

File Number: 39T-02509

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JUNE 20, 2013
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	SPECIAL PROVISIONS DREWLO HOLDINGS INC. HYDE PARK MEADOWS SUBDIVISION – PHASE 2 39T-02509

RECOMMENDATION

That, on the recommendation of the Manager of Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the subdivisions of land over Part of Lot 23, Concession 4, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Fanshawe Park Road West, east of Hyde Park Road, municipally known as 2000 Dalmagarry Road.

- (a) the attached Special Provisions, (Schedule “C”), to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc for the Hyde Park Subdivision Phase 2 (39T-02509) **BE APPROVED**;
- (b) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues to be as per Schedule “B”, attached hereto,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

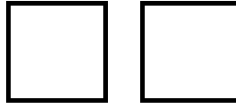
BACKGROUND

This application for Draft Plan of Subdivision Approval was accepted on June 25, 2002. The first phase of the development was registered on May 4, 2009 as 33M-605. This is the second and final phase of the development, consisting of 191 single family detached Lots and 3 multi-family medium density blocks.

Dalmagarry Road

Dalmagarry Road is the main collector road which connects this subdivision and other lands to the south to Fanshawe Park Road. At the time these lands were draft approved, only ½ of the Dalmagarry Road allowance was included within the Hyde Park Meadows Draft Plan. The remainder of the road allowance (to the west) was under the ownership of Smartcentres (formerly First Pro Developments). In 2003 the need to have Dalmagarry Road constructed was identified in the development agreement associated with the Smartcentres commercial development (Walmart). Through that agreement, Smartcentres agreed to work with Drewlo Holdings to cost share in the construction of this collector road when Drewlo came forward with plans to advance that phase of their residential subdivision. Since that time Smartcentres have dedicated the majority of the required road allowance (from their lands) to the City and they have agreed to dedicate the remaining lands (a site triangle at Fanshawe and Dalmagarry and the remaining road allowance for the roundabout at the south limit of the plan) in order to allow for the construction of the road.

In 2011/2012, Drewlo Holdings began preparation of their subdivision drawings for Phase II and there were several outstanding logistical issues relating to the construction of Dalmagarry Road. In the last year substantial progress has been made on the issues and between City staff, Drewlo Holdings, Smartcentres and their consulting engineers, a viable solution has been reached to ensure that this important collector road connection can be constructed.



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Drewlo Holdings will be taking the lead and working with Smartcentres to address the construction of the road and additional landscaping on Smartcentres lands (in conjunction with their recent request for a Site Plan amendment for their lands). The road design will also provide Smartcentres with rights in rights out access to their lands. Drewlo have advised that they are working on a cost sharing arrangement with Smartcentres to complete this project. They will be providing security for ½ the cost of constructing Dalmagarry Road through this subdivision agreement and Smartcentres (through their recent site plan amendment request) will be providing the remaining security through an amendment to their development agreement.

The special provision clauses require that the engineering drawings for Dalmagarry Road must be approved before a Certificate of Conditional Approval (required prior to building permit issuance) will be granted. In addition, Drewlo agrees to have Dalmagarry Road constructed within one year of registration of the plan. Drewlo has advised that it is their intention to tender the project to have it completed this year. Once Dalmagarry Road is completed, the construction access, which currently extends from Fanshawe Park Rd through the multifamily blocks, will be relocated to Dalmagarry Road. This will eliminate dangerous left turning movements across Fanshawe Park Road. Drewlo Holdings have agreed to all of the special provisions which relate to the construction of Dalmagarry Road and relocation of the emergency access. Smartcentres have also echoed their agreement to have this project completed in a timely fashion.

This important collector road link will assist in alleviating capacity issues on Hyde Park Rd and traffic issues in the White Hills neighbourhood to the east. It will also provide access for the existing neighbourhoods and developing areas north and south of Fanshawe Park Road.

The anticipated reimbursements from the Urban Works Reserve Fund is for the cost of traffic signals on Dalmagarry Road at Fanshawe Park Road West, constructing which has an estimated cost of which is \$177,000

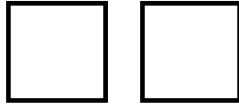
Development Services provided a these special provisions with the Owner for their review, and who are in agreement with them.

This report has been prepared in consultation with the City’s Solicitors Office.

A copy of the location plan is attached as Schedule “A” for the information of the Committee.

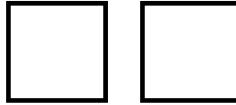
PREPARED BY:	RECOMMENDED BY:
FRANK GERRITS DOCUMENTATION COORDINATOR DEVELOPMENT SERVICES	ALLISTER MACLEAN MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON DEVELOPMENT SERVICES	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

AMacL/fg
Attach.
June 5, 2012



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Schedule A – Location Map



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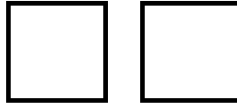
Schedule B – Finance Summary Table
Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General - Roadworks (traffic signals & internal widening)	\$176,732
Stormwater Management	Nil
Capital Expense	Nil
Other	Nil
Total	\$120,000
Estimated Revenues - This Agreement (2012 rates)	
CSRF	\$5,749,750
UWRF	\$2,316,391
Total	\$8,066,141

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



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Schedule C – Special Provisions

28. PART II – SPECIAL PROVISIONS

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

- a) 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 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.

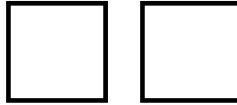
If the Owner undertakes work subject to a claim under this section it shall not seek a credit under Section 38 of the *Development Charges Act* and this clause may be pleaded in any complaint, action, application or appeal to any court or tribunal in which the Owner who is entitled to make a claim against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

The anticipated claims against the Fund are:

- (i) for the installation of traffic signals at the intersection of Dalmagarry Road and Fanshawe Park Road West, when deemed warranted by the City, the estimated cost of which is \$168,935;
- (ii) for the construction of pavement widening on Dalmagarry Road at Fanshawe Park Road 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 \$7,797. 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 estimated amounts herein will be adjusted in accordance with contract prices in the year in which the work is carried out.

- b) 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.



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c) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are necessary for the relotted blocks in this Plan to the specifications of the City and at the Owner's entire expense. The City may require additional inspections by the Owner's Professional Engineer and the City of London of relocated utilities, municipal services and private services, including video inspections and ball tests of sewers, as a result of the relotting of blocks in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the relotted blocks. Should the amount of security held by the City at the time the blocks in this Plan are to be relotted be insufficient to cover the cost of relocation of utilities, municipal services, private services and associated works for the said relotting, then prior to the issuance of the Certificate of Conditional Approval for works serving the said relotting, the Owner shall deposit an additional amount of security with the City for the said works as determined by the City in accordance with the City's security requirements.

d) The Owner shall grade the portions of Lots 156 and 179 and Blocks 192 and 193 all of this Plan, which have a common property line with Fanshawe Park Road West, to blend with the existing road grades on Fanshawe Park Road West, 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 the elevations along the common property line which will blend with the existing centreline of road grades, and show these elevations on the subdivision Lot Grading Plans, submitted for acceptance by the City.

e) 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 engineering 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.

Prior to the issuance of a Certificate of Conditional Approval, the Owner shall identify to the City the Lots within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Lot within the Affected Lands in order to protect the proposed buildings on the said Lots from settlement and other harmful effects.

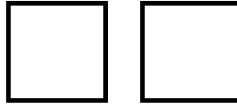
The Owner shall register against the title of each Lot within the Affected Lands, and shall include in the agreement of purchase and sale and in the transfer or deed of each Lot with the Affected Lands, a covenant by the purchase or transferee stating that the purchaser or transferee of the Lot within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

f) At the time of the issuance of any Certificate of Conditional Approval, the Owner shall remove the existing barricades at the abutting limits of this Plan with Plan 33M-605, as approved by and to the satisfaction of the City.

g) At the time Dalmagarry Road is constructed between Fanshawe Park Road West and Blackacres Boulevard in Plan 33M-605 to base asphalt and is made operational, the Owner shall decommission the existing temporary construction access between Fanshawe Park Road West and Plan 33M-605 (built in conjunction with Plan 33M-605) and restore all affected areas, all to the satisfaction of the City and at the Owner's expense. At the time Dalmagarry Road is constructed to base asphalt and the existing temporary access road is decommissioned, construction traffic is to access this site from Fanshawe Park Road West via Dalmagarry Road, or an alternative route as approved by the City.

h) 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) Sidewalk connections on Fanshawe Park Road West from Tribalwood Street (window street portion);



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- (ii) a fully serviced road connection where Freeport Boulevard in this Plan joins with Freeport Boulevard in Plan 33M-605, including all underground services and related works;
- (iii) a fully serviced road connection where Tansbury Street in this Plan joins with Tansbury Street in Plan 33M-605, including all underground services and related works;
- (iv) a fully serviced road connection where Tribalwood Street in this Plan joins with Tribalwood Street in Plan 33M-605, including all underground services and related works;
- (v) a fully serviced road connection where Dalmagarry Road in this Plan joins with Dalmagarry Road in Plan 33M-605, including all underground services and related works, all in accordance with the accepted engineering drawings;
- (vi) a fully serviced road connection where Dalmagarry Road in this Plan joins with Fanshawe Park Road West, including all underground services and related works; and
- (vii) traffic signals at the intersection of Dalmagarry Road and Fanshawe Park Road West when deemed warranted by the City.

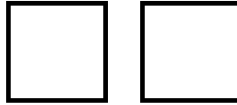
The Owner shall complete all work on the said street(s) in accordance with current City standards, procedures and policies, and restore the road(s), and ensure that adequate precautions are taken to maintain vehicular and pedestrian traffic and existing water and sewer services at all times during construction, 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 Fanshawe Park Road West, Dalmagarry Road, Freeport Boulevard, Tansbury Street and Tribalwood Street 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, a schedule of construction for the proposed works on the above-noted street(s) and a detail of the proposed timing and duration of the said works in accordance with the Ministry of Labour and Ministry of Transportation requirements within the Ontario Traffic Manual Book 7. Further, the Owner shall obtain a Permit for Approved Works from the City's Environmental & Engineering Services Department prior to commencing any construction on City land or right-of-way.

Where required by the City, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property owners in conformity with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways needed to provide services for this Plan of Subdivision. The Owner's contractor(s) shall undertake the work within the prescribed operational constraints of the TMP. The TMP shall be submitted by the Owner at the time of submission of servicing drawings for this Plan of Subdivision, and shall become a requirement of the said drawings.

- i) 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".
- j) Prior to the issuance of any Certificate of Conditional Approval in this Plan, the Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan.

The Owner shall notify the purchasers of Lots 59 and 60 in this Plan abutting the traffic calming circle in Plan 33M-605 that there may be some restrictions for driveway access due



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to diverter islands built on the road.

- k) The Owner shall construct the watermains to service the Lots in this Plan and connect them to the City's existing water supply system, being the 200 mm (8 inch) diameter water main on Freeport Street (southeast limit), the 150 mm (6 inch) diameter watermain on Tansbury Street (southwest limit), the 200 mm (8 inch) diameter watermain on Tribalwood Street, the 300 mm (12 inch) diameter watermain on Dalmagarry Road and the 400 mm (16 inch) diameter watermain on Fanshawe Park Road West, to the specifications of the City.

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

- l) Should Block 193 of this Plan, be developed with more than 300 units, the Owner shall provide looping of the watermain system through Block 193 as required by and to the satisfaction of the City Engineer.
- m) Should Blocks 192 and 194 of this Plan, be developed with more than 80 units, the Owner shall provide looping of the watermain system through each of as required by and to the satisfaction of the City Engineer.
- n) The Owner shall extend the existing 300 mm (12 inch) watermain on Dalmagarry Road in Plan 33M-605 and connect it to the existing 400 mm (16 inch) diameter watermain on Fanshawe Park Road West, at the Owner's expense, to the satisfaction of the City Engineer.
- o) Prior to the issuance of any Certificate of Conditional Approval for any stages within this Plan, the Owner shall have it's Professional Engineer address water quality requirements of the watermain system in this Plan prior to full development of the plan, submit his recommendations to the City Engineer for review and acceptance and implement any accepted recommendations by the use of the following:
- i) design calculations which demonstrate there is adequate water turnover to maintain water quality; and/or
 - ii) the use of valving to shut off future connections which will not be used in the near term; and/or
 - iii) the use of automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. *Please note that where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual are to be provided in order to justify the settings for the automatic flushing device.*

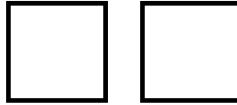
all to the satisfaction of the City Engineer, at no cost to the City.

- p) Sewage treatment capacity at the Oxford Pollution Control Plant is available for this Plan as of June, 2013 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before June, 2014.

In the event that this Plan and this Agreement are not registered before June, 2014, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City 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.

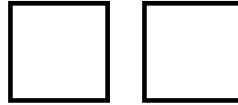
The Owner acknowledges that sewage treatment capacity at the Oxford Pollution Control Plant must be allocated for this Plan prior to the Owner's application for building permits in this Plan.

- q) The Owner shall construct the sanitary sewers to service the Lots in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm (8 inch) diameter sanitary sewer on Dalmagarry Road, the 200 mm (8 inch) diameter sanitary sewer on Freeport Boulevard, the 200 mm (8 inch) diameter sanitary sewer on Tribalwood Street and the 200 mm (8 inch) on Tansbury Street. 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.



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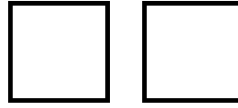
- r) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during after construction, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:
- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed in conjunction with the first occupancy. 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;
 - (ii) Flow monitoring of the sanitary sewer may be required and a record of the flows provided to the City. If the flows are in excess of theoretical flows, the Owner shall be required to pay the City for the excess flow;
 - (iii) Installation of Parson manhole inserts (or approved alternative satisfactory to the City) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole as well as in previously approved phases. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
 - (iv) Testing of the sanitary sewer system before commissioning shall be carried out in accordance with OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing;
 - (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision and previous phases of subdivisions, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented;
 - (vi) On demand by the City and within 48 hours thereof, the Owner shall plug any sanitary private drain connections of lots which are vacant or not occupied within this subdivision in order to prevent practices which contravene City of London by-laws and allow excessive levels of inflow and infiltration and sediment to enter the sanitary sewer system. The restoration of the private drain connection will be at the sole cost of the Owner and may be make only at the time of or immediately prior to the occupancy of that lot; and
 - (vii) The Owner or their representative shall prepare and submit a recommendation to the City which indicates groundwater levels within the subdivision and recommended measures to be taken during construction to ensure that there is no infiltration or inflow to the sanitary sewer manholes. Leakage testing of the Sanitary Sewer System Manholes shall be carried out in accordance with OPSS 407.
- s) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at his own cost for this purpose and provide a record of the results to the City. The City may require smoke testing to be undertaken until such time as the sewer is assumed by the City.
- t) The Owner shall construct the storm sewers to service the Lots in this Plan, which is located in the Stanton Drain Subwatershed Study Area, and connect them to the City's existing storm sewer system being the 900 mm (36 inch) diameter storm sewer on Freeport Street, the 825 mm (33 inch) diameter storm sewer on Tansbury Street, the 300 mm (12 inch) diameter storm sewer on Tribalwood Street and the 750 mm (30 inch) diameter storm sewer on Dalmagarry Road, which outlet to the Stanton Drain via the Hyde Park Regional Stormwater Management Facility 3E.
- 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.
- u) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control report accepted by the City, to be used



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during construction and implementation of the plan satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

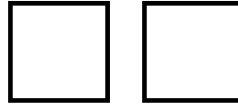
- v) The Owner shall provide a security in the amount of \$60,000 for this Plan to ensure that the Erosion and Sediment Control Plan (ESCP) be executed in accordance with the City approval procedure and criteria. In the event of failure to properly implement and maintain the require ESCP, the ESCP security will be used to undertake all necessary clean-up work, all to the satisfaction of the City.
- w) The Owner shall have its consulting Professional Engineer design and supervise the construction of the stormwater servicing works, including any temporary works to the satisfaction of the City and according to the recommendations and requirements of the following:
 - (i) The SWM criteria and environmental targets for the Stanton Drain Subwatershed Study;
 - (ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - (iii) The accepted Hyde Park Community Stormwater Management and Storm and SWM Servicing Municipal Class EA Study;
 - (iv) The approved Functional Stormwater Management report for the Hyde Park Community Regional SWM Facility # 3E;
 - (v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
 - (vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (vii) The City of London Environmental and Engineering Services Department Design Specifications and Requirements as revised;
 - (viii) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- x) Prior to the issuance of any Certificate of Conditional Approval, all relevant storm/drainage and SWM servicing works, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
- y) Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.
- z) The Owner's Professional Engineer shall certify the development has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- aa) The Owner shall implement SWM Best Management Practices (BMP's) within this Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
- ab) The Owner shall register against the title of all Lots incorporating rear yard catchbasins, which includes Lots 135 and 136 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the agreement of purchase and sale for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and



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associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City.

- ac) Within one (1) year of registration of this Plan, the Owner shall construct Dalmagarry Road as a fully serviced secondary collector road (with a minimum base asphalt, including centre median requirements) over Part 1 on Plan 33R-15449 and over Part ___ on Plan 33R-_____ (for the daylighting triangle) from Fanshawe Park Road West to the north limit of the existing Dalmagarry Road, all to the specifications of the City, at no cost to the City and subject to the following:
- (i) The Owner shall make all necessary arrangements with the owner of the abutting lands to the west of this Plan (Smart Centres) for the Owner to construct Dalmagarry Road as a fully serviced road (with a minimum base asphalt including gateway treatment and centre median island requirements) and all associated works (eg. grading, drainage, sodding, etc.), all to the satisfaction of and at no cost to the City;
 - (ii) The Owner shall provide a separate security in the amount of \$934,770 to the City to cover 50% of the total cost of the construction of Dalmagarry Road as shown on the accepted engineering drawings.
 - (iii) In the event that Dalmagarry Road has not been constructed within the one (1) year time period, the Owner shall be deemed to be in default and the security posted in the above clause shall be cashed by the City.
 - (iv) Following one (1) year of the date of the Certificate of Completion by a Professional Engineering the City will assume Dalmagarry Road, separately from this Plan of subdivision. The Owner shall complete the restoration/repairs for the decommissioning of the relocated construction access when no longer required, and such restoration shall not hold up the assumption of Dalmagarry Road.
 - (v) The Owner shall maintain Dalmagarry Road until construction is fully complete, all deficiencies are cleared, a Certificate of Completion of Works covering the road construction has been issued to the City by the Owner's Professional Engineer and the road is assumed by the City, all to the satisfaction of the City and at the Owner's expense.
- ad) Prior to the issuance of any Certificates of Conditional Approval in this Plan, the engineering drawings for Dalmagarry Road must be approved by the City.
- ae) 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. The Owner shall maintain these temporary measures until the plan is fully developed, to the satisfaction of the City.
- af) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct Tribalwood Street to a minimum of Granular 'B', to the satisfaction of the City, at no cost to the City.
- ag) The Owner shall construct a fully serviced road on Tribalwood Street, external to this Plan, from the south limit of this Plan to Blackacres Boulevard in Plan 33M-605 and provide for servicing for Lots 129 to 131 in this Plan, to the satisfaction of the City and at no cost to the City.
- ah) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the recommendations and findings in the Vegetation Assessment Report for this subdivision (BioLogic, May 2002) to the satisfaction of the City.
- ai) Prior to the submission of a site plan application for development on Blocks 192 and 193 of this Plan, the Owner shall have a qualified acoustical consultant prepare a noise study concerning the impact of traffic noise from Fanshawe Park Road West and identify appropriate noise attenuation measures that do not include the construction of a noise attenuation wall. The noise study is to include recommendations for noise abatement in



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accordance with M.O.E. Standards and approved by the City.

- aj) The following warning clause shall be registered on title and included in all Agreements of Purchase and Sale or Lease for Lots 153-158 both inclusive and Lots 177-182 both inclusive, within this Plan:

“Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of Environment’s noise criteria.”

“The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Fanshawe Park Road West as it relates to the interior or outdoor living areas of any dwelling unit on these lots. The City of London will not be responsible for constructing any form of noise mitigation for these lots.”

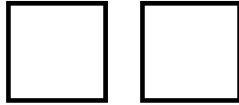
- ak) The Owner shall install on private property a 2.4 metre high X 6 metre long noise barrier with a minimum surface density of 20 kg/m² on private property along the sideyards of Lots 154-157 both inclusive and Lots 178-181 both inclusive, along with a 2 metre return for lot 179 as noted in the Noise Assessment prepared by Development Engineering (London) Limited dated May 2, 2006. Property Owners of these Lots are to be advised that they shall not tamper with the barrier and will be responsible for its long term maintenance.
- al) The Owner shall advise prospective purchasers of Lots 154-157 both inclusive and Lots 178-181 both inclusive of the benefits of designing their dwelling to maximize the protected outdoor living area by utilizing a portion of the dwelling to serve as a barrier to shield noise from Fanshawe Park Road West.
- am) The Owner shall include in any submission for a building permit application for Lots 156 and 179 the requirement for walls with direct exposure to Fanshawe Park Road West to be constructed to an EW5 rating (or equivalent) in accordance with the accepted Noise Assessment prepared by Development Engineering (London) Limited dated May 2, 2006.
- an) The Owner shall include in any submission for a building permit application for Lots 153, 154, 155, 157, 158, 177, 178, 180, 181 and 182, that the forced air heating system and ducting, etc. has been sized to accommodate central air-conditioning.
- ao) The following warning clause shall be registered title and included in all Agreements of Purchase and Sale or Lease for Lots 153, 154, 155, 157, 158, 177, 178, 180, 181 and 182, all within this Plan:

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air-conditioning. Installation of air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment noise criteria.

The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.”

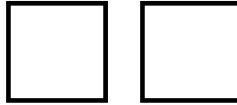
- ap) The Owner shall include in any submission for a building permit application for Lots 156 and 179 that central air conditioning is required.
- aq) The following warning clause shall be registered title and included in all Agreements of Purchase and Sale or Lease for Lots 156 and 179, of this Plan:

“This dwelling has been supplied with central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Ministry of the Environment noise criteria.



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(Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”



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SCHEDULE 'C'

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

SPECIAL WORKS AND SERVICES

Roadways

- Dalmagarry Road, from Fanshawe Park Road West to 110 metres south of Fanshawe Park Road West shall have a minimum road allowance of 28.0 metres. The widened road on Dalmagarry Road shall be equally aligned from the centreline of the road and tapered back to a 21.5 metre road allowance for this street, with 30 metre tapers on both street lines, as shown on the approved design drawings.
- Dalmagarry Road, within this Plan, from approximately 140 metres south of Fanshawe Park Road West to approximately 288 metres south of Fanshawe Park Road West, and combined with Part 1, Plan 33R-15449, 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'), as shown on the approved design drawings.
- Dalmagarry Road, from approximately 288 metres south of Fanshawe Park Road West to approximately 568.5 metres south of Fanshawe Park Road West shall have a minimum road allowance of 21.5 metres (70') with a minimum of 6.45 metres (21.1') of road pavement width (excluding gutters). The road pavement reduction from 9.5 metres (31.2') to 6.45 metres (21.1') shall occur in a 30 metre taper approximately 288 metres south of Fanshawe Park Road West. Widening of the road pavement from 6.45 metres (21.1') to 9.5 metres (31.2') shall occur in a 35 metre taper. Road pavement reduction from 9.5 metres (31.2') to 6.45 metres (21.1') shall occur along the west street line, as shown on the approved design drawings.
- Freeport Boulevard, Tansbury Street and Tribalwood Street (between Blackacres Boulevard and Freeport Boulevard) shall have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20.0 metres (66').
- Tribalwood Street (north of Freeport Boulevard) shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62')

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of:

- (i) Dalmagarry Road, within this Plan and on Part 1, Plan 33R-15449
- (ii) Freeport Street
- (iii) Tribalwood Street (between Blackacres Boulevard and Freeport Boulevard)

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

- (i) Tansbury Street – north and west boulevard
- (ii) Tribalwood Street (north of Freeport Street) – east boulevard on east leg
- (iii) Tribalwood Street (north of Freeport Street) – west boulevard on west leg

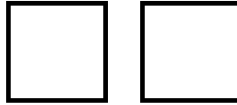


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SCHEDULE 'C' – Continued

Pedestrian Walkways

- (i) City of London standard 3.0m wide pedestrian walkways shall be constructed on Block 196 of this Plan.
- (ii) A 6.0 m wide pedestrian walkway, modified from City standards, shall be constructed on Block 195 of this Plan.



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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 Drewlo Holdings Inc. 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 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:

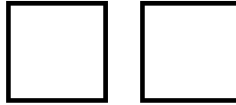
0.3 metre (one foot) reserves:	Blocks 200 and 202
Road Widening:	NIL
Walkways:	Blocks 195, 196, 197 and 198
5% Parkland Dedication:	Parkland dedication was satisfied through Phase 1 of the development, by the transfer of Blocks 240 and 242 on Plan 33M-605
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

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 Drewlo Holdings Inc. to which it is attached and forms a part.

The total value of security to be supplied to the City is as follows:

	<u>Security for the Subdivision (excluding Dalmagarry Rd)</u>	<u>Security for Dalmagarry Road</u>
CASH PORTION:	\$ 393,550**	\$ 134,808
BOND PORTION:	\$2,751,953	\$ 799,962
TOTAL	\$3,145,503**	\$ 934,770

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

	<u>Security for the Subdivision (excluding Dalmagarry Rd)</u>	<u>Security for Dalmagarry Road</u>
CASH PORTION:	\$ 393,550**	\$ 134,808
BOND PORTION:	NIL	NIL
TOTAL	\$ 393,550**	\$ 134,808

(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:

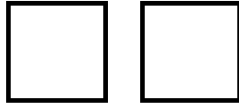
	<u>Security for the Subdivision (excluding Dalmagarry Rd)</u>	<u>Security for Dalmagarry Road</u>
CASH PORTION:	NIL	NIL
BOND PORTION:	\$2,751,953	\$ 799,962
TOTAL	\$2,751,953	\$ 799,962

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

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 Drewlo Holdings Inc., to which it is attached and forms a part.

Multi-Purpose Easements

There are no multi-purpose easements required in this Plan.