

File Number: 39T-13501

TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JULY 23, 2013
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL
SUBJECT	WASTELL DEVELOPMENTS INC. 655 TENNENT AVENUE SUBDIVISION 39T-13501

RECOMMENDATION

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Wastell Developments Inc., for the subdivisions of land, situated on the south side of Tennent Avenue, west of Adelaide Street North.

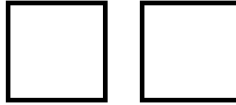
- (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Wastell Developments Inc., for the subdivisions of land over Part of Lots 9, 10 and 20, Registered Plan No. 325(C), City of London, County of Middlesex, for the Wastell Subdivision (39T-13501) **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached hereto as Schedule "A";
- (c) the applicant **BE ADVISED** that the Director, Development Finance has summarized the claims and revenues to be as per Schedule "B", attached hereto, and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions; and

BACKGROUND

This application for Draft Plan of Subdivision Approval was accepted on January 9, 2013. It was circulated to the required agencies and municipal departments on January 18, 2013 and March 14, 2013, and advertised in the Londoner on January 24, 2013. A notice of Public Meeting was advertised in the Londoner on April 11, 2013, and a notice of Public Meeting was sent out on April 9, 2013. The Public Meeting was held on April 23, 2013. Attached are the comments from the agency and public circulation and the recommended conditions and notes of Draft Plan Approval.

The anticipated reimbursements from the Capital Works Budget are:

- for the cost of construction of watermain on Tennent Avenue, the estimated cost of which is \$92,000 from the Water Engineering Division;
- for the cost of construction of curbs and gutters on the north side of Tennent Avenue from North Vernon Avenue westerly to the existing curb and gutter fronting 616 Tennent Avenue, Tennent Avenue asphalt rehabilitation and any associated works from the west limit of this Plan to Adelaide Street North and for the reconstruction of Tennent Avenue, east of North Vernon Avenue to 656 Tennent Avenue (Lucas Secondary School), the estimated cost of which is \$112,000 from the Transportation Division; and



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- for the cost of construction of a sidewalk on the north boulevard of Tennent Avenue from North Vernon Avenue westerly to the existing sidewalk fronting 616 Tennent Avenue, the estimated cost of which is \$24,500, from the Transportation Division (Warranted Sidewalk Program)

As part of the public meeting for the draft approval, Council asked staff to work with the applicant to expedite the timing of works along Tennent Avenue to ensure that reconstruction would be complete prior to the start of school for AB Lucas Secondary. Currently, Tennent Avenue has no curbs and gutters, and a sidewalk is located on one side (south) of the street. The applicant will be required to:

- Reconstruct the Tennent Avenue road surface and upgrading this portion of Tennent Avenue to an urban cross section from North Vernon Avenue to the west limit of the plan;
- Reconstruct the sidewalk on the south side of Tennent Avenue to blend in with the newly reconstructed Tennent Avenue including curb and gutters;
- Construct curb and gutter on the north side of Tennent Avenue from North Vernon Avenue westerly to the existing curb and gutter fronting 616 Tennent Avenue;
- Construct a sidewalk on the north boulevard of Tennent Avenue from North Vernon Avenue westerly to the existing sidewalk fronting 616 Tennent Avenue; and
- Replace and upgrade the existing watermain along Tennent Avenue.

The applicant anticipates starting the Tennent Avenue upgrades, starting in the middle of July and completed prior to September 2, 2013

This phase of the subdivision shall be registered in one (1) phase, consisting of 44 single family detached lots.

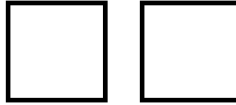
Development Services has reviewed these special provisions with the Owner, who is in agreement with the conditions.

This report has been prepared by Frank Gerrits, Documentation Coordinator, Development Services, in consultation with the City’s Solicitors Office.

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

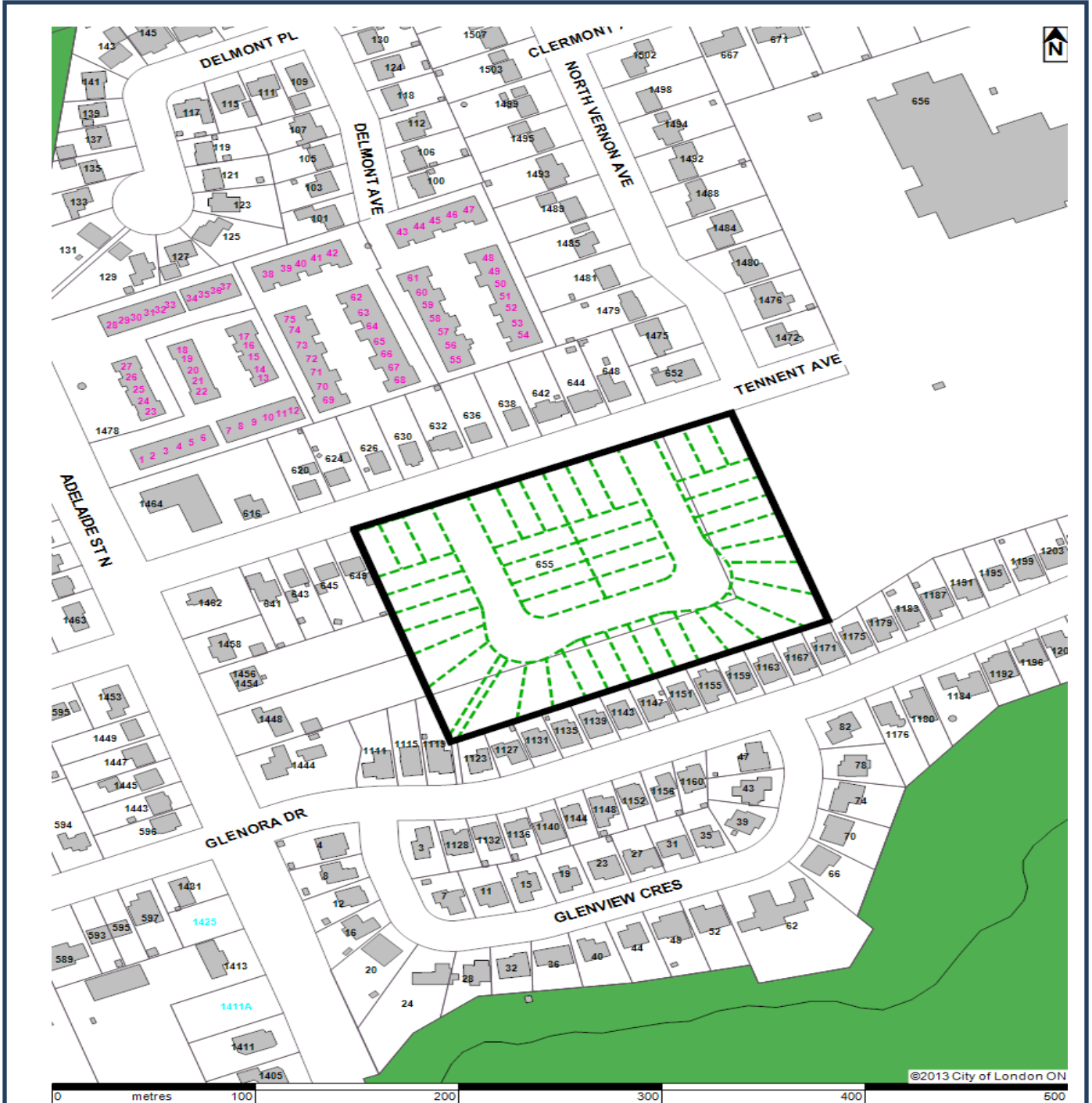
RECOMMENDED BY:	REVIEWED BY:
NANCY MCKEE, MCIP, RPP SENIOR PLANNER DEVELOPMENT SERVICES	BRUCE HENRY MANAGER, DEVELOPMENT PLANNING DEVELOPMENT SERVICES
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY MANAGER, DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

NM/fg
Attach.
June 26, 2013



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LOCATION MAP








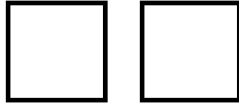
LOCATION MAP

Subject Site: 655 Tennent Avenue
 Applicant: Ricor Engineering Ltd
 File Number: 39T-13501
 Planner: Nancy McKee
 Created By: Frank Gerrits
 Date: 2013-06-26
 Scale: 1:2500

Corporation of the City of London
 Prepared By: Development Services

LEGEND

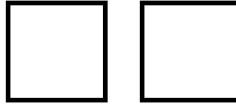
	Subject Site
	Parks
	Assessment Parcels
	Buildings
	Address Numbers



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Schedule "A"

Source of Finance Report



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Schedule "B"

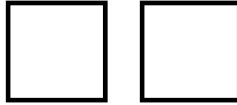
Related Estimated Costs and Revenues

Estimated Costs – This Agreement	
Claims from Urban Works Reserve Fund – General	Nil
Claims from Urban Works Reserve Fund - Stormwater Management	Nil
Capital Expense - Transportation Budget	
- Curb & gutter beyond frontage of site	\$112,000
- Sidewalk beyond frontage of site – warranted sidewalk program	\$24,500
- Water Division Budget – replacement	\$92,000
Other	Nil
Total	\$228,500
Estimated Revenues - This Agreement (2013 rates)	
CSRF	\$748,396
UWRF	\$291,016
Total	\$1,039,412

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 2013 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.

Reviewed By:

Peter Christiaans
 Director, Development Finance



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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.

CLAIMS AGAINST THE CAPITAL WORKS BUDGET

- a) 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 the City Engineer 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.

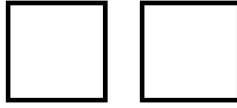
The anticipated reimbursements from the Budget are:

- for the cost of construction of watermain on Tennent Avenue, the estimated cost of which is \$92,000 from the Water Engineering Division;
- for the cost of construction of curbs and gutters on the north side of Tennent Avenue from North Vernon Avenue westerly to the existing curb and gutter fronting 616 Tennent Avenue, Tennent Avenue asphalt rehabilitation and any associated works from the west limit of this Plan to Adelaide Street North and for the reconstruction of Tennent Avenue, east of North Vernon Avenue to 656 Tennent Avenue (Lucas Secondary School), the estimated cost of which is \$112,000 from the Transportation Division; and
- for the cost of construction of a sidewalk on the north boulevard of Tennent Avenue from North Vernon Avenue westerly to the existing sidewalk fronting 616 Tennent Avenue, the estimated cost of which is \$24,500, from the Transportation Division (Warranted Sidewalk Program)

- b) 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.

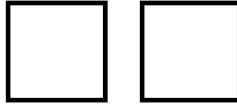
- c) Where the Owner undertakes works at their entire expense as a capital cost incurred on behalf of the City and as authorized by the City subject to a claim and the claim is made from the Urban Works Reserve Fund, the City Services Reserve Fund or the Capital Works Budget, the Owner must conform with 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 Sections 1.6, 1.7, 1.8 and 1.9, of the above by-law including requirements for tendering and completeness of claims.

- d) In the event that the Owner undertakes relotting, the Owner shall relocate all utilities, municipal services and private services as are required by the relotting 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 in this Plan prior to the issuance of a Certificate of Conditional Approval for works serving the reconfigured Lots. Should the amount of security held by the City at the time the Lots 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.



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- e) The Owner shall adhere to the geotechnical engineer's recommendation 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.
- 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's Director of Building Control 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) Prior to the issuance of a Certificate of Conditional Approval, the Owner shall have a qualified consultant confirm all recommendations in the hydrogeological investigation for this subdivision have been implemented with respect to the effects of the construction associated with the subdivision on existing ground water elevations, private wells in the area and the impact on the water balance of the subject plan, to the satisfaction of the City.
- g) 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 Adelaide Street North via Tennent Avenue.
- h) No construction traffic contracted by the Owner for the construction of services for this subdivision which are to be assumed by the City, shall use existing streets adjacent to this Plan, except as approved otherwise by the City. The Owner shall restrict this construction traffic to and from this subdivision to Adelaide Street North via Tennent Avenue except as otherwise approved by the City. Barricades which may be used to restrict construction traffic during the construction of the underground services associated with the issuance of a Certificate of Conditional Approval, as identified by 9. INITIAL CONSTRUCTION OF SERVICES AND BUILDING PERMITS of PART 1 – GENERAL PROVISIONS, may be removed with the issuance of the Certificate of Conditional Approval, unless otherwise directed by the City. Should the subdivision develop in stages as allowed by other conditions of this Agreement, the Owner will reinstate the necessary construction traffic restrictions with development of each stage as each stage develops, to the satisfaction of the City.
- i) Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction.
- j) Prior to September 3, 2013 and/or the issuance of any Certificate of Conditional Approval, or as otherwise agreed to by the City, the Owner shall construct and/or reconstruct 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 Horseshoe Crescent (both legs) in this Plan joins with Tennent Avenue, including all underground services and related works, at no cost to the City;

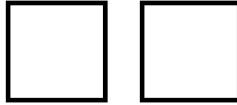


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- (ii) private sanitary, storm and water services to serve Lots 1 to 12 both inclusive, at no cost to the City;
- (iii) sanitary sewer extension and any associated works on Tennent Avenue to service Lots 10, 11 and 12, at no cost to the City;
- (iv) watermain and any associated works on Tennent Avenue;
- (v) Tennent Avenue road surface and any associated drainage works from North Vernon Avenue to the west limit of the plan, at no cost to the City;
- (vi) Tennent Avenue asphalt rehabilitation and any associated works from the west limit of this Plan to Adelaide Street North;
- (vii) curb and gutter on the south side of Tennent Avenue from the east limit of the plan of subdivision to the west limit of the plan of subdivision, at no cost to the City;
- (viii) new and/or extension of curb and gutter on the south boulevard from the westerly limit of this Plan of subdivision to the westerly limit of 645 Tennent Avenue;
- (ix) a temporary asphalt sidewalk across the frontage of Lots 1 to 12, both inclusive, on Tennent Avenue, at no cost to the City;
- (x) a concrete sidewalk on the south side of Tennent Avenue to blend in with the newly reconstructed Tennent Avenue, including curbs and gutters, across the frontage of this Plan, at no cost to the City;
- (xi) reconstruction of Tennent Avenue, east of North Vernon Avenue to 656 Tennent Avenue (Lucas Secondary School);
- (xii) curb and gutter on the north side of Tennent Avenue from North Vernon Avenue westerly to the existing curb and gutter fronting 616 Tennent Avenue;
- (xiii) a concrete sidewalk on the north boulevard of Tennent Avenue from North Vernon Avenue westerly to the existing sidewalk fronting 616 Tennent Avenue; and
- (xiv) any associated works in accordance with accepted design studies and engineering drawings.

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 Tennent 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, 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 prior to commencing any construction on City land or right-of-way.



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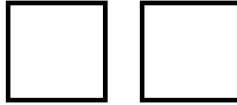
Where required by the City, the Owner shall establish and maintain a Traffic Management Plan (TMP) intended to harmonize a construction project's physical requirements with the operational requirements of the City, the transportation needs of the travelling public and access concerns of area property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

- k) Prior to the construction of works on existing City streets, the Owner shall have its Professional Engineer notify in writing all affected property owners of all works proposed to be constructed on existing City streets in conjunction with this subdivision in accordance with the City's policy on "Guidelines for Notification to Public for Major Construction Projects".
- l) The Owner shall replace the watermain and appurtenances on Tennent Avenue from the entrance of 656 Tennent Avenue (Lucas Secondary School) east of this Plan to the existing 200 mm (8 inch) diameter pvc watermain west of this Plan, to the satisfaction of the City Engineer.
- m) The Owner shall construct the watermains to service the Lots in this Plan and connect them to the proposed reconstructed watermain on Tennent Avenue, to the specifications of the City Engineer.

The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.
- n) The Owner shall construct private water services to serve Lots 1 to 12, both inclusive, in this Plan and connect them to the proposed reconstructed watermain on Tennent Avenue, to the satisfaction of the City Engineer, and at no cost to the City.
- o) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall have it's Professional Engineer confirm water quality requirements for the watermains in this Plan are being implemented in accordance with the accepted design studies and City standards to demonstrate there is adequate water turnover to maintain water quality or implement any accepted recommendations by the use of the following:
 - i) valving to shut off future connections which will not be used in the near term; and/or
 - ii) automatic flushing devices to maintain water quality, with it being noted that the water flushed by the device is to be measured (by a water meter in a meter pit) and the cost of water charged to the Owner. Where automatic flushing devices will be used, calculations of the turnover required to maintain chlorine residual shall be provided by the Owner's Professional Engineer in order to justify the settings for the automatic flushing device.

all to the satisfaction of the City, at no cost to the City.
- p) Sewage treatment capacity at the Adelaide Pollution Control Plant is available for this Plan as of July, 2013 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before July, 2014.

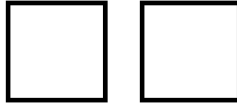
In the event that this Plan and this Agreement are not registered before July, 2014, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.



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The Owner acknowledges that sewage treatment capacity at the Adelaide 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 Tennent Avenue. 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.
- r) The Owner shall construct a sanitary sewer extension on Tennent Avenue to service Lots 10, 11 and 12 in this Plan and connect to the existing municipal sewer system, namely, the 200 mm (8 inch) diameter sanitary sewer located on Tennent Avenue, to the specifications of the City, at no cost to the City.
- s) The Owner shall construct sanitary private drain connections to serve Lots 1 to 12, both inclusive, in this Plan and connect them to the existing and proposed 200 mm (8 inch) diameter sanitary sewer on Tennent Avenue, to the satisfaction of the City, at no cost to the City.
- t) 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. The Owner shall also take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City and at no cost to the City. These measures shall include the following:
- (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed 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 Engineer) in all sanitary sewer manholes within this draft plan at the time of installation of the manhole. The Owner shall not remove the inserts until the sodding of the boulevards and the top lift of asphalt is completed;
 - (iv) Prior to the issuance of a Certificate of Conditional Approval, testing of the sanitary sewer system shall be carried out in accordance with OPSS 407, OPSS 410 and the City of London Standard Contract Documents with respect to infiltration testing, exfiltration testing and low pressure air testing. The Owner shall have its Professional Engineer provide a report of the test results to the City, at no cost to the City;
 - (v) The Owner shall take steps to ensure that during the construction on private property of this phase of subdivision, practices which contravene City of London by-laws and allow stormwater and sediment to enter the sanitary sewer system are prevented; and
 - (vi) The Owner shall cap private drain connections to lots which are vacant or not occupied in this Plan in order to prevent practices which contravene City of London By-laws and allow excessive levels of inflow and infiltration

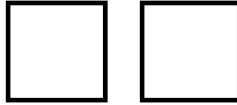


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and sediment to enter the sanitary sewer system. If any private drain connection is found without a cap, the Owner shall ensure a cap is installed within 48 hours of being advised by the City. The removal of the cap shall be at the cost of the Owner and shall be made only at the time of or immediately prior to occupancy of that lot.

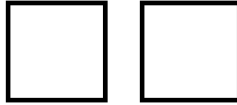
- u) The Owner shall permit the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer. Alternatively, the City may require the Owner to undertake smoke testing at its 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.
- v) The Owner shall construct the storm sewers to service the Lots in this Plan, which is located in the Stoney Creek Subwatershed, and connect them to the City's existing storm sewer system being the 675 mm (27 inch) diameter storm sewer on Glenora Drive via the existing 375 mm (15 inch) diameter storm sewer stub in the municipal sewer/walkway easement within Block 94 in Plan 33M-86.

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.
- w) The Owner shall construct storm private drain connections to serve Lots 1 to 12, both inclusive, in this Plan and connect them to the existing 600 mm (24 inch) diameter storm sewer on Tennent Avenue, to the satisfaction of the City, and at no cost to the City.
- x) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control measures accepted by the City in the Functional SWM Report, 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.
- y) 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's 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.
- z) The Owner shall have its consulting Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works to the satisfaction of the City and according to the recommendations and requirements of the following:
 - (i) The SWM criteria and environmental targets for the Stoney Creek Subwatershed Study and any addendums/amendments;
 - (ii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - (iii) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the File Manager process;
 - (iv) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
 - (v) The City of London Environmental and Engineering Services Department Design Specifications and Requirements Manual, as revised;



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- (vi) The Ministry of the Environment SWM Practices Planning and Design Manual (2003); and
 - (vii) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- aa) Prior to the issuance of any Certificate of Conditional Approval for this subdivision, all relevant storm/drainage and SWM servicing works, including major and minor storm flow routes, for the subject lands must be completed and operational, in accordance with approved design criteria and accepted drawings, all to the specifications and satisfaction of the City.
 - ab) The Owner shall address forthwith any deficiencies of the stormwater works, all to the satisfaction of the City, and at no cost to the City.
 - ac) Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works.
 - ad) Prior to the issuance of a Certificate of Conditional Approval, 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 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.
 - ae) 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.
 - af) The Owner shall register against the title of Lots incorporating rear yard catchbasins, if necessary, on all 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 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.
 - ag) If there is known contamination on the site or contamination is encountered on this site, the Owner shall report any contamination encountered during construction or anything suspected as such, to the City Engineer, and, in this event, the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "**Schedule A** – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
 - ah) The Owner agrees that 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 must be reported to the City Engineer and / Managing Director, Development and Compliance Services and Chief Building Official immediately, and if required by the City Engineer/ Managing

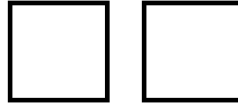


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Director, Development and Compliance Services and Chief Building Official, the Owner will, at his expense, retain a Professional Engineer competent in the field of methane gas to investigate these deposits and to submit a full report on them to the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official. If 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 and Managing Director, Development and Compliance Services and Chief Building Official shall be implemented and carried out under the supervision of the Professional Engineer, to the satisfaction of the City Engineer/Managing Director, Development and Compliance Services and Chief Building Official and at the expense of the Owner, 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 for review for the duration of the approved program.

If a permanent venting system or facility is recommended in the report, the Owner further agrees to register against the title of each affected Lot and include in the agreement of sale for the conveyance or transfer of each of the affected Lots, a covenant by the purchaser or transferee (and by each successive Owner after such purchaser or transferee) stating that the Owners of the subject Lots must have the required system or facility designed, constructed and monitored to the specifications of the City, and that the Owner 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.

- ai) 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, all to the satisfaction of and at no cost to the City.
- aj) The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
- ak) Within one (1) year of the registration of this Plan, the Owner shall construct a 4.6 metre wide walkway to connect to the existing walkway southwest of this Plan. This walkway shall be designed to the maintenance access standard to direct storm servicing, to the specifications of the City, at the southwest limit of this Plan.
- al) Within one (1) year of the registration of this Plan or as otherwise agreed to by the City, the Owner shall construct a 1.5 m high chain link fence, without gates, adjacent to the walkway, Block 45 of this Plan, in accordance with City Standard No. SR-7.0, all to the satisfaction of the City and all at no cost to the City.
- am) The Owner shall make all adjustments to existing services eg. sidewalks, catchbasins, hydro poles, street lights, fire hydrants, trees, traffic calming, etc. to accommodate the proposed lotting pattern on Tennent Avenue, to the satisfaction of the City, at no cost to the City.
- an) The Owner shall make all necessary arrangements with the abutting property owners and properties fronting Tennent Avenue to regrade on any affected properties, where necessary, to accommodate the grading and servicing of this Plan to City standards, to the satisfaction of the City, at no cost to the City.
- ao) The Owner shall comply and implement any recommendations outlined in all accepted Design Studies and engineering drawings, to the satisfaction of the City.



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SCHEDULE 'C'

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

SPECIAL WORKS AND SERVICES

Roadways

- Horseshoe Crescent 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 Tennent Avenue.

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

- (i) Horseshoe Crescent – outside boulevard from the outside limit of Block 45 (walkway) northerly to Tennent Avenue.

Pedestrian Walkways

City of London standard 4.6 m wide maintenance access/pedestrian walkways shall be constructed on Block 45 of this Plan.

SCHEDULE 'D'

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

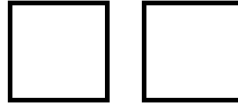
Prior to the Approval Authority granting final approval of this Plan, the Owner shall transfer to the City, all external lands as prescribed herein. Furthermore, within thirty (30) days of registration of the Plan, the Owner shall further transfer all lands within this Plan to the City.

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Nil
Road Widening (Dedicated on the face of the plan):	Nil
Walkways:	Block 45
5% Parkland Dedication	Cash-in-lieu for parkland consistent with the City of London's parkland By-law CP-9.
Dedication of land for Parks in excess of 5%:	Nil
Stormwater Management:	Nil

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	Nil
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SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated _____ between The Corporation of the City of London and Wastell Developments Inc. 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:	\$191,410 **
BOND PORTION:	\$721,344
TOTAL	\$912,754 **

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

CASH PORTION:	\$191,410 **
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:	\$721,344

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

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.

SCHEDULE 'F'

This is Schedule 'F' to the Subdivision Agreement dated this _____ between The Corporation of the City of London and Wastell Developments Inc. to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Multi-purpose easements for servicing, including an easement for storm servicing, shall be deeded to the City in conjunction with this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Lot 19, adjacent to the walkway Block 45, for storm servicing
 - (ii) Any associated works as identified in the accepted design studies and engineering drawings