan of subdivision, prior to their extension to the east, 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's Environmental & Engineering Services Department at the time, to be the cost of removing the temporary access road across Lots 35 and 44 and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, and 1.5 metre (5 foot) concrete sidewalk on one side of Purcell Drive and Purcell Court, all to the specifications of the City Engineer. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$20,000.00, 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 Engineer prior to assumption of this subdivision if needed by the City."

- 3. That Part II – Special Provisions, Section 28, Clause (ad) set out as follows, be deleted in its entirety.

"(ad) The Owner shall provide a temporary easement over Lots 35 and 44 to the City for the purposes of a temporary road. The temporary road shall be designed to accommodate City vehicles and shall be to the satisfaction of the City Engineer. The Owner is responsible for all costs associated with the construction, maintenance and removal of the temporary road."

- 4. That Schedule "F", Multi-purpose easements (d) set out as follows, be deleted in its entirety.

"(d) A temporary road easement shall be deeded to the City in conjunction with this Plan over parts of Lots 35 and 44 within this Plan."

- 5. All other provisions and conditions of the Agreement shall remain in full force and in effect.

IN WITNESS WHEREOF the Parties hereto have hereunto caused to be affixed their respect corporate seals duly attested by the hands of their respective proper signing officers.

SIGNED, SEALED AND DELIVERED)

THE CORPORATION OF THE CITY OF LONDON

In the presence of)

)
) _____
) Joe Fontana, Mayor

)
)
) _____
) Catharine Saunders, City Clerk

) **FUTURESTREETS INC.**

) _____
) I have the authority to bind the Corporation.

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SCHEDULE "A"

This is Schedule "A" to the Subdivision Amendment Agreement dated the ____ day of January, 2013, The Corporation of the City of London and Futurestreets Inc. to which it is attached and forms a part.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being composed _____, Geographic Township of London, in the City of London, County of Middlesex.