

File Number: 39T-05509
F.Gerrits

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE MEETING ON AUGUST 15, 2011
FROM:	D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING AND DAVID AILLES MANAGING DIRECTOR DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT	SPECIAL PROVISIONS WESTBURY INTERNATIONAL (1991) CORPORATION WESTBURY SUBDIVISION 39T-05509

RECOMMENDATION

That, on the recommendation of the Director of Development Planning and the Managing Director, Development Approvals Business Unit, Planning and Development, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Westbury International (1991) Corporation for the subdivisions of land in the City of London, County of Middlesex, situated on the North side of Wharncliffe Road South, municipally referred to as 1311 Wharncliffe Road South.

- (a) the attached Special Provisions to be contained in a Subdivision Agreement between The Corporation of the City of London and Westbury International (1991) Corporation for the Westbury Subdivision - (39T-05509) **BE APPROVED**;
- (b) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions; and
- (c) Council **BE ADVISED** of the following estimated Revenues and Claims associated with this approval:

Related Estimated Costs and Revenues – Phase 1

Estimated Costs – This Agreement – Developer Built	
Urban Works Reserve Fund – General	Nil
Urban Works Reserve Fund – Stormwater Management	Nil
Capital Expense – Parks Planning	\$ 88,400
Other	Nil
Total	\$ 88,400
Estimated Revenues This Agreement	
CSRF	\$ 2,148,184
UWRF	\$ 880,868
Total	\$3,029,051

File Number: 39T-05509
F.Gerrits

NOTE:

1. Estimated revenues are calculated using current rates for engineering services and the information is reported all in accordance with the Development Charges By-law (ie C.P.-1473-212), and any amendments thereto.
2. Estimated claims are based on information provided by the applicant. Actual claims will be determined in conjunction with the subdivision agreement and the applicable by-law.
3. The Owner should take note that there are currently significant delays in payment of claims from the Urban Works Reserve Fund.

- (d) it **BEING NOTED** that Parks Planning expenditures will require commitment through future capital budget projects

BACKGROUND


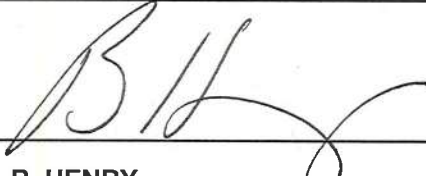


This application for Draft Plan of Subdivision Approval was accepted on May 18, 2005 and subsequently revised on January 12, 2006 and December 7, 2007. The updated plan was circulated to the required agencies and municipal departments on December 13, 2007 and advertised in the London Free Press Civic Corner on December 22, 2007. The notice of Public Meeting was advertised in the London Free Press on April 18, 2009, and mailed out to area residents on April 24, 2009. The Public Meeting was held at Planning Committee on May 6, 2009.

Draft Plan of Subdivision Approval with Conditions was granted by the Approval Authority on June 22, 2009. No appeals to the Draft Plan Approval were received within the time allowed for such appeals.

This subdivision shall be registered in one phase consisting of Lots 1 to 73 inclusive and Blocks 74 to 96 inclusive.

This report has been prepared by the Development Approvals Business Unit, in consultation with the Engineering Review Division and the City Solicitor's Office.

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

PREPARED BY:	SUBMITTED BY:
	
F. GERRITS SUBDIVISION AND CONDOMINIUM DOCUMENTATION COORDINATOR DEVELOPMENT APPROVALS BUSINESS UNIT	B. HENRY MANAGER – DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT
RECOMMENDED BY:	RECOMMENDED BY:
	
D.N. STANLAKE DIRECTOR, DEVELOPMENT PLANNING DEVELOPMENT APPROVALS BUSINESS UNIT	DAVID AILLES, P.Eng MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT

DA/js
Attach.

August 5, 2011

c Environmental Review Services

Y:\Shared\Sub&Spec\SUBDIV\SCDC\Working Files\39T-04513 - Sunningdale-Richmond North\39T-04513 - Auburn - BNEC REPORT- Jeff Edits.doc

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) Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City Engineer, or portions thereof as the City Engineer may from time to time determine:
- (i) For the removal of the external temporary access road connection from the west limit of Jinnies Way to Jinnies Street, an amount of \$5,000 or an adequate amount for future removal of any determined temporary turning circle to be determined,
 - (ii) In the event, the temporary access road from the west limit of Jinnies Way to Jinnies Street external to this Plan is not constructed, for the removal of the temporary turning circle on Jinnies Street inside this Plan, an amount of \$20,000, and
 - (iii) In the event, the temporary access road from the west limit of Jinnies Way to Jinnies Street external to this Plan is not constructed, for the removal of the temporary turning circle on Jinnies Way inside this Plan, an amount of \$20,000.
- (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.
- (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 Engineer and at the Owner's entire expense. The City Engineer 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 Engineer in accordance with the City's security requirements.
- (d) The Owner shall grade the portions of Blocks 82, 83, 84, 85 and 89 inclusive, which have a common property line with Wharncliffe Road South, to blend with Wharncliffe Road South when it is reconstructed, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Wharncliffe Road South when it is reconstructed. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City Engineer.

File Number: 39T-05509
F.Gerrits

- (e) The Owner shall grade the portions of Blocks 80, 84 and 85 inclusive, which have a common property line with Bradley Avenue, to blend with Bradley Avenue when it is reconstructed, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Bradley Avenue when it is reconstructed. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City Engineer.

- (f) The Owner shall adhere to the geotechnical engineer's recommendations 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 and Blocks within the Affected Lands and shall ensure that the specific requirements have been established by a geotechnical engineer for each Lot and Block within the Affected Lands in order to protect the proposed buildings on the said Lots and Blocks from settlement and other harmful effects.

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

- (g) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a hard-surfaced temporary access road, including temporary lighting, from Castle Rock Place, southerly, to connect to Wharncliffe Road South over Block 83, and the temporary left turn lane on Wharncliffe Road South at the temporary access road, to the specifications of the City Engineer, at no cost to the City, unless a permanent secondary public access is available from Southdale Road West to serve this Plan.

The Owner shall provide an easement for the temporary access road over Block 83, to the specifications of the City Engineer. When the temporary access road is removed, the City will quit claim the easements which were used for temporary access road purposes which are no longer required at no cost to the City.

The Owner shall supply security to the City to cover the construction and removal of this temporary access road and associated works in accordance with the City's Subdivision Security Policy.

The Owner shall maintain the temporary access road until a permanent second public access road(s) to Southdale Road West from this Plan is constructed and operational or no longer required as a construction access road, satisfactory to the City Engineer, at no cost to the City. Once the permanent second public access road is available, the Owner shall remove the temporary public access, to the satisfaction of the City Engineer, at no cost to the City.

File Number: 39T-05509
F.Gerrits

- (h) Prior to the issuance of any Certificates of Conditional Approval, the Owner shall construct an external temporary access road connecting the west limit of Jinnies Way and at the south limit of Jinnies Street and provide adequate easements to the City external to this Plan or construct temporary turning circles within this Plan at the limit of the said streets and provide adequate easements within this Plan, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Jinnies Way and Jinnies Street, all as shown on this Plan of Subdivision, prior to its extension to the Jinnies Way and Jinnies Street to the West, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City's Environmental & Engineering Services Department at the time, to be the cost of removing the temporary access road external to this Plan connect the west limit of Jinnies Way and the south limit of Jinnies Street, all to the specifications of the City Engineer. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$5,000 for the temporary access road for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City Engineer prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

- (i) Prior to the issuance of a Certificate of Conditional Approval for Lots 1 to 9, 66 to 73 and Blocks 74 to 76, the Owner shall construct the temporary access road connection between Jinnies Street and Jinnies Way, an alternative turn around at the south limit of Jinnies Street acceptable to the City Engineer or a permanent public access is constructed and operational from the south limit of Jinnies Street and Singleton Avenue in Plan 33M-602.

- (j) Prior to the issuance of a Certificate of Conditional Approval for Lots 38 to 42, 56 to 61 and Blocks 77 and 78, the Owner shall construct the temporary access road connection between Jinnies Street and Jinnies Way, an alternative turn around at the west limit of Jinnies Way acceptable to the City Engineer or a permanent public access is constructed and operational from the west limit of Jinnies Way and Singleton Avenue in Plan 33M-602.

- (k) Should temporary turning circles be constructed, prior to the issuance of any Certificates of Conditional Approval, the Owner shall construct temporary turning circles at the west limit of Jinnies Way and at the south limit of Jinnies Street, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Jinnies Way and Jinnies Street, all as shown on this Plan of Subdivision, prior to its extension to the Jinnies Way and Jinnies Street, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City's Environmental & Engineering Services Department at the time, to be the cost of removing the temporary turning circle at the west limit of Jinnies Way and the south limit of Jinnies Street and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard and 1.5 metre (5 foot) concrete sidewalks, all to the specifications of the City Engineer. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is \$20,000 per temporary turning circle for which amount sufficient security is to be provided in accordance with 28(a). The Owner shall provide the cash to the City at the request of the City Engineer prior to assumption of the subdivision if needed by the City.

When the lands abutting this Plan of Subdivision develop and the temporary turning circles are removed, the City will quit claim the easements which were used for

File Number: 39T-05509
F.Gerrits

temporary turning circle purposes which are no longer required at no cost to the City.

- (l) The Owner shall remove the temporary turning circles on Singleton Avenue in Plan 33M-602 to the west of this Plan and on Jinnies Way and Singleton Avenue in Plan 39T-08508 to the north of this Plan, and complete the construction of Singleton Avenue and Jinnies Way in these locations as fully serviced roads, to the specifications of the City Engineer.

If funds have been provided to the City by the developer of Plan 33M-602 and Plan 39T-08508 for the removal of the temporary turning circles and the construction of these sections of Singleton Avenue and Jinnies Way, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Singleton Avenue in Plan 33M-602, Jinnies Way and Singleton Avenue in Plan 39T-08508 are constructed as fully serviced roads by the developer of Plan 33M-602 and Plan 39T-08508, then the Owner shall be relieved of this obligation.

- (m) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Wharncliffe Road South via the proposed temporary access road abutting the east limit of Block 89 in this Plan.

Prior to any construction within this Plan, the Owner shall construct the temporary left turn lane on Wharncliffe Road South, to the satisfaction of the City Engineer, at no cost to the City unless otherwise approved by the City Engineer.

- (n) The Owner shall construct or install all of the following required works to the specifications of the City Engineer and in accordance with the plans accepted by the City Engineer:

- (i) a fully serviced road connection where Jinnies Way in this Plan joins with Jinnies Way in Plan 39T-08508, including all underground services and related works;
- (ii) a fully serviced road connection where Jinnies Way in this Plan joins with Jinnies Way in Plan 39T-05506-3, including all underground services and related works;
- (iii) a fully serviced road connection where Jinnies Street in this Plan joins with Jinnies Street in Plan 39T-05506-3, including all underground services and related works;
- (iv) a fully serviced road connection where Singleton Avenue in this Plan joins with Singleton Avenue in Plan 33M-602, including all underground services and related works;
- (v) a fully serviced road connection where Singleton Avenue in this Plan joins with Singleton Avenue in Plan 39T-08508, including all underground services and related works;
- (vi) storm sewer on Wharncliffe Road South for the private permanent storm system
- (vii) Temporary left turn lane on Wharncliffe Road South at the temporary access road; and
- (viii) temporary road connection to Wharncliffe Road South.

File Number: 39T-05509
F.Gerrits

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

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

- (o) 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".
- (p) 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.
- (q) The Owner shall construct the water services to service Blocks 82, 83 and 85 in this Plan at the site plan stage and connect each of these blocks to the City's existing water supply system, being the existing low level 400 mm (15 inch) diameter watermain on Wharncliffe Road South in this Plan, to the specifications of the City Engineer.
- (r) The Owner shall include in the Purchase and Sale Agreements of Blocks 82, 83 and 85 to advise the future owners of these developable blocks that the owners shall be required to install water services for these blocks from the low level 400 mm (15 inch) diameter watermain on Wharncliffe Road South, to the specifications of the City Engineer, at no cost to the City.
- (s) The Owner shall construct the watermains to service the Lots and the Blocks in this Plan with the high level watermain system, excluding Blocks 82, 83, 84 and 85, and connect them to the City's existing water supply system, being the existing low level 400 mm (15 inch) diameter water main on Wharncliffe Road South as a temporary connection and the existing 200 mm (8 inch) diameter high level watermain on Singleton Avenue in Plan 33M-602, to the specifications of the City Engineer.

File Number: 39T-05509
F.Gerrits

- (t) When Andover Trails Phase 3 Subdivision (39T-05506-3) develops, the Owner shall construct the watermains to service the Lots and the Blocks in this Plan with the high level watermain system and connect them to the proposed 200 mm (8 inch) diameter high level watermain on Jinnies Way and the proposed 200 mm (8 inch) diameter high level watermain on Jinnies Street, when available, to the specifications of the City Engineer.
- (u) When the Bierens Subdivision (39T-08508) develops, the Owner shall construct the watermains to service the Lots and Blocks in this Plan with the high level watermain system and connect them to the proposed 200 mm (8 inch) diameter high level watermain on Jinnies Way and the proposed 200 mm (8 inch) diameter high level watermain on Singleton Avenue north of this Plan, when available, to the specifications of the City Engineer.
- (v) The Owner shall provide looping of the water main system, as required by and to the satisfaction of the City Engineer.
- (w) Prior to the issuance of any Certificate of Conditional Approval for more than 80 units in this Plan, the Owner shall provide high level watermain looping, to the satisfaction of the City Engineer. Requirements to meet looping on a temporary basis are at the sole cost of the Owner. The Owner may provide the following, in order to provide looping of the high level water system on a temporary basis, to the specifications of the City Engineer, at no cost to the City:
- i) a temporary watermain connection from Castle Rock Place to Wharncliffe Road South over Blocks 81 and 83, to the low level water system on Wharncliffe Road South including a temporary check valve and chamber complete with valving and appurtenances together with a plan for managing water quality in this temporary watermain; or
 - ii) a temporary or permanent watermain connection from this Plan to the high level watermain on Southdale Road West across lands to the north owned by others; or
 - iii) an alternative acceptable to the City Engineer.

Where necessary, the Owner shall acquire and provide any necessary easements for this, to the satisfaction of the City Engineer, and at no cost to the City for any connections required across lands external to this Plan.

- (x) Once the permanent high level watermain connection has been constructed and is operational across lands to the north, to the satisfaction of the City Engineer, the Owner shall decommission any temporary water connection and associated works, to the specifications of the City Engineer, at no cost to the City.
- (y) The Owner shall provide easements over Block 81 and Block 83, of this Plan, for the temporary watermain connection. Once the temporary watermain has been decommissioned and easements are no longer required, as determined by the City Engineer, the City will quit claim the easements which were used for watermain purposes, at no cost to the City.
- (z) Prior to the issuance of any Certificate of Conditional Approval for any watermains not looped, the Owner shall have its professional engineer submit to the City Engineer for review and acceptance, an additional report to determine if there will be sufficient water turnover to ensure water quality and determine how many homes are required to be occupied to maintain water quality in the water supply system. If water quality cannot be maintained in the short term, the Owner shall install automatic blow-off valves or provide an alternative measure to address water quality, where necessary to the satisfaction of the City Engineer.

File Number: 39T-05509
F.Gerrits

(aa) The Owner shall provide a water service to the street line of Park Block 87 from Singleton Avenue, to the satisfaction of the City Engineer, at no cost to the City.

(ab) Prior to the issuance of any Certificate of Conditional Approval in this Plan, the Owner shall designate to the City which lots in the Plan the Owner initially wants to remove from the holding provision, up to the 80 units/lots that may develop without restrictions.

The Owner shall not request the release of any holding provisions on lots/blocks in this Plan until the restriction of a looped high level watermain system has been satisfied, to the satisfaction of the City Engineer.

(ac) The Owner shall either register against the title of Blocks 82, 83, 84, 85 and 86, inclusive, in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

(ad) Sewage treatment capacity at the Greenway Pollution Control Plant is available for this Plan as of July, 2011 and will be reserved by the City for this Plan provided this Plan and this Agreement are registered before July, 2012.

In the event that this Plan and this Agreement are not registered before July, 2012, then the reserved treatment capacity in the Plant may be forfeited in the absolute discretion of the City Engineer and in the event of such forfeiture, the Owner shall apply to the City to have sewage treatment capacity allocated to this Plan, if such capacity is available at that time.

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

(ae) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the existing 300 mm (12 inch) diameter sanitary sewer on Singleton Avenue, the proposed 200 mm (8 inch) diameter sanitary sewer on Jinnies Street and the proposed 200 mm (8 inch) diameter sewer on Jinnies Way (south leg).

The sanitary sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

(af) Prior to the issuance of any Certificate of Conditional Approval for Lots 38 to 47, Lots 56 to 65 and Blocks 77 and 78 on Jinnies Way in this Plan, the proposed sanitary servicing on Jinnies Way in the proposed plan of subdivision to the west, Andover Trails Phase 3 (39T-05506-3), must be constructed and operational, to the specifications and satisfaction of the City Engineer. The Owner agrees not to develop the said Lots and Blocks in this Plan without the approval of the City Engineer. In the event the sanitary servicing is not constructed and operational to service the said Lots and Blocks, the Owner may obtain easements from the adjacent property owner and construct these services, at no cost to the City, to the specifications of the City Engineer.

(ah) Prior to the issuance of any Certificate of Conditional Approval for Lots 1 to 12, 48 to 55 and 66 to 73 as well as Blocks 74 to 76 on Jinnies Street in this Plan, the proposed sanitary servicing on Jinnies Street in the proposed plan of subdivision to the west, Andover Trails Phase 3 (39T-05506-3), must be constructed and

File Number: 39T-05509
F.Gerrits

operational, to the specifications and satisfaction of the City Engineer. The Owner agrees not to develop the said Lots and Blocks in this Plan without the approval of the City Engineer. In the event the sanitary servicing is not constructed and operational to service the said Lots and Blocks, the Owner may obtain easements from the adjacent property owner and construct these services, at no cost to the City, to the specifications of the City Engineer.

- (ag) The Owner shall construct a sanitary sewer from Singleton Avenue to the east limit of Block 87, including an appropriate maintenance access and appurtenances, to the satisfaction of the City Engineer, at no cost to the City. The Owner shall also extend the maintenance access over the proposed park block on lands to the north in Plan 39T-08508.
- (ah) The Owner shall construct a sanitary sewer from Singleton Avenue over Blocks 82 and 86, including an appropriate maintenance access, appurtenances and adequate easements, to the satisfaction of the City Engineer, at no cost to the City.
- (ai) The Owner shall include in the Purchase and Sale Agreements of Blocks 82 and 86 to advise the future owners of these developable blocks that the owners shall incorporate a maintenance access with the internal driveways within the development of their respective blocks with appropriate rights-of-ways for the City to access the sanitary sewer within these blocks, at the owner's cost, to the satisfaction of the City Engineer.
- (aj) The Owner shall construct a sanitary sewer from Castle Rock Place over a portion of Block 89 to provide services to Blocks 83 and 85, including an easement over Block 83. The maintenance access is to be incorporated into the walkway, to the satisfaction of the City Engineer, at no cost to the City.
- (ak) The Owner shall satisfy any requirements set out by the City to pay their proportional share of the temporary servicing costs incurred by the operation and maintenance of the temporary pumping station in the neighbouring Plan of Subdivision 39T-05506. The proportional share shall be based on the design flow to the pumping station.
- (al) The Owner shall reimburse the City for its proportional share of its operating, maintenance and decommissioning costs of the temporary pumping station and forcemain based upon the relative design flows approved by the City Engineer for the subject lands versus the other lands served by the temporary pumping station and forcemain. The costs will be calculated by the City and charged back to the Owner. The Owner shall provide security in the amount of six months total of their share of the operating and maintenance as well as their share of the decommissioning costs until the temporary system is decommissioned to the satisfaction of the City Engineer. In any dispute over costs, the opinion of the City Engineer shall prevail. The Owner shall provide adequate security for the decommissioning costs of the temporary pumping station prior to the issuance of any Certificate of Conditional Approval.
- (am) The Owner shall take measures to control and prevent any inflow and infiltration and silt from entering the sanitary sewer system during the construction and to ensure that the sanitary sewer system is constructed to minimize inflow into the system, all at the Owner's cost. Quality control measures and submission of reports of these quality control measures to the City to confirm that the constructed works meet acceptable inflow and infiltration works will be required. The Owner shall also be required to take measures to prevent inflow and infiltration from entering the sanitary sewer system after construction of the sanitary sewer works, all to the satisfaction of the City Engineer and at no cost to the City. These measures shall include the following:
 - (i) Installation of a plug in the sanitary sewer system (for this draft plan) at the downstream end of the sanitary sewer. The plug can be removed 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

File Number: 39T-05509
F.Gerrits

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 will 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 maintenance hole, as well as in previously approved phases. The Owner shall not remove the inserts until the sodding of the boulevard and placement of 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 of London 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 of London 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.
- (an) 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.
- (ao) Where street townhouses are planned for any Blocks in this Plan of Subdivision, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all as specified by the City Engineer and in accordance with applicable City standards.
- (ap) The Owner shall construct the storm sewers to service the low density residential Lots in this Plan (being Lots 1-73 and Blocks 74-79), which are located in the Dingman Creek Subwatershed, and connect them to the proposed storm sewer system being the existing 525 mm (21 inch) diameter storm sewer on Singleton

File Number: 39T-05509
F.Gerrits

Avenue in Plan 33M-602, the proposed 450 mm (18 inch) diameter storm sewer on Jinnies Way located in Andover Trails Phase 3 (39T-05506) and the proposed 525 mm (21 inch) diameter storm sewer on Jinnies Street located in Andover Trails Phase 3 (39T-05506).

The storm sewers required in conjunction with this Plan shall be sized to accommodate all upstream lands to the specifications of the City Engineer and at no cost to the City unless otherwise specified herein.

- (aq) Prior to the issuance of any Certificate of Conditional Approval for the low density residential lots in this Plan (being Lots 1-73 and Blocks 74-79), the storm servicing in the plan of subdivision to the west, Andover Trails Phase 3 (39T-05506), must be constructed and operational, to the specifications and satisfaction of the City Engineer.

In the event the servicing is not constructed and operational, the Owner may obtain easements from the adjacent property owner and construct these services, at no cost to the City, to the specifications of the City Engineer.

- (ar) A private permanent stormwater management system and a storm sewer outlet system along the easterly boundary running from the north limit of this Plan to Wharncliffe Road South, along the southerly boundary from the east limit of the Plan along Blocks 82 and 83 to the walkway and along the entire walkway between Castle Rock Place and Wharncliffe Road South, is required to service Blocks 80-83 and 85-88 (excluding Block 84). The Owner shall not develop Blocks 80-83 and 85-88 (excluding Block 84) until the following conditions have been met, all to the satisfaction of the City Engineer, at no cost to the City:

- i) A comprehensive, private permanent stormwater management system has been approved by the City for Blocks 80-83 and 85-88 (excluding Block 84) within this Plan and within the private permanent system catchment area;
- ii) Easement for the outlet system for the channel and any pipe works are obtained and transferred to the City;
- iii) The required works are constructed and operational in accordance with the approved design criteria;
- iv) Any additional security has been provided to the City, if required, to cover the costs associated with construction of the approved conveyance system, and
- v) A Certificate of Conditional Approval has been issued.

- (as) The Owner shall include in the Purchase and Sale Agreements of Blocks 80 to 88, both inclusive, to advise the future owners of these developable blocks that the owners shall be required to provide on-site stormwater management and a private permanent stormwater management system subject to site plan approval as per the accepted Functional Stormwater Management report, at no cost to the City, to the satisfaction of the City Engineer.

- (at) Prior to the issuance of any Certificate of Conditional Approval, the Owner shall service the entire park and grade the proposed Park Blocks, (Block 87 and 88), in accordance with the SWM private permanent system, to the satisfaction of the City Engineer and at no cost to the City.

- (au) The Owner shall implement and monitor all erosion and sediment control measures, in accordance with the erosion and sediment control report accepted by the City, to be used during construction and implementation of the plan satisfactory to the City Engineer. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.

File Number: 39T-05509
F. Gerrits

- (av) The Owner shall have its consulting professional engineer design and supervise the construction of the proposed storm/drainage works to the satisfaction of the City Engineer and according to the recommendations and requirements of the following:
- (i) The City's SWM criteria and the environmental targets for the Dingman Creek Subwatershed Study Update (2005);
 - (ii) The accepted White Oaks Area Stormwater Management Facilities Municipal Class Environmental Assessment (EA), Schedule B and any accepted addendums;
 - (iii) The accepted Pincombe Drain Municipal Class EA for storm/drainage and SWM servicing and remediation works;
 - (iv) The approved Functional Design for the Storm/Drainage and SWM servicing works for the subject lands;
 - (v) The approved Functional Design for the Storm/Drainage Servicing Works for the Temporary Andover/Pincombe Drain SWM Facility # 2 that encompasses a portion of the subject lands;
 - (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, as revised; and
 - (ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
- (aw) Prior to the issuance of a Certificate of Conditional Approval, all stormwater/drainage servicing works for the subject lands, including major and minor storm flow routes, must be completed and operational in accordance with the approved design criteria and accepted drawings, to the satisfaction of the City Engineer.
- (ax) Prior to the issuance of any Certificate of Conditional Approval, the Owner's consulting engineer shall certify that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of the City, or any approval given by the City Engineer, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
- (ay) The Owner shall promote the implementation of SWM soft measures Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. 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 Engineer.
- (az) 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

File Number: 39T-05509
F.Gerrits

property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.

- (ba) Prior to the issuance of any Certificate of Conditional Approval for Blocks 74 to 76 on Jinnies Street in this Plan and Blocks 77 to 79 on Jinnies Way in this Plan, the said Blocks are to be amalgamated with the respective Blocks in the proposed plan of subdivision to the west, Andover Trails Phase 3 (39T-05506-3) and combine these for developable building lots and co-ordinate servicing, to the satisfaction of the City Engineer and the Managing Director of Development Approval Business Unit. The Owner agrees not to develop the said Blocks in this Plan without the approval of the City Engineer and the Managing Director of Development Approval Business Unit.
- (bb) The Owner shall hold Block 84 out of development until access and servicing is constructed and operational from abutting lands to the west, to the satisfaction of the City Engineer, at no cost to the City. The City shall grant temporary right-of-way access over the 0.3 metre reserve at Wharncliffe Road South for general maintenance of the property which will be removed when the site redevelops. Once said temporary access is removed, the City will no longer grant temporary right-of-way access to Wharncliffe Road South.
- (bc) Prior to the issuance of any Certificate of Conditional Approval for more than 80 units in this Plan, a second public street access to an arterial road must be available, to the satisfaction of the City Engineer, at no cost to the City.
- (bd) The Owner shall grade and seed the proposed Block 84 and Bradley Avenue in this Plan, to the satisfaction of the City Engineer and at no cost to the City.
- (be) The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of a sidewalk and street lights on Wharncliffe Road South adjacent to this Plan. In addition, the Owner shall dedicate temporary easements along the south boundary of this Plan that may be required within this Plan by the City in order for the City for complete the said works on Wharncliffe Road South.
- (bf) The Owner shall establish any joint access locations and establish any necessary easements required for Blocks 82 and 83 and Block 85 within this Plan to minimize the number of access locations on Wharncliffe Road South in accordance with the Access Management Plan, to the satisfaction of the City Engineer, at the Owner's cost.
- (bg) The Owner shall include in the Purchase and Sale Agreements of Blocks 82 and 83 to advise the future owners of these developable blocks that the owners shall access their sites in accordance with the Access Management Plan, the locations shall be as determined in the Access Management Plan and private easements may be necessary between the Blocks for joint access in order to implement the Access Management Plan.
- (bh) Notwithstanding the Clauses in the General Provisions, the Owner is not responsible for the construction of a fully-serviced road for Bradley Avenue.
- (bi) Within one (1) year of the date of registration of this Plan, the Owner shall construct the approved park plan for Blocks 87 & 88, to the satisfaction of the Director of Development Planning. This work shall be undertaken at the Owner's expense as a capital cost incurred on behalf of the City.
- (bj) Within one (1) year of the date of registration of this Plan, the Owner shall construct a 1.5 metre high chain link fence in accordance with SPO 4.8, with no gates, along the south property line of Block 88, at the Owner's expense and to the satisfaction of the Director of Development Planning.
- (bk) Within one (1) year of the date of registration of this Plan, the Owner shall install streetlights and construct a 1.5 metre chain link fence in accordance with SPO 4.8

File Number: 39T-05509
F.Gerrits

along the sides of walkway Block 89, at the Owner's expense and to the satisfaction of the Director of Development Planning.

- (bl) Prior to the approval of any development on Block 86, the Owner shall retain a qualified consultant to prepare a lighting study to address the impact of lighting generated from the adjacent soccer field to the east. The Owner shall implement the recommendations from this study, including a warning clause and mitigation measures such as screening and landscaping, based on input from the adjacent Hellenic Community Centre, at no cost to the City and to the satisfaction of the Director of Development Planning.
- (bm) The Owner shall implement the accepted Commercial Design Guidelines for this Plan, attached hereto as **Schedule "N"**, all to the satisfaction of the Director, Development Planning.
- (bn) The Owner shall obtain a design consultant, approved by the City Planner, who shall review and endorse all applications for building permits and shall submit at the time of building permit applications a certificate of compliance in accordance with the approved commercial design guidelines at no cost to the City, and to the satisfaction of the Director, Development Planning. The approved design consultant shall be responsible for reviewing all permit applications with respect to the exterior design criteria for all buildings, landscape areas and other development within the Plan in the context of the approved Commercial Design Guidelines. The purpose is to ensure a high quality of urban design, architecture and landscape standards and construction.
- (bo) Within three (3) months of registration of this Plan, the City shall purchase Block 88 from the Owner at a cost of \$396,600 per hectare/\$160,500 per acre, for parkland purposes.

File Number: 39T-05509
F.Gerrits

SCHEDULE 'C'

This is Schedule 'C' to the Subdivision Agreement dated _____ between The Corporation of the City of London and Westbury International (1991) Corporation to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Singleton Avenue shall have a minimum road pavement width (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').
- Jinnies Street, from the west limit of the plan to Jinnies Way, 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').
- Jinnies Way and Jinnies Street, from Jinnies Way to Singleton Avenue, shall have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62')
- Revelstoke Gate and Castle Rock Place shall have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60')
- Bradley Avenue West shall have a minimum road allowance of 43.5 metres from Wharncliffe Road South to 150 metres westerly tapering back over a distance of 80 metres to a minimum road allowance of 36.0 metres to the west limit of the plan of subdivision. No pavement is required on Bradley Avenue West in conjunction with this Plan.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Singleton Avenue, Jinnies Street, from Jinnies Way to Singleton Avenue, and Street 'C' (Revelstoke Gate).

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

- (i) Jinnies Street, west of Jinnies Way – north and west boulevard
- (ii) Jinnies Way – south and east boulevard
- (iii) Castle Rock Place – west boulevard

Pedestrian Walkways

A pedestrian walkway shall be constructed on Block 89 of this Plan to the satisfaction of the City Engineer.

File Number: 39T-05509
F.Gerrits

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated2011, between The Corporation of the City of London and Westbury International (1991) Corporation 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 days of registration of this 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 90, 91, 92, 93, 94, 95, 96 and 97
Road Widening (Dedicated on face of plan):	NIL
Walkways:	Block 89
5% Parkland Dedication:	Block 87
Dedication of land for Parks in excess of 5%:	Block 88, to be purchased by the City at the time of registration
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	Block 86
--------------	----------

File Number: 39T-05509
F.Gerrits

SCHEDULE 'E'

This is Schedule 'E' to the subdivision Agreement dated _____ between The Corporation of the City of London and Westbury International (1991) Corporation 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:	\$ 405,981
BOND PORTION:	\$3,326,348
TOTAL	\$3,732,229

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

CASH PORTION:	\$ 405,981
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:	\$3,326,248

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.

File Number: 39T-05509
F.Gerrits

SCHEDULE 'F'

This is Schedule 'F' to the Subdivision Agreement dated this _____ between The Corporation of the City of London and Westbury International (1991) Corporation, to which it is attached and forms a part.

Multi-Purpose Easements

- (a) Multi-purpose easements for access and servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
- (i) Along east limits of Blocks 82, 86, 87, 88
 - (ii) Along Blocks 82 and 83 abutting Wharncliffe Road south frontage
 - (iii) Over Blocks 81 and 83, adjacent to Block 89 from Wharncliffe Road South to Castle Rock Place
 - (iv) Over Block 86, along southwest boundary of Block 81
 - (v) Over Block 82 abutting boundary with Block 86
- (b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
- (i) Temporary access road connecting Jinnies Way and Jinnies Street
- (c) Where needed, temporary turning circle easements shall be deeded to the City in conjunction with this Plan dependant on the status of adjoining lands and linkages over parts of lot 38, 39, 56, 57 and 73 and Blocks 74-78, if necessary, within this Plan.
- (d) Temporary secondary access easements shall be deeded to the City in conjunction with this Plan of parts of Blocks 81 and 83 within this Plan.