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Draft Approval Extension 39T-07510
Alanna Riley

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE
FROM:	G. KOTSIFAS P.ENG. MANAGING DIRECTOR DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT:	SIFTON PROPERTIES LIMITED 1451 WHARNCLIFFE ROAD SOUTH 39T-07510 – ANDOVER TRAILS PHASE 4 EXTENSION TO DRAFT PLAN OF SUBDIVISION APPROVAL MEETING ON JANUARY 22, 2013

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the Draft Plan of Subdivision application of Sifton Properties Limited, File No. 39-07510, relating to the property located at 1451 Wharncliffe Road South:

- a) The Approval Authority **BE ADVISED** that Council supports the Approval Authority granting a one (1) year extension of the draft plan of subdivision submitted by Sifton Properties Limited, prepared by Stantec Consulting Limited, certified by Robert D. Stirling, (Ontario Land Surveyor), (Drawing No. 614-02109, dated September 17, 2007), *as red-line amended*, which shows 2 multi-family medium density residential blocks, 2 multi-family high density residential blocks, 2 restricted service commercial blocks and 2 park blocks, served by a secondary collector road **SUBJECT TO THE PREVIOUSLY IMPOSED CONDITIONS.**

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The effect of the recommendation is to allow for a further one (1) year extension of the draft approval for the Phase 4 Andover Trails subdivision, which was originally granted on August 19, 2009 and subsequently extended to February 19, 2013.

BACKGROUND

The application for Draft Plan of Subdivision Approval was accepted on October 10, 2007. It was circulated to the required agencies and municipal departments on November 15, 2007 and advertised in the London Free Press Civic Corner on November 7, 2007. A notice of Public Meeting was published on April 18, 2009 and a notice of Public Meeting was sent out on April 24, 2009. The Public Meeting was held on May 6, 2009 and Draft Approval was granted on August 19, 2009, subject to conditions. On July 30, 2012 a 180 day extension of the draft approval was granted administratively, resulting in the current lapse date of February 19, 2013.

The plan of subdivision is located within the Bostwick East Area Plan. The land use designations for the Sifton lands north of Bradley Avenue, the Bradley Avenue extension and the SWM facility and Open space lands south of Bradley Avenue were approved on June 13, 2005 as part of OPA No. 358.

Phase 1 of the Andover Trails subdivision was registered on August 23, 2007 as 33M-579; Phase 2 was registered on December 16, 2008 as 33M-602; and Phase 3 was registered on

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October 12, 2011 as 33M-634, all under Draft Approved Plan 39T-05506. This plan (39T-07510) is the final phase of the subdivision.





A report recommending special provisions for the subdivision agreement was presented to the November 26, 2012 Planning and Environment Committee meeting. The special provisions were endorsed by Council on December 11th, together with the Source of Financing Report and the associated Claims and Revenues. Additional information that was brought forward to the attention of the Committee noted that there is an outstanding request for a Part II Order on the Municipal Class EA Study on the Pincombe Drain Storm Drainage and Drain Restoration project, which will serve the lands in this plan. Staff are working with the applicant to confirm the implications of this request on the plan of subdivision.

A one (1) year extension to the lapse date is recommended in the event that additional time is required (beyond February 19th) to resolve any outstanding issues and proceed to final plan approval. The new Draft Approval lapse date would be February 19, 2014. No changes are proposed to the other conditions of Draft Approval.

The current draft plan conditions are attached as Appendix "A". The December 12, 2012 Municipal Council resolution is attached as Appendix "B".

CONCLUSION

A one year extension to the lapse date of Draft Plan 39T-07510 is appropriate as it will provide sufficient time for the resolution of outstanding issues and progress this plan of subdivision to final approval.

PREPARED AND RECOMMENDED BY:	REVIEWED BY:
	
ALANNA RILEY, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	BRUCE HENRY MANAGER DEVELOPMENT PLANNING
REVIEWED BY:	SUBMITTED BY:
	
TERRY GRAWEY, MCIP, RPP MANAGER DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOSTIFAS P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL

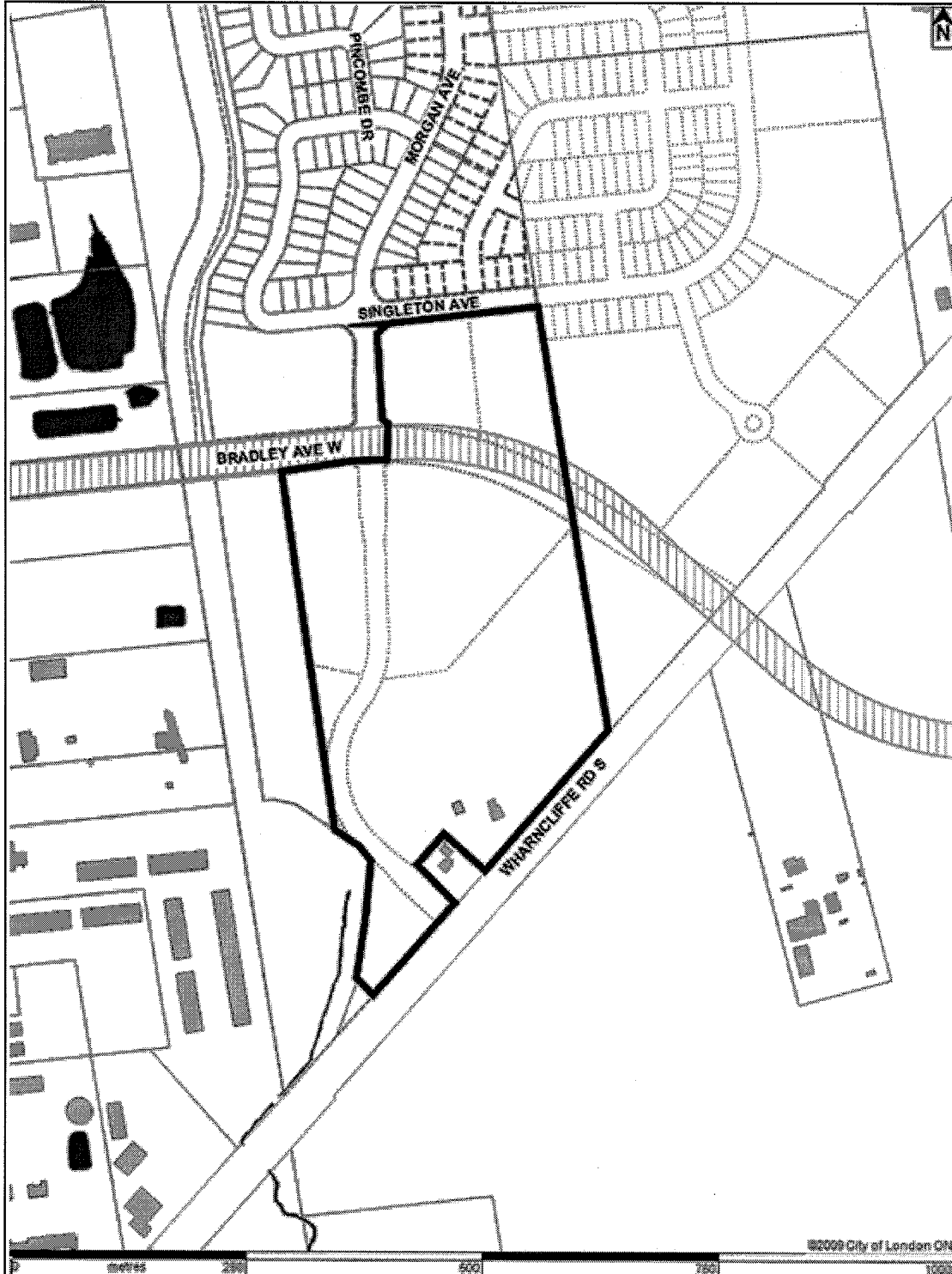
January 10, 2013
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LOCATION MAP	LEGEND
<p>Subject Site: Andover Trails Applicant: Sifton Properties Limited File Number: 39T-07510 Planner: Heather McNeely Created By: Heather McNeely Date: 2009-02-24 Scale: 1:5000</p>	<ul style="list-style-type: none"> Subject Site Parks Assessment Parcels Buildings Address Numbers
<p>Corporation of the City of London Prepared By: Planning and Development</p>	<p>N</p>

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APPENDIX "A"

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-07510 ARE AS FOLLOWS:

- | NO. | CONDITIONS |
|------------|---|
| 1. | This draft approval applies to the draft plan as submitted by Sifton Properties Limited (File No. 39T-07510 prepared by Stantec Consulting Ltd, certified by Robert D. Stirling, (Ontario Land Surveyor), (Drawing No. 614-02109, dated September 17, 2007), <i>as red-line amended</i> , which shows 2 multi-family medium density residential blocks, 2 multi-family high density residential blocks, 2 restricted service commercial blocks and 2 park blocks, served by a secondary collector road. |
| 2. | This approval of the draft plan applies until <u>February 19, 2014</u> , and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority. |
| 3. | The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways. |
| 4. | Street 'A' shall be named Morgan Avenue, and Street 'B' shall be named Bradley Avenue W. |
| 5. | The municipal address shall be assigned to the satisfaction of the Manager of Subdivision and Special Projects. |
| 6. | Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program. |
| 7. | Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision. |
| 8. | The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval. |
| 9. | The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies. |
| 10. | The Owner shall grant to the appropriate authorities such easements as may be required for utility, road or drainage or other municipal purposes. |
| 11. | Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer. If this plan is developed in phases and any temporary measures are required, these temporary measures shall be constructed to the specifications and satisfaction of the City Engineer, at no cost to the City. |
| 12. | Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage must be completed and operational, all to the specification and satisfaction of the City Engineer. |
| 13. | Prior to Final Approval, all required connections from this plan to municipal services shall |

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be available.

14. In conjunction with the Design Studies, the Owner shall develop an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of Environment standards and requirements, all to the satisfaction of the City Engineer. This plan is to include measures to be used during all phases on construction. Prior to any work on the site, the Owner shall submit these measures as a component of the Functional SWM and/or Drainage Servicing Report for these lands and shall implement these measures satisfactory to the City Engineer.
15. Prior to the submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area, to the satisfaction of the City Engineer. If necessary, the report shall also address any potential contamination impacts that may be anticipated or experienced as a result of the said construction. Any recommendations outlined in the report shall be reviewed and approved by the City Engineer, included in the pertinent agreement(s) with the City of London prior to any work on the site. Should any remedial works be recommended in the report, the Owner shall complete these works prior to issuance of Certificate of Approval, to the satisfaction of the City, at no cost to the City.
16. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned water wells located on the property, in accordance with the Ontario Water Resources Act and the Ministry of Environment requirements and file the necessary reports with the Ministry of the Environment and the City of London.
17. In conjunction with the submission of engineering drawings, the Owner shall have its professional engineer confirm that sufficient sewage treatment and conveyance capacity is available to service the subdivision, to the satisfaction of the City Engineer.
18. The Owner's professional engineer shall provide inspection services for all work during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a certificate of compliance upon completion in accordance with the plans approved by the City Engineer.
19. The Owner shall comply with all City of London standards, guidelines and requirements in the design drawings for services of this draft plan. Any deviation to the City's standards, guidelines, or requirements shall be completed to the satisfaction of the City Engineer and General Manager of Planning and Development.
20. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the General Manager of Planning and Development and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the General Manager of Planning and Development and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
21. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval

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package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

22. That prior to final approval the Owner shall pay in full all financial obligations/encumbrances on the said lands, including property taxes and local improvement charges.
23. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.

PARKLAND:

24. At the time of registration of the plan, the required parkland dedication for the subdivision will be partially satisfied through the dedication of land through Blocks 7 and 8 resulting in an under dedication of 1.51 ha of land. The parkland dedication, as red-line amended, and the parkland calculations address the 2 percent commercial parkland requirement for Blocks 5 and 6. The parkland dedication for the residential portion (multi-family residential Blocks 1, 2, 3 and 4) shall be calculated on the basis of 1 hectare of parkland per 300 residential dwelling units. For the purposes of calculating parkland, the maximum density of the approved zone shall be used. At the time of registration of the plan, the Owner will be required to provide the cash-in-lieu payment to the City of London for the phase of the Plan that includes the residential block(s) based on a rates in effect at the time of registration noting the 2009 rates are \$396,600.00 per hectare which is equivalent to \$107,082.00 for Blocks 1 and 2, and \$487,818.00 for Blocks 3 and 4.
25. As part of the Design Studies submission, a park concept plan of Blocks 7 and 8, as red-line amended, shall be prepared by the Owner's landscape consultant (OLA), in consultation with the Manager of Parks Planning and Design, and submitted for review and approval by the General Manager of Planning and Development and City Engineer.
26. As part of engineering drawing submission, the Owner shall submit park design and grading and servicing plans, for review and approval by the General Manager of Planning and Development, which accommodate the grading and setback for the Pincombe Drain recreational pathway located between proposed Block 3 of the subject plan and the stormwater management block (Block 88, 33M-602).
27. The Owner shall construct and have his landscape consultant (OLA) design and oversee the construction of the 3 metre wide in boulevard Pincombe Drain Recreational Pathway located between the Stormwater Management Block 88, 33M-602 and Block 3 of the subject plan.
28. Within one year of registration of the plan or otherwise approved by the General Manager of Planning and Development, the Owner shall grade, service and seed Blocks 7 and 8, as red-lined amended, pursuant to current City Park development standards, to the satisfaction of the General Manager of Planning and Development.
29. Within one year of registration of the plan or otherwise approved by the General Manager of Planning and Development, the Owner shall fence along the property limit interface of all private lots and blocks adjacent to the park and open space blocks, with a 1.5 metre chain link fence with no gates. Any other fencing arrangements shall be to the satisfaction of the General Manager of Planning and Development.

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- 30. The Owner shall not grade into any park or open space area. Where lots or blocks abut lands zoned as open space, all grading of the developing lots or blocks at the interface with the park or open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the park or open space zones shall be to the satisfaction of the General Manager of Planning and Development.

PLANNING:

- 31. Prior to final approval, the Owner shall remove, or demolish any accessory structures that exist on the subject lands unless otherwise authorized by the General Manager of Planning and Development.
- 32. Prior to Design Studies submission for the phase of the Plan that includes the commercial block(s), the Owner's approved design consultant shall prepare commercial design guidelines in collaboration with the Owner of 39T-05509, which shall include development standards and implementation process to be appended to the subdivision agreement, prepared specifically for the Bostwick East Area Plan to establish mitigation measures for screening between residential and commercial land uses, and provisions for planned character of the arterial road streetscapes, street intersections and gateway treatment, approved to the satisfaction of the City.

SANITARY:

- 33. The Owner shall connect and construct the proposed sanitary sewers to serve this plan to a municipal sewer system, through lands owned by others to the west (33M-602).
 - 34. The Owner shall reimburse the City for operating, maintenance and decommissioning costs of the temporary pumping station and forcemain based upon the relative design flows approved by the City Engineer for the subject lands versus the other lands served by the temporary pumping station and forcemain. The costs will be calculated by the City and charged back to the Owner. The Owner shall provide security in the amount of six months total of their share of the operating and maintenance as well as their share of the decommissioning costs until the temporary system is decommissioned to the satisfaction of the City Engineer. In any dispute over costs, the opinion of the City Engineer shall prevail.
- 35. The Owner shall oversize sanitary sewers within the plan to accommodate flows from upstream lands, as determined by the City Engineer and to the satisfaction of the City Engineer. This includes lands east and north of this site the subject plan.
- 36. The Owner shall provide appropriate easements for the trunk sanitary sewer through this subdivision, and as necessary through lands outside of this subdivision phase.
- 37. The Owner shall provide adequate separation between the SWM Block/Facility in Plan No. 33M-602, the trunk sanitary sewer and future forcemain.
- 38. Prior to registration, the Owner shall provide a cash in lieu payment (\$1100 per cubic metre – 2009 dollar value) to the City to provide for the construction of off-line storage to mitigate the downstream flooding problems in the Greenway system, especially in the Gordon Avenue Trunk Sewer system. The cash in lieu contribution will be determined with each phase of development, and will be equivalent to 2 hours of peak flows, stored off-line. Calculation of the amount of the cash in lieu contribution shall be reviewed by and be satisfactory to the City Engineer. In any dispute over payment, the opinion of the City Engineer shall prevail.

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39. Prior to entering into a subdivision agreement which addresses service connections for this plan, the Owner shall obtain consent from the City Engineer that capacity has been reserved at the Greenway Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

40. The Owner shall implement measures within this subdivision to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during construction and to ensure that the sanitary system is constructed to standards to minimize inflow and infiltration to the system, to the satisfaction of the City Engineer.
41. The Owner shall not allow any weeping tile connections into the sanitary sewers within this plan.
42. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all sanitary servicing works for the subject lands must be completed and operational, all to the specifications and satisfaction of the City Engineer.

STORM/STORMWATER MANAGEMENT:

43. Prior to the Certificate of Conditional Approval, the Owner shall have his consulting professional engineer design, supervise and construct the stormwater works, including any temporary works, to the satisfaction of the City Engineer and according to the requirements of the following:
- i) The City's SWM criteria and the environmental targets for the Dingman Creek Subwatershed Study Update (Delcan Corporation, April 2005).
 - ii) The accepted White Oaks Area Stormwater Management Facilities Municipal Class Environmental Assessment (EA), Schedule B, and any addenda.
 - iii) The accepted Pincombe Drain Municipal Class EA for storm/drainage and SWM servicing and remediation works.
 - iv) The approved Functional Design for the Storm/Drainage and SWM servicing works for the subject lands.
 - v) The functional stormwater report/plan for the works, as revised, satisfactory to the City Engineer and the approved Functional Design for the Storm/Drainage Servicing and the Temporary Pincombe Drain SWM Facility # 2 for a portion of the subject lands.
 - vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
 - vii) Applicable Policies, Guidelines, and Standards.

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44. The Owner shall connect the proposed storm sewers to serve this plan to a municipal sewer system discharging to the Temporary Pincombe Drain Stormwater Management (SWM) Facility No. 2, located external to this plan. The Owner shall provide private permanent on-site SWM measures for any of the balance of the lands in this subdivision not served by SWM Facility No. 2, including commercial Blocks 5 and 6 at the southern limits of this plan.
45. Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works for the subject lands, to be built by others, must be completed and operational, all to the specifications and satisfaction of the City Engineer. Additionally, prior to the issuance of any Certificate of Conditional Approval for the westerly portion of this subdivision within the Pincombe Drain catchment area, the capital works for remediation of the Pincombe Drain will have commenced remediation to the satisfaction of the City Engineer.
46. In conjunction with the Design Studies submission, the Owner shall have its professional engineer prepare a Functional Storm/Drainage Servicing Report for these lands satisfactory to the City Engineer.
47. Prior to final approval, 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.
48. Prior to or in conjunction with the Design Studies submission, the Owner shall have its consulting professional engineer identify the major and minor storm flow routes for the entire catchment area(s) to the satisfaction of the City Engineer.
49. The Owner shall implement SWM soft measure Best Management Practices (BMP's) within the plan to the satisfaction of the City Engineer.
50. Prior to the issuance of a Certificate of Conditional Approval, all storm/drainage and SWM servicing works must be completed and operational, to the satisfaction of the City Engineer.
51. In conjunction with the Design Studies submission, the Owner shall have its professional engineer prepare a comprehensive Functional Storm/Drainage Servicing Report(s) for these lands satisfactory to the City Engineer. The report(s) will deal separately with the Pincombe Drain drainage area and the White Oaks drainage area as they apply to the lands within and external to the plan. For the Pincombe Drain drainage area, the report at a minimum will assess and recommend works for adequate conveyance and management of stormwater from the applicable drainage area including adequacy of the stormwater pond. For the White Oaks drainage area, the report shall, at the minimum, assess and recommend works for the conveyance of stormwater from the drainage area, assess the implementation of private permanent stormwater facilities on Blocks 5 and 6, assess the need for any amendment of any Class EA, make recommendations for stormwater conveyance and management and confirm that the development will not result in negative downstream effects. The report shall also identify where works are necessary outside City right of ways such that land or easements may be required. Prior to final approval, any necessary easements shall be established at no cost to the City. Further the report shall discuss temporary or staging requirements, if any. The report(s) shall address all lands tributary to the drainage areas.

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WATER:

52. The Owner shall construct and connect the proposed watermains to serve this plan to a municipal water system, namely:
- Blocks 1 and 2 to the existing high pressure municipal watermain on Southdale Road, details of which will be established by a Water Servicing Report/Hydraulic Analysis. Prior to final approval, the Owner shall acquire any necessary easements for this, at no cost to the City, for this connection across lands external to this plan, and
 - Blocks 3 to 6, inclusive to the low pressure municipal watermain on Wharncliffe Road S.
53. Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all water servicing works for the subject lands must be completed and operational, all to the specification and satisfaction of the City Engineer.
54. The Owner shall have its professional engineer deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.
55. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a water servicing report which addresses the following:
- i) identify external water servicing requirements;
 - ii) confirm capacity requirements are met;
 - iii) identify need for the construction of external works;
 - iv) identify the effect of development on existing water infrastructure/identify potential conflicts;
 - v) water system area plan(s);
 - vi) water network analysis/hydraulic calculations for subdivision report;
 - vii) phasing report;
 - viii) oversizing of water main/cost sharing agreements.
56. The Owner shall as part of the submission of engineering drawings have its professional engineer determine if there is sufficient water turnover to ensure water quality and determine how many units need to be built and occupied to maintain water quality in the water system. If the water quality cannot be maintained in the short term, the Owner shall install automatic blow offs, where necessary, to the satisfaction of the City Engineer, or make suitable arrangements with Water Operations for the maintenance of the system in the interim.

TRANSPORTATION:

57. The Owner shall provide, to the City, a dedication for a 36.0 metre road allowance for the extension of Bradley Avenue from the east to the west limit of the draft plan of subdivision as identified in an alignment and location consistent with the Bradley Avenue Extension Environmental Study Report at no cost to the City. The Owner shall make any adjustments to this draft plan of subdivision necessary to accommodate the approved Bradley Avenue alignment.
58. In conjunction with the Design Studies submission, the Owner shall complete an update to the Traffic Impact Study undertaken for the East Bostwick Area Plan in accordance

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with the Traffic Impact Study Guideline and satisfactory to the City Engineer. This study shall determine the transportation infrastructure required to accommodate full build out of the site with other adjoining lands. The Owner shall agree to any restrictions on development and/or phasing which may be imposed if there is insufficient overall built network capacity to accommodate the proposed development.

- 59 a). The Owner shall construct a fully serviced secondary collector from Bradley Avenue W at Morgan Avenue, south to Wharncliffe Road S.
- 59 b). Based on the required updated Traffic Impact Study (TIS) accepted by the City Engineer and the General Manager of Planning and Development, the Owner shall take all the necessary actions to implement the accepted recommendations of the TIS in the submission of any Design Drawings and/or the entering into any subdivision agreement.

The TIS shall include a staged development implementation plan and timing strategy and/or identify the timing of construction of road improvements within the approved public road network, acceptable to the General Manager of Planning and Development and City Engineer to address any traffic capacity issues assuming full build out.

If the accepted TIS requires the Owner to construct Bradley Avenue, the Owner shall construct the east portion of Bradley Avenue W from the collector road (Morgan Avenue) to Wharncliffe Road S, as a two lane arterial rural road cross-section with paved shoulders for cyclists, a centre median island, sidewalks and street lighting as identified within the Environmental Assessment for Bradley Avenue extension, when warranted. The Owner's share of the construction costs will consist of the amount necessary to build a fully serviced secondary collector road.

- 60. At such time as Morgan Avenue is constructed, the Owner shall construct a 1.5 metres (5') sidewalk on both sides of the street.
- 61. The Owner shall construct a 1.5 metre (5') sidewalk on the north side Wharncliffe Road S along the entire frontage of plan, including 1467 Wharncliffe Road S.
- 62. The portion of sidewalk across the frontage of 1467 Wharncliffe Road S shall be constructed at the Owner's expense if it is completed as a temporary sidewalk.
- 63. As part of the Design Studies submission, the Owner shall complete an access management plan, satisfactory to the City Engineer, for Blocks 5 and 6 within the plan and the lands to the east of the plan to reduce the impact of accesses on Wharncliffe Road S. The access management plan will assume no accesses of any type to Bradley Avenue to any block within the subject plan and lands within draft plan application 39T-05509.
- 64. Within two years of registration of the plan, the Owner shall install street lights along Wharncliffe Road South across the entire frontage of this plan and extending south to the existing street lights north of Wonderland Road South.
- 65. Prior to the issuance of any certificate of Conditional Approval, the Owner shall construct to conditional acceptance a left turn auxiliary lane on Wharncliffe Road South at Morgan Avenue with sufficient storage and taper to accommodate the traffic demand anticipated as a result of full build out of the Bostwick East Area Plan.
- 66. Prior to the issuance of any certificate of Conditional Approval, the Owner shall construct a right turn taper to conditional acceptance on Wharncliffe Road South at Morgan Avenue to the satisfaction of the City Engineer.

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- 67. When determined warranted by the City Engineer, the Owner shall install traffic signals at the intersection of Wharncliffe Road South and Morgan Avenue.
- 68. At the time of registration, the Owner shall be required to dedicate sufficient land to widen Wharncliffe Road South to 18.0 metres (59.06') from the centerline of the original road allowance.
- 69. The Owner shall not develop this subdivision until a second public street access to an arterial road is provided, to the satisfaction of the City Engineer, that will serve greater than the current 80 residential unit restriction (Sifton and Decade combined).
- 70. The Owner shall prohibit access to the land from Bradley Avenue W by establishing a Block of a 0.3 metre (1 foot) reserve along the entire flankage of Blocks 1, 2, 3 and 4.
- 71. In conjunction with the Design Studies submission, the Owner shall submit a plan developed in the context of the road network established by the Bostwick East Area Plan which identifies the traffic calming measures required along the secondary collector road network (Morgan Avenue).

However, in lieu of a traffic calming plan submitted by the Owner, the Transportation Planning & Design Division would accept the following traffic calming measures:

- i) curb extensions along one side of Morgan Avenue from Bradley Avenue W to Wharncliffe Road South with the parking bay removed for utilities (fire hydrants) and for transit stop locations as defined by the London Transit Commission.

The traffic calming measures selected for these locations are subject to the approval of the Transportation Planning & Design Division and are to be designed and constructed to the satisfaction of the City Engineer.

- 72. The Owner shall direct all construction and trades traffic associated with this draft plan of subdivision to use Wharncliffe Road South or other routes as designated by the City Engineer.
- 73. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.
- 74. The Owner shall construct a temporary turning facility for vehicles on Morgan Avenue at the north limit if the extension of Morgan Avenue, north of Bradley Avenue W is not completed, to the specifications of the City Engineer.
- 75. The Owner shall construct a gateway treatment on Street 'A' (Morgan Avenue) at the future intersection of Bradley Avenue with a right of way width of 28.0 metres for a minimum length of 45.0 metres (150') tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres.
- 76. The Owner shall construct a gateway treatment on Street 'A' (Morgan Avenue) at the intersection of Wharncliffe Road South with a right of way width of 28.0 metres for a minimum length of 45.0 metres (150') tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres.

GENERAL CONDITIONS

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- 77. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services situated on private lands outside this plan, and shall provide satisfactory easements over the sewers as necessary, all to the specifications of the City Engineer.
- 78. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
- 79. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, and all to the specifications and satisfaction of the City Engineer.
- 80. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

- 81. Prior to final approval, the Owner shall establish any joint access locations and establish any necessary easements required to develop blocks within this plan to minimize the number of access locations, to the satisfaction of the City Engineer.
- 82. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
 - i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
- 83. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

The connection into and use of the subject services by an outside owner will be conditional upon the outside owner satisfying any requirements set out by the City, and agreement by the outside owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

- 84. The Owner shall construct all municipal services for the subject lands at the sole expense of the Owner, satisfactory to the City.

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Alanna Riley**

- 85. In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. All class EA's must be completed prior to the submission of engineering drawings.

- 86. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

- 87. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.)

- 88. The Owner shall provide all 0.3 metre reserves, permanent and temporary, that may result from the phasing of the subdivision.

Permanent reserves shall be located outside the road allowance, temporary reserves shall be allocated from the road allowance and form part of the design width.

Reserve blocks shall be separated into parts where it is anticipated that it would facilitate future development of abutting lands.

- 89. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, these deposits shall be reported to the City Engineer/Chief Building Official immediately, and if required by the City Engineer/Chief Building Official, the Owner/contractor shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer/Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer/Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer/Chief Building Official and at the expense of the Owner/contractor, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the plan.

OTHER SERVICE ISSUES:

London Hydro

- 90. Prior to the submission of engineering drawings, the Owner shall obtain approval from London Hydro for an electrical layout for Wharncliffe Road S, and to advise London

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Hydro of the phasing arrangements for this subdivision. Any new addition and/or relocation of existing electrical infrastructure will be at the Owner's expense.

Fire

- 91. The Owner shall not burn any materials on site.

School Sites

- 92. Prior to final approval of this Plan and subject to the satisfaction of the local School Boards, the Owner shall include in the subdivision agreement a suitable warning clause advising future purchasers of residential units that students may be accommodated in temporary or holding facilities and/or bused outside the neighbourhood for their education.

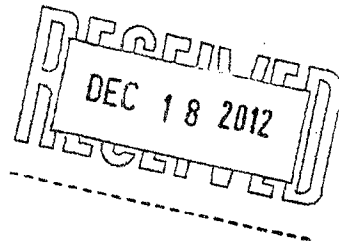
Conservation Regulation Area

- 93. In conjunction with the submission of engineering drawings, the Owner shall provide written confirmation from the applicable Conservation Authority that a permit has been applied for to undertake any works or site alteration including filling, grading, construction or alteration to a watercourse in a Conservation Regulated Area, to the satisfaction of the General Manager of Planning and Development and City Engineer.
- 94. Prior to undertaking any works or site alteration including filling, grading, construction or alteration to a watercourse in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from the applicable Conservation Authority, to the satisfaction of the General Manager of Planning and Development and City Engineer.
- 95. Prior to final approval, the Owner shall submit an application to the applicable Conservation Authority to remove the generic regulations from the subject lands to reflect the limits of the approved works, based on the accepted engineering drawings, to the satisfaction of the General Manager of Planning and Development.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

APPENDIX "B"



December 12, 2012


Sifton Properties Limited
P.O. Box 5099
London, ON N6A 4M8

I hereby certify that the Municipal Council, at its session held on December 11, 2012 resolved:

16. That, on the recommendation of the Manager, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lot 35, Concession 2, (Geographic Township of Westminster), City of London, County of Middlesex, situated generally between Southdale Road West and Wharncliffe Road South, municipally known as 1451 Wharncliffe Road South:

- a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Andover Trails Subdivision, Phase 4 (39T-07510), **BE APPROVED**;
- b) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement referred to in part a) above, any amending agreements and all documents required to fulfill its conditions;
- c) the financing for this project **BE APPROVED** in accordance with the "Source of Financing Report" provided as Schedule "A" and the associated Claims and Revenues provided as Schedule "B" to the associated staff report, dated November 26, 2012;
- d) the Municipal Council **BE ADVISED** that the anticipated reimbursements from the Capital Works Budget have been negotiated for the cost of a pathway in Park Block 8 in this Plan; it being noted that the estimated cost of the pathway is \$6,000; it being further noted that the cost is being limited to a maximum amount of \$6,000; and,

it being further noted that prior to execution of the subdivision agreement, final registration of the plan and removal of the holding provisions on the lands within this subdivision, the City will confirm the implications of the request for a Part II Order on the Municipal Class EA Study for the Pincombe Drain Storm/Drainage and Drain Restoration. (2012-D26-05) (16/30/PEC)


C. Saunders
City Clerk
/jb

cc: G. Kotsifas, Managing Director, Development and Compliance Services & Chief Building Official
B. Henry, Manager, Development Planning
J. Ramsay, Manager, Development Services
F. Gerrits, Subdivision and Condominium Documentation Coordinator
J. Nethercott, Documentation Services Representative

The Corporation of the City of London
Office: 519-661-2500 ext. 0969
Fax: 519-661-4892
www.london.ca



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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 hereafter set out in these Special Provisions.

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

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

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

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

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

The anticipated claims against the Fund are:

- (i) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated claim valued at \$110,000 (excluding storm inlets to the SWM facility) ;
- (ii) for the construction of left turn and right turn channelization's on Wharncliffe Road South at Morgan Avenue, the estimated cost of which is \$129,000; and
- (iii) for the construction of pavement widening on Morgan Avenue at Wharncliffe Road South and on Morgan Avenue south of the future Bradley Avenue West consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is \$24,000. 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.



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- (b) If the Owner alleges an entitlement to any reimbursement or payment from the City's Capital Works Budget as a result of the terms hereof, the Owner may, upon approval of this Agreement, make application to the Director – Development Finance for payment of the sum alleged to be owing, and as confirmed by Parks Planning and the Director – Development Finance and the payment will be made pursuant to any policy established by Council to govern the administration of the said Capital Works Budget.

The anticipated reimbursements from the Budget are:

- For the cost of a pathway in Park Block 8 in this Plan, the estimated cost of which is \$6,000, limited to this maximum amount.

Upon approval of an application for a claim to the City's Capital Works Budget, the City shall pay the approved claim in full to the Owner in accordance with the then in force policies established thereunder.

- (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.

All claimable works shall be identified as separate tender schedules listing items, quantities, plan locations of quantities (chainage "from Station to Station"), and unit costs within larger construction contracts.

- (d) The Owner shall grade the portions of Blocks 5 and 6 in this Plan, which have a common property line with Wharncliffe Road South, to blend with Wharncliffe Road South when it is reconstructed in future, 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 future centreline grades of Wharncliffe Road South when it is reconstructed in future. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

- (e) The Owner shall grade the portions of Blocks 1, 2 and 4 in this Plan, which have a common property line with Bradley Avenue West, to blend with Bradley Avenue West when it is reconstructed in future, in accordance with the City Standard "Subdivision Grading Along Arterial Roads", all to the satisfaction of the City, 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 future centreline grades of Bradley Avenue West when it is reconstructed in future. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

- (f) The Owner shall adhere to the geotechnical engineer's recommendation under the full time supervision of a geotechnical engineer with respect to the placement of engineered fill and the construction of utilities, roadways, driveways and buildings on areas within this Plan as identified by the geotechnical engineer (the "Affected Lands") to ensure the satisfactory construction thereof. The Owner shall provide a geotechnical engineer's certification to the City upon completion of the removal and/or filling that the works were carried out in accordance with the geotechnical engineer's recommendations.



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Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the 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 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.

- (g) In the event that the Owner undertakes replotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the replotted 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 replotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the replotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be replotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said replotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said replotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.
- (h) The Owner shall not disturb the existing temporary turning circle and barricades on Morgan Avenue at the south limits of Plan 33M-602 and shall not connect Morgan Avenue in this Plan to Morgan Avenue in Plan 33M-602 until the following have been completed to the satisfaction of the City:
- i) construct the turn lane channelization on Wharncliffe Road South at Morgan Avenue; and
 - ii) construct Morgan Avenue to a minimum of base asphalt
- (i) The Owner shall remove the temporary turning circle on Morgan Avenue and adjacent lands, in Plan 33M-602 to the north of this Plan, and complete the construction of Morgan Avenue in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City Engineer.
- If funds have been provided to the City by the developer of Plan 33M-602 for the removal of the temporary turning circle and the construction of this section of Morgan Avenue and all associated works, 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 Morgan Avenue in Plan 33M-602 is constructed as a fully serviced road by the developer of Plan 33M-602, then the Owner shall be relieved of this obligation.
- (j) The Owner shall construct a temporary fully serviced road connection between Morgan Avenue in this Plan and Morgan Avenue in Plan 33M-602 across the Bradley Avenue West right-of-way, all to the satisfaction of the City and at no cost to the City.



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- (k) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Wharncliffe Road South via Morgan Avenue, or as otherwise approved by the City.
- (l) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
- (i) a fully serviced road connection where Morgan Avenue in this Plan joins with Morgan Avenue in Plan 33M-602, including all underground services, temporary services and related works;
 - (ii) a fully serviced road connection where Morgan Avenue in this Plan joins with Wharncliffe Road South, including all underground services and related works; and
 - (iii) channelization / auxiliary turn lanes on Wharncliffe Road South at Morgan Avenue.

The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, except as approved otherwise by the City. The Owner shall provide full-time supervision by its professional engineer for all works to be constructed on Wharncliffe Road South and Morgan Avenue in accordance with current City policies. Upon completion of these works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.

The Owner shall complete the works specified above on a schedule acceptable to the City or as otherwise specified herein. Where the Owner is required to close any City of London road section the Owner shall have available for submission to the City a Traffic Protection Plan acceptable to the City Engineer (or his/her designate), a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City's Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

Where required by the City, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City 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.

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".

- (m) 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 the area of this Plan.



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- (n) The Owner shall construct and connect the watermains to service this subdivision from the existing 250mm diameter high level watermain on Morgan Avenue at the south limit of Plan 33M-602 and from the existing 400mm diameter low level watermain on Wharncliffe Road South at Morgan Avenue to service this Plan, all in accordance of the approved Water Servicing Report and to the satisfaction of the City Engineer at no cost to the City.

In conjunction with the installation of the above watermains, the Owner shall remove the existing valve chamber on Morgan Avenue at the south limit of Plan 33M-602 and install a new valve chamber on Morgan Avenue north of Wharncliffe Road South at to the satisfaction of the City Engineer and at no cost to the City.

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

- (p) The Owner shall register against the title of Blocks 5 and 6, 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.

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

In the event that this Plan and this Agreement are not registered before December 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 issuance of Certificate of Conditional Approval for this Plan.

- (r) The Owner shall construct and connect 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 675 mm diameter sanitary sewer located in Block 88 in Plan 33M-602 and within this Plan. 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.

- (s) 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 upon the submission and acceptance of sanitary inspection video. This plug may only be removed by the City of London inspectors or operations. The Owner shall be responsible for the maintenance and cleaning or emptying of the sanitary sewer as required. The sanitary sewer must be clean and dry before the plug will be removed;



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The Owner shall provide a storm outlet for Block 6 in this Plan to the Pincombe Drain to the satisfaction of the City Engineer and to the Upper Thames River Conservation Authority.

- (y) The Owner shall have 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.
- (z) 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, and at no cost to the City.
- (aa) 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 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.
- (bb) The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event, where the above condition cannot be met, the Owner agrees to provide SWM on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater Systems. Further, the Owner shall register against the title of Blocks 5 and 6, of this Plan and shall include in the agreement of purchase and sale for the transfer of Blocks 5 and 6 a requirement for the owners of these Blocks to provide private permanent on-site stormwater management (SWM) measures on those lands for any portion of those lands not served or fully served by the temporary and permanent Temporary SWM Facility No.2 (within Block 88 of Plan 33M-602), when those lands are developed, all to the satisfaction of the City and at no cost to the City.
- (cc) The Owner shall have a consulting professional engineer supervise the construction of the proposed storm/drainage and SWM servicing works for the subject lands (including the modification to the Temporary and Permanent Pincombe Drain SWM Facility No. 2, (within Block 88 of Plan 33M-602), for the storm inlets to service this Plan) all to the satisfaction of the City, and according to the requirements of the following:
 - i) The City's SWM criteria and environmental targets for the Dingman Creek Subwatershed Study Update (Delcan Corp, April 2005);
 - ii) The accepted Pincombe Drain Municipal Class EA for storm/drainage and SWM servicing and remediation works;
 - iii) The approved Functional Design for the Storm/Drainage and SWM servicing works for the subject lands;
 - iv) The functional stormwater report/plan for the works, as revised, satisfactory to the City Engineer and the approved Functional Design for the Storm/Drainage Servicing and the Temporary Pincombe Drain SWM Facility #2 for a portion of the subject lands;
 - v) The City's Waste Discharge and Drainage By-Laws, lot grading standards, policies, requirements and practices;
 - vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
 - vii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and



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- viii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (dd) Prior to the issuance a Certificate of Conditional Approval, the Owner shall construct and make operational, or as otherwise approved by the City, all storm/drainage and SWM related works to serve and blocks in this Plan including major and minor storm flow routes for the subject land and entire catchment area(s) in accordance with the approved design criteria and drawings, all to the satisfaction of the City.
- (ee) The Owner shall register against the title of Blocks 1 and 2, of this Plan and shall include in the agreement of purchase and sale for the transfer of Blocks 1 and 2 in this Plan to require the owner of Block 1 to provide a private storm serving and easements over Block 1 from Morgan Avenue to service Block 2 to the City's satisfaction and at no cost to the City.
- (ff) Prior to the issuance of any Certification of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works for the subject lands must be completed and operational, all to the specifications and satisfaction of the City. Additionally, prior to the issuance of any Certificate of Conditional Approval for the portion of this subdivision within the Pincombe Drain catchment area, the capital works for remediation of the Pincombe Drain will have been commenced to the satisfaction of the City.
- (gg) Prior to the completion of the Pincombe Drain Municipal Class EA study and completion of the proposed permanent Temporary SWM Facility # 2 (within Block 88 of Plan 33M-602), the Owner shall discharge the storm flows from this subdivision with the exception of Block 6 in this Plan to the Temporary Pincombe Drain SWMF # 2, all to the specifications and satisfaction of the City.
- (hh) Prior to the issuance of any Certification of Conditional Approval for this subdivision, 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, 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.
- (ii) Further to Condition (27)(n) of this Agreement, the Owner shall have a qualified consultant carry out a hydrogeological investigation to determine the effects of the construction associated with the subdivision existing ground water elevations and assess the impact on the water balance of the subject plan, identifying all required mitigation measures to the satisfaction of the City Engineer. The Owner shall implement all required water balance mitigation measures recommended by the hydrogeological consultant in conjunction with the servicing and development of this subdivision to the satisfaction of the City Engineer.
- (jj) Prior to assumption, the Owner shall operate, monitor and maintain the stormwater drainage/management works. The Owner shall ensure that any removal and disposal of sediment is to an approved site satisfactory to the City.
- (kk) The Owner shall construct a gateway treatment on Morgan Avenue north of Wharnccliffe Road South and on Morgan Avenue south of the future Bradley Avenue West, to the specifications of the City and no cost to the City.
- (ll) 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 as required by and to the satisfaction of the City.
- (mm) The Owner shall coordinate the work associated with this Plan of Subdivision with the City's proposed construction of a sidewalk and street lights on Wharnccliffe Road South adjacent to this Plan. In addition, the Owner shall dedicate temporary



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easements along the south boundary of this Plan that may be required within this Plan by the City in order for the City to complete the said works on Wharncliffe Road South.

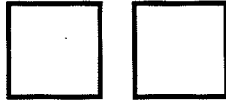
- (nn) The Owner shall grade, drain and seed the proposed Bradley Avenue West right-of-way in this Plan, to the satisfaction of the City and at no cost to the City.
- (oo) The Owner shall establish any joint access locations and establish any necessary easements required for Block 5 in conjunction with Block 84 Plan 33M-641 and 1467 Wharncliffe Road South as well as Block 6 within this Plan to minimize the number of access locations on Wharncliffe Road South and on Morgan Avenue in accordance with the accepted Access Management Plan by the City, to the satisfaction of the City, at the Owner's cost.
- The Owner shall register against the title of Blocks 5 and 6, of this Plan and shall include in the agreement of purchase and sale for the transfer of Blocks 5 and 6, advising the future owners of these blocks that the owners shall access their sites in accordance with the Access Management Plan, and private easements may be necessary between Blocks 5 and 6 and Block 84 Plan 33M-641 and 1467 Wharncliffe Road South for joint access in order to implement the accepted Access Management Plan by the City.
- (pp) Notwithstanding the Clauses in the General Provisions, the Owner is not responsible for the construction of a fully-serviced road for Bradley Avenue West.
- (qq) The Owner shall make all necessary arrangements for the construction of works required for the servicing of this Plan with the un-assumed works associated with Plan 333M-602 to the satisfaction of the City and at no cost to the City.
- (rr) Within one (1) year of registration of this Plan, the Owner shall have his landscape consultant (OLA) design and oversee the construction of the 3 metre wide Pincombe Drain Recreational Pathway located between the Stormwater Management Block 88, 33M-602 and Block 3 of the subject plan, all to the satisfaction of the City and at no cost to the City.
- (ss) Within one (1) year of registration of this Plan or otherwise approved by the Manager of Development Services, the Owner shall grade, service and seed Blocks 7 and 8, as red-lined amended, pursuant to current City Park development standards, to the satisfaction of the Manager of Development, all at no cost to the City.
- (tt) Within one (1) year of registration of this Plan or otherwise approved by the Manager of Development Services, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to the park and open space Blocks, in accordance with City Standard S.P.O. 4.8, all at no cost to the City, all to the satisfaction of the City, and at no cost to the City. Any other fencing arrangements shall be to the satisfaction of the Manager of Development Services.
- (uu) The Owner shall not grade into any park or open space area. Where Lots and Blocks abut lands zoned as open space, all grading of the developing Lots and Blocks at the interface with the park or open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the park or open space zones shall be to the satisfaction of the Manager of Development Services.
- (vv) The parkland dedication requirement for the residential lands (Blocks 1, 2, 3 & 4) shall be calculated on the basis of 1 hectare of parkland per 300 residential dwelling units. For the purposes of calculating parkland, the maximum density of the approved zone shall be used.

At the time of registration of this Plan, the Owner will be required to provide cash-in-lieu payment to the City for the phase of the plan that includes the residential blocks, based on rates in effect at the time of registration. Alternatively, the Owner, through an agreement with the City, could provide all or a portion of the outstanding parkland



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dedication in the form of cash-in-lieu to the city at the time of initial building permit for each block, consistent with the practices of By-law CP-9. If the owner selects the latter, the owner will be required to provide written notice to any future owners of these lands to their parkland dedication obligation.



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SCHEDULE 'C'

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

SPECIAL WORKS AND SERVICES**Roadways**

- Morgan 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').

- Morgan Avenue, from Wharncliffe Road South to a minimum of 45 metres of north of Wharncliffe Road South shall have a minimum road pavement width (excluding gutters) of 16.0 metres with a minimum road allowance of 28.0 metres. The widened road on Morgan 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 a minimum of 30 metre tapers on both street lines.

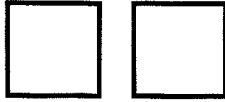
- Morgan Avenue, from the Bradley Avenue West right-of-way to a minimum of 45 metres south of the Bradley Avenue West right-of-way shall have a minimum road pavement width (excluding gutters) of 16.0 metres with a minimum road allowance of 28.0 metres. The widened road on Morgan Avenue shall be equally 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 a minimum of 30 metre tapers on both street lines.

Sidewalks

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

Pedestrian Walkways

No pedestrian walkways are required in this Plan shall.



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SCHEDULE 'D'

This is Schedule 'D' to the Subdivision Agreement dated this _____ day of _____, 20__, between the Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves: Blocks 10, 11, 12, 13, 14, and 15

Road Widening (Dedicated on the face of the plan):

Walkways: Block 9

5% Parkland Dedication: Cash-in-lieu for Blocks 1, 2, 3 & 4 as per Clause 28(www) of this Agreement

Blocks 7 & 8
Note: Blocks 7 & 8 fulfills the 2% commercial requirement for Blocks 5 & 6

Dedication of land for Parks in excess of 5%: Nil

Stormwater Management: Nil

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site: Nil

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access to lands north of this Plan: 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 _____ 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:	\$ 308,932.00
BOND PORTION:	<u>\$ 1,743,054.00</u>
TOTAL	\$ 2,051,986.00

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

CASH PORTION:	\$ 308,932.00
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:	\$ 1,743,054.00

**** Includes \$60,000 for Erosion and Sediment Control Plan security as per Clause (28) (aa)).**

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

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

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

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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 Sifton Properties limited, to which it is attached and forms a part.

Multi-Purpose Easements

A temporary multi-purpose easement for services along the south boundary of this Plan that may be required within this Plan by the City in order for the City for complete sidewalk and street light works on Wharnccliffe Road South adjacent to this Plan, as deemed necessary by the City, in accordance with Clause 28(II)

Schedule "A"

#12159
November 16, 2012

Chair and Members
Planning & Environment Committee

**RE: Special Provisions - Sifton Properties Limited
Andover Trails Subdivision - Phase 4, 39T-07510
Capital Project PD2043-12 - 2012 New Major Open Spaces
Parks Planning Pathway - \$6,000.00**

FINANCE DEPARTMENT REPORT ON THE SOURCES OF FINANCING:

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

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
Engineering	\$60,000			\$60,000
Construction	560,000	10,176	6,000	543,824
NET ESTIMATED EXPENDITURES	<u>\$620,000</u>	<u>\$10,176</u>	<u>\$6,000</u>	1) <u>\$603,824</u>
 <u>SOURCE OF FINANCING:</u>				
Debenture Quota	1) 262,700	4,312	2,562	255,826
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 357,300	5,864	3,438	347,998
TOTAL FINANCING	<u>\$620,000</u>	<u>\$10,176</u>	<u>\$6,000</u>	<u>\$603,824</u>

NOTE TO CITY CLERK:

1) Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act, and accordingly the City Clerk is hereby requested to prepare and introduce the necessary authorizing by-laws.

An authorizing by-law should be drafted to secure debenture financing for Project PD2043-12 - 2012 New Major Open Spaces for the net amount to be debentured of \$262,700.

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

EH


 Alan Dunbar
 Manager of Financial Planning & Policy



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Schedule "B"

Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	
-storm sewer oversizing	\$100,000
-channelization on Wharncliffe Rd S	\$129,000
-internal widenings	\$24,000
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense – Parks Planning Pathway	\$6,000
Other	Nil
Total	\$259,000
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$6,208,279
UWRF	\$2,810,423
Total	\$9,018,702

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