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File Number: 33M-475/33M-483  
Nancy McKee

<b>TO:</b>	<b>CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE</b>
<b>FROM:</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>SUBDIVISION AGREEMENT AMENDMENTS NORTH GREN LAND CORP. (ELRON) 39T-00515 (33M-475) 911690 ONTARIO LTD. AND PACIFIC &amp; WESTERN BANK OF CANADA (GREN) 39T-03515 (33M-483) MEETING ON FEBRUARY 5, 2013</b>

<b>RECOMMENDATION</b>
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That, on the recommendation of the Senior Planner, Development Services:

- a) the Subdivision Agreement between The Corporation of the City of London and North Gren Land Corp., which was registered on September 25, 2003 as Instrument Number ER246459 for the Elron Subdivision, **BE AMENDED** as set out in the attached Subdivision Amending Agreement to amend Clause 27(c)(i) & 27(f) (iii) to remove reference to street lighting and release the final securities;
- b) the Subdivision Agreement between The Corporation of the City of London and 911690 Ontario Limited and Pacific and Western Bank of Canada, which was registered on March 8, 2004 as Instrument Number ER274825 for the Gren Subdivision, **BE AMENDED** as set out in the attached Subdivision Amending Agreement to amend clause 27(b)(i) & 27(d) to remove reference to street lighting and release the final securities;
- c) the Civic Administration **BE AUTHORIZED** to undertake a design as part of the development charge financed street lighting program to provide street lighting in the ultimate location on Sunningdale Road East from the east side of South Wenige Drive at Mother Theresa High School to the west side of North Wenige Drive at an estimated design and installation cost of \$265,000 (excluding applicable taxes);
- d) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Appendix "A"; and
- e) the Mayor and the City Clerk **BE AUTHORIZED** to execute these Subdivision Amending Agreements and all documents required to fulfil its conditions.

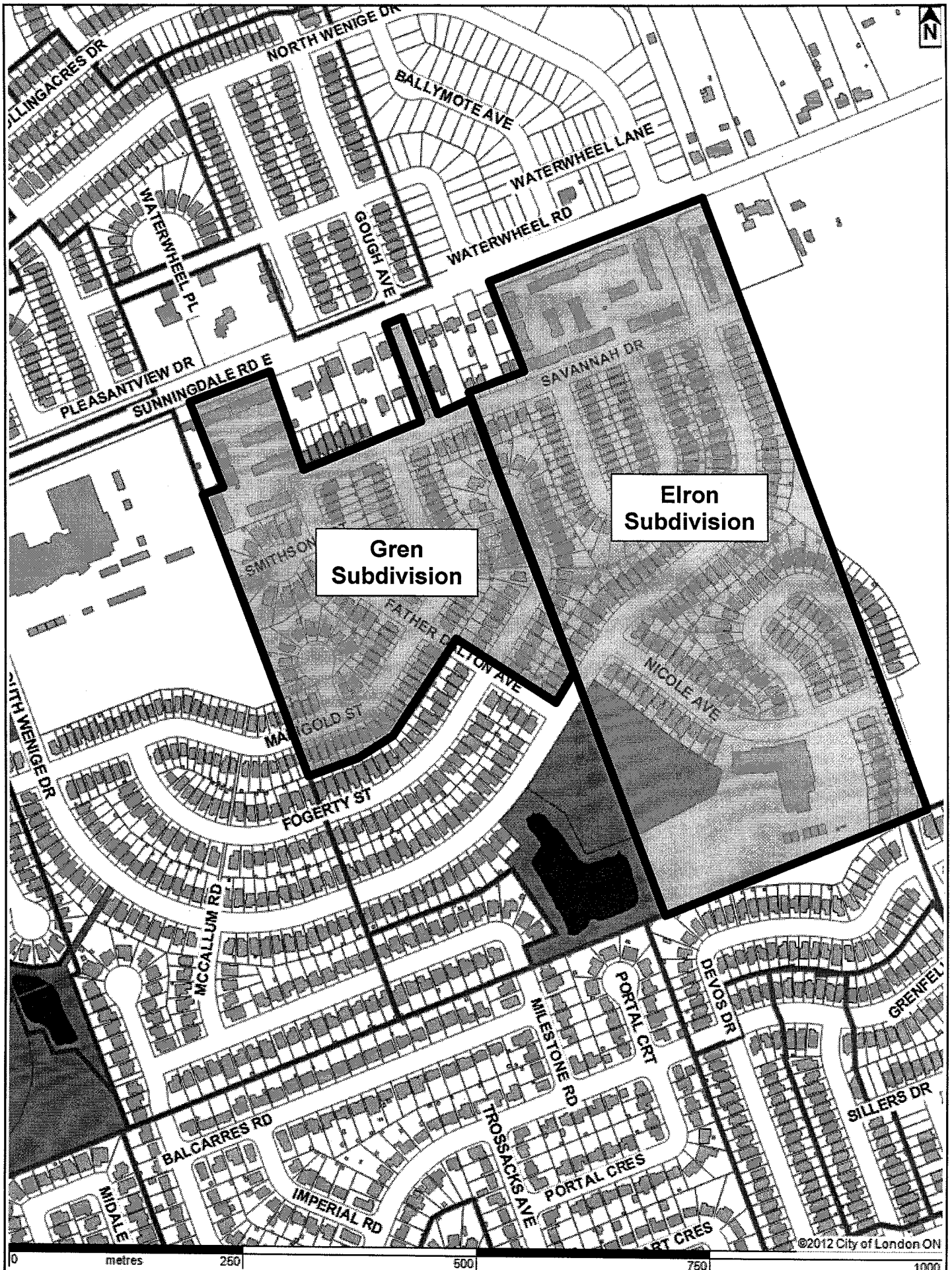
<b>PREVIOUS REPORTS PERTINENT TO THIS MATTER</b>
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**39T-00515**

- Draft Plan of Subdivision public meeting – August 26, 2002
- Approval of Special Provisions – September 4, 2003

**39T-03515**






- Draft Plan of Subdivision public meeting – May 19, 1999
- Approval of Special Provisions – March 16, 2003



**LOCATION MAP**

File Number: 33M475 & 33M483  
 Created By: Ryan Nemis  
 Date: 2012-10-26  
 Scale: 1:5000

**LEGEND**

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



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**BACKGROUND**

**Requirements Under Existing Agreements**

The requirement for the installation of street lighting along the south side of Sunningdale Road East between Adelaide Street North and North & South Wenige Drive was added to the subdivision agreements for the Duncairn Subdivision (registered September 2000 as 33M-401), the Elron Subdivision (registered October 2003 as 33M-475), and the Gren Subdivision (registered March 2004 as 33M-483). Previous to 2009, the installation of street lights would have been eligible for Urban Works Reserve Fund (UWRF). These works are now included as City Services funded works. Securities were taken for each of the subdivisions.

**Barriers to Developer-led Installation**

The Duncairn Subdivision did not install street lights along its frontage due to issues with hydro electrical connections and inconsistent frontages along Sunningdale Road East. In 2007, Duncairn was assumed without the required street lighting based on the aforementioned reasons and all securities were released.

The Elron and Gren Subdivisions were both developed by Rembrandt Homes. Rembrandt Homes has made efforts to complete the street lighting required under their agreements but has met challenges at the design and coordination stage, including:

- the City not consistently owning the ultimate right-of-way along Sunningdale Road East, making installation in the ultimate location difficult;
- existing properties fronting Sunningdale Road East creating “gaps” in the frontages of the Elron and Gren Subdivisions, which would create unsafe bright and darkly lit areas; and
- coordination issues between London Hydro and the developer with respect to Hydro being able to provide the necessary connections.

Although the Elron and Gren Subdivision internal works have been assumed, securities continue to be held for the external street lighting still required under the subdivision agreement. Further complicating matters is the integration with the City’s plans for the ultimate location of street lighting and the expansion of Sunningdale Road East, which is scheduled for 2024.

**ANALYSIS**

**Alternative: Coordinated Installation by the City**

Following execution of these agreements, the 2009 DC Background Study identified the expansion of Sunningdale Road East in 2024, including sidewalks and street lighting. Under the current DC By-law, when minor roadworks are required to progress well in advance of the scheduled major works, it may be possible to consider advancing the minor works ahead of the road reconstruction as an eligible item if the works are constructed in the ultimate location.

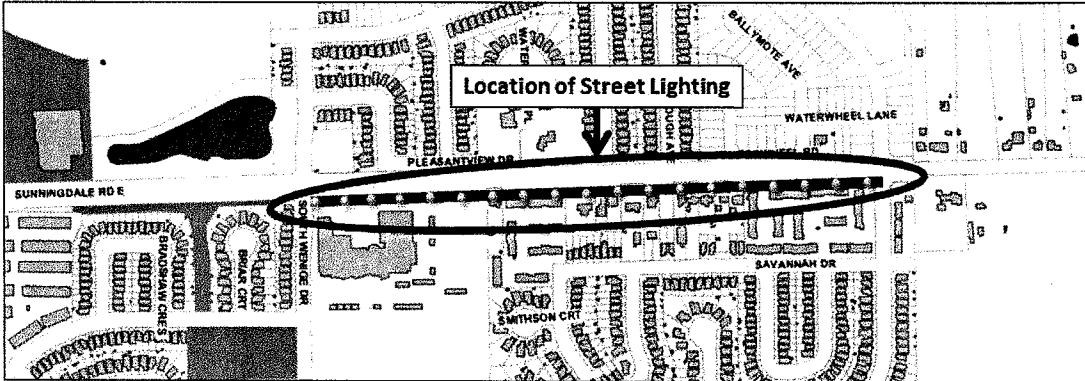
Following discussions between Rembrandt, Development Services and Engineering Staff, an alternative resolution to the installation of street lighting on the south side of Sunningdale Road East has been proposed as follows.

- The City will prepare a design to provide street lighting in the ultimate location on Sunningdale Road East that coordinates with London Hydro’s infrastructure needs.

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- Street lighting will extend from the east side of South Wenige Drive at Mother Theresa High school to the west side of North Wenige Drive.



- The work will be completed as a single coordinated contract led by the City.
- The work will be funded by from the development charge financed "Street Light-Growth" program.
- Rembrandt will be eligible to progress a claim for engineering work completed to date.

This proposal provides for consistent and safe lighting for this portion of Sunningdale Road East in an efficient and coordinated contract. The estimated cost of the lighting including engineering and construction is \$265,000 excluding applicable taxes. It is anticipated that the lighting will be installed in the fall of 2013.

**Amendments to Subdivision Agreements**

In an effort to release final securities and complete assumption of the Elron and Gren Subdivisions, it is necessary to amend the subdivisions agreements, as follows:

- Elron Subdivision (33M-475) – amend clause 27(c)(i) & 27(f) (iii) to remove reference to street lighting, to help release the final securities; and,
- Gren Subdivision (33M-483) – amend clause 27(b)(i) & 27(d) to remove reference to street lighting, to help release the final securities.

As mentioned previously, the Duncairn Subdivision has already been assumed and the securities have been released, so there is no need to amend this subdivision agreement.

Once the agreements have been amended, the City can clear the final clauses and progress the assumption and end of warranty and release all final securities. It should be noted that these amending agreements will not be registered on title and will be dealt with administratively.



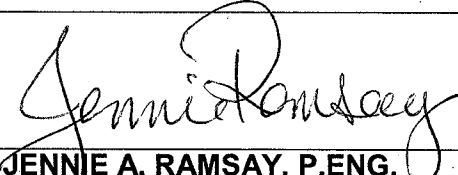
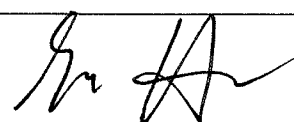
**CONCLUSION**

This report is recommending an amendment to the two noted subdivision agreements to remove the requirement for street lighting, as the City, in conjunction with London Hydro, will develop a design for the street lighting along Sunningdale Road East. This approach will allow for consistent and safe lighting for this portion of Sunningdale Road East in an efficient and coordinated contract. Once the agreements have been amended, the City can clear the final clauses and progress the assumption and end of warranty and release all final securities.

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For

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

NMK/nmk  
Attach.  
December 18, 2012

Cc: Shane Maguire  
Edward Soldo  
Scott Mathers

Y:\Shared\Sub&Spec\SUBDIV\2012\Misc. Reports\final report sunningdale street lights(fg).doc

APPENDIX 'A'

#13004  
January 25, 2013

Chair and Members  
Planning & Environment Committee

RE: Subdivision Agreement Amendments - North Gren Land Corp. (Elron) (33M-475) and  
911690 Ontario Ltd. And Pacific & Western Bank of Canada (Gren) (33M-483)  
Capital Project TS5320 - Street Lighting - Growth  
Engineering - \$40,000.00  
Construction - \$225,000.00

**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	\$164,000	\$14,145	\$40,000	\$109,855
Street Lights	256,000	30,651	225,000	349
<b>NET ESTIMATED EXPENDITURES</b>	<b>\$420,000</b>	<b>\$44,796</b>	<b>\$265,000</b>	<b>\$110,204</b>
<b>SOURCE OF FINANCING:</b>				
Capital Levy	63,600	44,796	18,804	0
Debenture	4,500		4,500	0
Drawdown from City Services - Roads Reserve Fund (Development Charges) 1)	351,900		241,696	110,204
<b>TOTAL FINANCING</b>	<b>\$420,000</b>	<b>\$44,796</b>	<b>\$265,000</b>	<b>\$110,204</b>

**Note:**

- 1) 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

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

**911690 ONTARIO LIMITED**  
a Company incorporated under the laws  
of the Province of Ontario  
(hereinafter called the Owner)

AND

**PACIFIC AND WESTERN BANK OF CANADA**  
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 2nd day of March, 2004, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) on the 8th day of March, 2004, as Instrument Number ER274825, and as amended on the 6th day of September, 2005.

respecting the lands more particularly described in Schedule "A" attached hereto and other lands;

AND WHEREAS it is deemed expedient to amend the said Agreement dated the 2nd day of March, 2004, as hereinafter set out;

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 Subdivision Agreement the 2nd day of March, 2004, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) as Instrument Number ER274825, and the same is hereby amended as follows:

1. That Part II – Special Provisions, Section 27, Clause (b) (i) be amended by deleting the words "street lights" and shall read as follows:

(b) (i) For the construction of a sidewalk on Sunningdale Road East, an estimated amount of \$57,000;

2. That Part II – Special Provisions, Section 27, Clause (d) (i) be amended by deleting the words "street lights" from the condition and shall read as follows:

(d) (i) The construction of a sidewalk on the south side of Sunningdale Road East, from the east limit of Plan 33M-401 easterly to the east limit of Block 140 of this Plan. The sidewalk shall be constructed in a location acceptable to the

City Engineer where the sidewalk crosses properties that are outside of the limits of this Plan.

3. All other provisions and conditions of the said Subdivision Agreement dated the 2nd day of March, 2004, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) on the 8th day of March, 2004, as Instrument Number ER274825, and as amended on the 6th day of September, 2005, shall remain in full force and in effect and this Agreement and Amendments thereto shall alter the said Agreement only as far as is stated herein and the said Agreement in all other respects is hereby confirmed.

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 )  
In the presence of )

**THE CORPORATION OF THE CITY OF LONDON**

\_\_\_\_\_  
Joseph Fontana, Mayor

\_\_\_\_\_  
Catharine Saunders, City Clerk

**911690 ONTARIO INC.**

\_\_\_\_\_  
I/We have the authority to bind the Corporation.

**PACIFIC AND WESTERN BANK OF CANADA**

\_\_\_\_\_  
I/We have the authority to bind the Corporation.



**SCHEDULE "A"**

This is Schedule "A" to the Subdivision Amendment Agreement dated the \_\_\_\_ day of \_\_\_\_, 2013, The Corporation of the City of London and 911690 Ontario Limited and Pacific and Western Bank of Canada 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 of Lots 1 to 133, both inclusive, Blocks 134 to 148, both inclusive, and the streets, namely Fogerty Street, Father Dalton Avenue, Marigold Street, Marigold Court, Smithson Court and Savannah Drive, Geographic Township of London, in the City of London, County of Middlesex, all in accordance with 33M-483.

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

**NORTH GREN LAND CORP.**  
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 6<sup>th</sup> day of August, 2003, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) on the 25<sup>th</sup> day of September, 2003, as Instrument Number ER246459, and as amended on the 4<sup>th</sup> day of November, 2003; the 21<sup>st</sup> day of June, 2005 and on the 21<sup>st</sup> day of July, 2005.

respecting the lands more particularly described in Schedule "A" attached hereto and other lands;

AND WHEREAS it is deemed expedient to amend the said Agreement dated the 6<sup>th</sup> day of August, 2003, as hereinafter set out;

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 Subdivision Agreement dated the 6<sup>th</sup> day of August, 2003, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) as Instrument Number ER246459, and the same is hereby amended as follows:

1. That Part II – Special Provisions, Section 27, Clause (c) (i) be amended by deleting the words "street lighting" and shall read as follows:

(c) (i) For constructing road improvement works on Sunningdale Road East, including channelization and tapers at South Wenige Drive, sidewalk, bikepath, traffic signals, and associated grading and drainage abutting this Plan, an estimated amount of \$559,000;

2. That Part II – Special Provisions, Section 27, Clause (f) (iii) be amended by deleting the words "street lighting" from the condition and shall read as follows:

(f) (iii) The construction of sidewalks, bike path, and associated grading and drainage measures along the frontage of this Plan with Sunningdale Road East.

3. All other provisions and conditions of the said Subdivision Agreement dated the 6<sup>th</sup> day of August, 2003, and registered in the Land Registry Office for the Land Titles Division of Middlesex East (No. 33) on the 25<sup>th</sup> day of September, 2003, as Instrument Number ER246459, and as amended on the 4<sup>th</sup> day of November, 2003; the 21<sup>st</sup> day of June, 2005 and on the 21<sup>st</sup> day of July, 2005, shall remain in full force and in effect and this Agreement and Amendments thereto shall alter the said Agreement only as far as is stated herein and the said Agreement in all other respects is hereby confirmed.

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 )  
In the presence of )

THE CORPORATION OF THE CITY OF LONDON

\_\_\_\_\_  
Joseph Fontana, Mayor

\_\_\_\_\_  
Catharine Saunders, City Clerk

NORTH GREN LAND CORP.

\_\_\_\_\_

\_\_\_\_\_

) I/We have the authority to bind the Corporation.  
)  
)

SCHEDULE "A"

This is Schedule "A" to the Subdivision Amendment Agreement dated the \_\_\_\_ day of \_\_\_\_, 2012, The Corporation of the City of London and North Gren Land Corp. 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 of Lots 1 to 223, both inclusive, Blocks 224 to 250 both inclusive and the streets, namely Bloom Crescent, Fogerty Street, Nicole Avenue, Savannah Drive, South Wenige Drive, Stackhouse Avenue and Stackhouse Crescent, Geographic Township of London, in the City of London, County of Middlesex, all in accordance with Plan 33M-475.