Agenda - Executive Policy Committee – January 21, 2015

Report - Standing Policy Committee on Property and Development - January 13, 2015

Item No. 3 Plan of Subdivision – 80 Halparin Drive, 420 and 436 Budd Road and 172 Phil-Chris Way
(St. Boniface Ward)
File DAS 26/2014 [c/r DAV 153838/2014D]

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DAS 26/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 26/2014 dated November 21, 2014 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 20, 2014, which is Schedule "B" of this report.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That Caveat 84-113796/1 be withdrawn as it affects Lot 1 Plan 18627 WLTO in OTM Lot 157 Parish of St. Norbert.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

Report - Standing Policy Committee on Property and Development - January 13, 2015

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda - Executive Policy Committee – January 21, 2015

Report - Standing Policy Committee on Property and Development - January 13, 2015

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

RE: **Plan of Subdivision – 80 Halparin Drive, 420 and 436 Budd Road and 172 Phil-Chris Way**
File DAS 26/2014

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Rochelle Viray, Assistant Committee Clerk**
Riel Community Committee

Report date: **December 5, 2014**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 1, 2014, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DAS 26/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 26/2014 dated November 21, 2014 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 20, 2014, which is Schedule "B" of this report.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That Caveat 84-113796/1 be withdrawn as it affects Lot 1 Plan 18627 WLTO in OTM Lot 157 Parish of St. Norbert.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. It is densification, and is logical to finish off this subdivision.

2. Ramblewood Road and Ramblewood Road North seem that they are meant to connect someday to create Ramblewood Road, and this will provide a benefit in drawing some traffic off Sue Budd Road. It will encourage people to go down this way, as it is safer than to go up off of Sue Budd straight onto the Perimeter.

PUBLIC HEARING SUMMARY

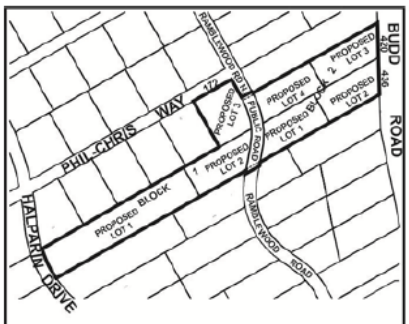
File: DAS 26/2014

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: December 1, 2014
Council Building, 510 Main Street

Applicant: Dan Vermeylen

Subject:



APPLICANT : DAN VERMEYLEN
FILE : DAS 26/14
PROPOSAL: An application for the approval of the plan of subdivision as may be determined by Council by the creation of seven (7) residential building lots to allow for future residential development which includes the extension of the Ramblewood Road North right-of-way. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR: DAN VERMEYLEN
N° DE RÉFÉRENCE : DAL 26/14
PROJET : Demande d'approbation par le Conseil du plan de lotissement visant à aménager seven lots à bâtir afin de permettre un futur lotissement résidentiel comprenant le prolongement de l'emprise du chemin Ramblewood Nord. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: 80 Halparin Drive, 420 and 436 Budd Road
and 172 Phil-Chris Way

Exhibits Filed:

1. Application dated September 29, 2014
2. Notification of Public Hearing dated October 30, 2014
3. Manitoba Status of Titles 1255088/1, 1506114/1, 1581430/1, 1686028/1, 1979703/1 and 2609308/1
4. Letter of authorization dated February 12, 2014, from Wayne Dewar, Jackie Dewar (Cox), Scott Ziegler, Dan and Melaney Vermeylen to Dan Vermeylen
5. Letter of authorization dated September 14, 2014, from Ken and Kristine Bodnarchuk to Dan Vermeylen
6. Letter of authorization dated November 7, 2014, from the Director of Planning, Property and Development, City of Winnipeg to Dan Vermeylen
7. Zoning Agreement
8. Caveat 1568410
9. Caveat 84-113796
10. Caveat 1568411
11. Caveat 1568412
12. Plans (7 pages)
13. Report from the Urban Planning Division dated November 21, 2014
14. Inspection Report
15. Letter of authorization dated November 5, 2014, from Dan and Melaney Vermeylen to Tim Fast
16. Communication dated November 24, 2014, from Robert Krul with respect to the application

REPRESENTATIONS:

In Support:

Jackie Dewar
Wayne Dewar
Tim Fast
Robert Ziegler
Scott Ziegler

In Opposition:

Robert Krul

For Information:

Curtis Krul

For the City:

Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department
Mrs. E. Finnigan, Planner, Planning, Property and Development Department

Exhibit “13” referred to in File DAS 26/2014

ADMINISTRATIVE REPORT

Title: DAS 26/2014 – Halparin/Budd/Phil-Chris Public Hearing

Issue: An application for consideration at the public hearing for a subdivision to create a total of three, new rural residential lots and a road right-of-way extension.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DAS 26/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DAS 26/2014 dated November 21, 2014 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 20, 2014, which is Schedule “B” of this report.

2. That, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

3. That Caveat 84-113796/1 be withdrawn as it affects Lot 1 Plan 18627 WLTO in OTM Lot 157 Parish of St. Norbert.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to subdivide 3 existing rural residential lots into a total of 6 rural residential lots. The proposal includes the extension of Ramblewood Road resulting in a public right-of-way opening.
- Subdivisions that include public road openings require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the subject site will be subdivided into 6 rural residential-zoned lots and the public right-of-way will be extended.

HISTORY

DASZ 26/81

- On February 2nd 1981 Council recommended approval for the subdivision and rezoning of a 30.8 hectare site north of the subject site between Ramblewood Road North and Sioux Road from "A1" to "RR2".

- The proposal included one of the lots (Lot 6 Plan 28567 – 172 Phil-Chris Way) involved in the subject application. Under the subject DASZ proposal, this lot will have nearly 7,000 square feet of land added to it from Lot 1 Plan 18627.
- The rezoning was approved subject to the applicant entering into a subdivision agreement and zoning agreement with the City. The clauses in subdivision and zoning agreement require:
    - The owners to maintain all grassed areas in the street right-of-way;
    - Acknowledgement that the City will not extend sewer and watermains to the area and the owners will not request that sewer and watemains be extended.
    - That no application be made to for further subdivision of the lots into smaller lots.
    - That it is the owner's responsibility to construct the streets.
    - A maximum front yard of 100 feet.

DAZ 249/1983

- On February 29, 1984, Council approved DAZ 249/1983 rezoning one of the lots in the subject subdivision (Lot 1 Plan 18627) from A1 to RR2. A later short form subdivision (DASSF 181/83) was undertaken to create additional 2 acre lots; however, the subject lot remained 4.4 acres in area and remained in the place where Ramblewood Road was to extend through. The City registered a subdivision agreement on the Lot 1 Plan 18627 (Caveat 84-113796/1) that included the following restrictions:
    - It is understood and agreed that no building or structure except fencing shall be constructed, located or placed on the Westerly 600 feet of the land unless and until this agreement is amended upon approval of a further plan of subdivision.
    - The Owner shall pay to the City the sum of $1,895.00 as its share of improvement of the Seine River channel to accommodate land drainage from the land.
    - Nothing in this agreement shall restrict or affect the powers of the City to approve any further plan of subdivision or resubdivision of the land or to amend, repeal or vary the Zoning By-law or Town Planning Scheme applicable to the land or to enact a zoning by-law rezoning the land and it is understood by the Owner that the execution of this agreement by the City cannot operate to effect any variance to the zoning by-law or approve any conditional use or operate to relieve against compliance with any other by-law or regulation of the City

DASZ 5/2001

- On December 11th, 2002 Council recommended approval for the subdivision and rezoning of a 15 acre site south of the subject site between Ramblewood Road North and Sioux Road from "A5" to "RR2".
- The proposal included the extension of Ramblewood Road North to its current location, south of the subject site.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	November 21, 2014
File No.	DAS 26/2014

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DAS 26/2014 Riel Community Committee, dated November 21, 2014
3. Schedule “B” — Report of the Administrative Coordinating Group

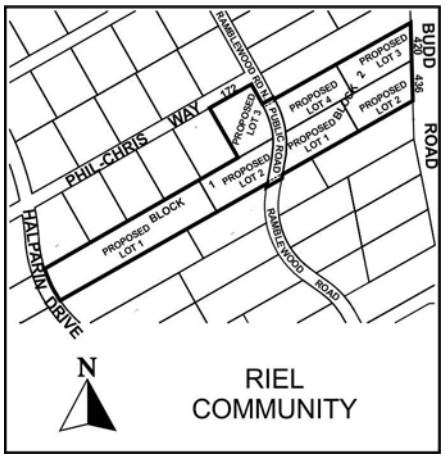
APPENDIX 'A'

DATE: November 21, 2014
FILE: DAS 26/2014
RELATED FILES: DAV 14-153838/D (c/r)

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.543

SUBJECT: An application for consideration at the public hearing for a subdivision to create six (6) lots from three (3) existing lots and a road right-of-way extension.

LOCATION: Lands west of Budd Road to Halparin Drive that include 172 Phil-Chris Way, 420 Budd Road, 436 Budd Road, and 80 Halparin Drive (see map below).



APPLICANT: Daniel & Melaney Vermeylen
35 Prescot Road
Winnipeg MB R3T 3X4

OWNERS: Daniel & Melaney Vermeylen
35 Prescot Road
Winnipeg MB R3T 3X4

Wayne Dewar & Jacqueline Cox
420 Budd Road
Winnipeg MB R2J 0T7

Scott Ziegler
436 Budd Road
Winnipeg MB R3X 1W2

Ken & Kristine Bodnarchuk
10 Dells Crescent
Winnipeg MB R2M 5A1

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject site is located west of Budd Road, east of Halparin Drive in the St. Vital Perimeter South neighbourhood of the St. Vital Ward.
- The site is approximately **17.7 acres in area** and comprises 4 separate rural residential lots.
- The subject site is within the Rural and Agricultural Areas under the *Complete Communities Direction Strategy* and within the Medium Density Residential Policy Area under the *St. Vital Perimeter South Secondary Plan*. Two of the lots (i.e., Lot 6 Plan 28567 and Lot 1 Plan 18627) are zoned "RR2" Rural Residential 2 while two of the lots (i.e., Lot 3 Plan 36018 and Part O.T.M. 158) are zoned "RR5" Rural Residential 5.

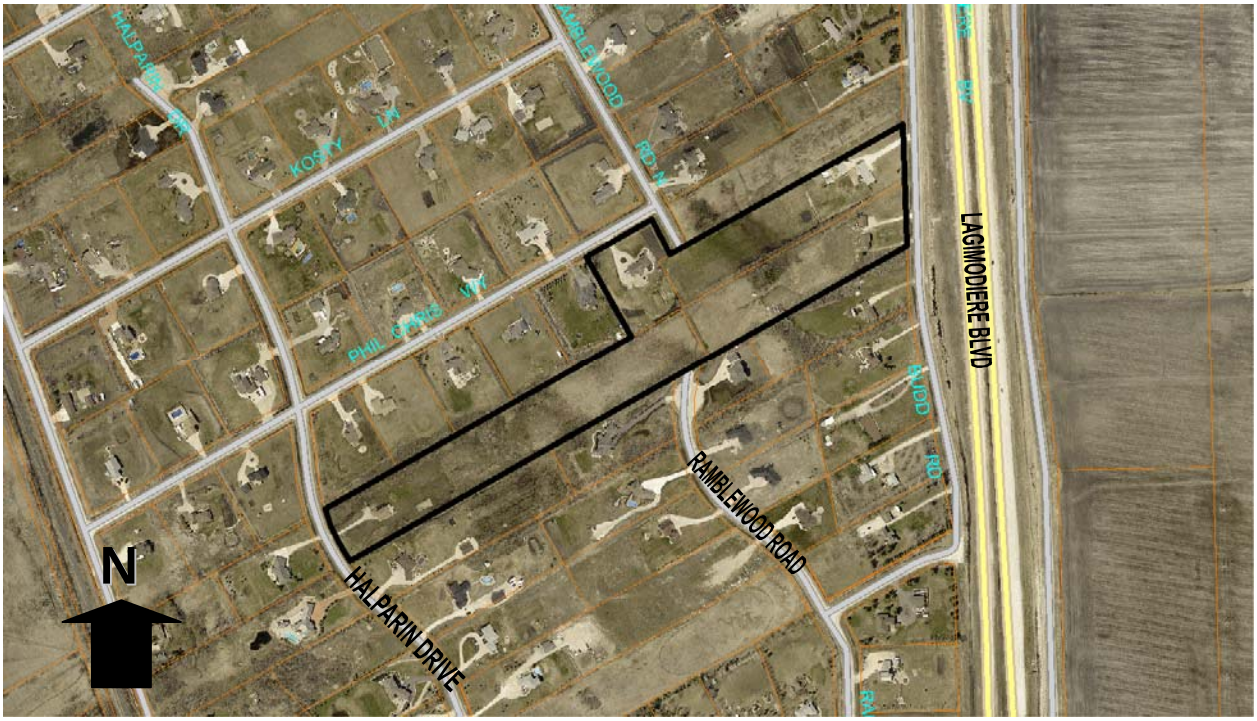


Figure 1: Aerial photograph showing the location of the subject site and surrounding area (2014)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Rural residential properties zoned "RR2" Rural Residential 2, Ramblewood Road, and Phil Chris Way

South: Rural residential properties zoned "RR2" Rural Residential 2, and Ramblewood Road.

East: Budd Road, then Lagimodiere Blvd., then agricultural properties zoned "A" Agricultural.

West: Halparin Drive, then rural residential properties zoned "RR2" Rural Residential 2.

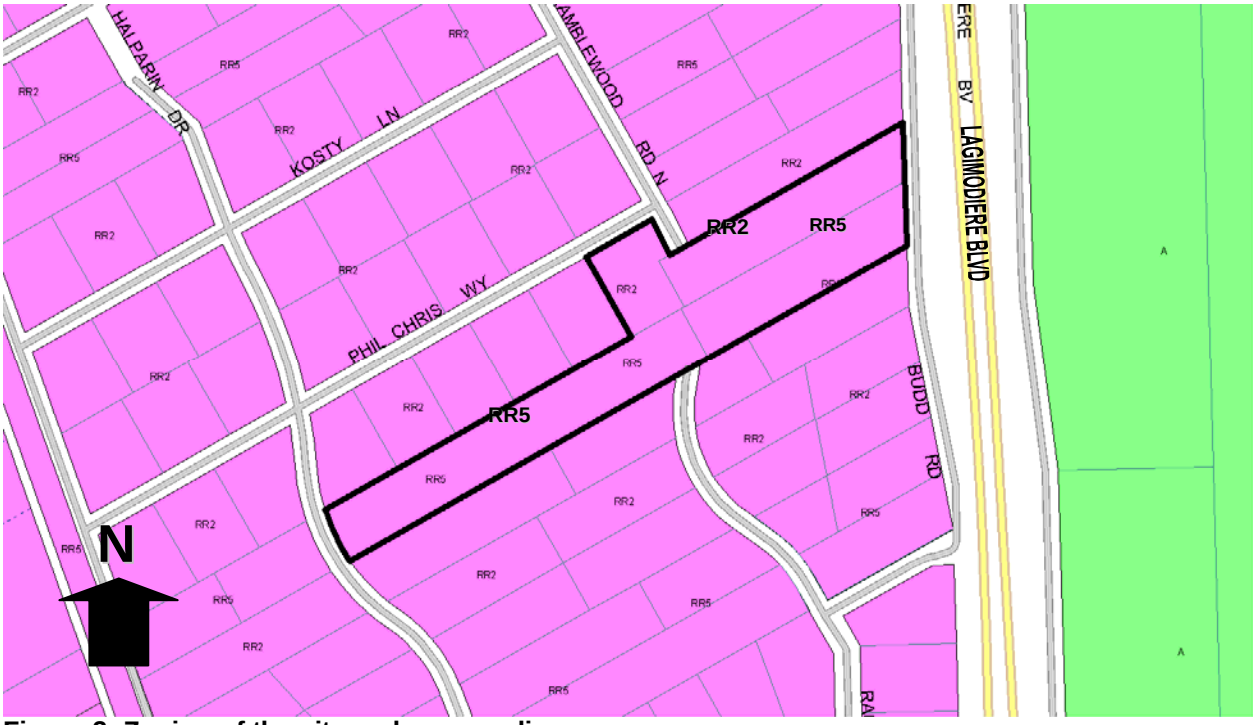


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to subdivide the site into 6 lots for rural residential purposes. The proposal includes the extension of Ramblewood Road resulting in the completion of Ramblewood. Nearly 1 acre of land is being taken out of Proposed Lots 1 and 4 of Block 2 to facilitate the Ramblewood Road extension.
- The proposed lot sizes are show in the following table.

Lot/Block	Lot Width	Lot Area
Lot 1 Block 1	207 feet	4.96 acres
Lot 2 Block 1	207 feet	2 acres
Lot 1 Block 2	207 feet	1.85 acres
Lot 2 Block 2	207 feet	2 acres
Lot 3 Block 2	193 feet	2 acres
Lot 4 Block 2	193 feet	1.85 acres

Table 1: Proposed Lots and Lots Size for DAS 26/2014

- It should be noted that as part of the proposal, approximately 7,000 square feet of land is being added to 172 Phil-Chris Way from 420 Budd Road. As such, the subject subdivision shows a total of 7 lots. However, a new lot is not being created at 172 Phil-

Chris Way; land is just being added to that lot which necessitates its inclusion as Lot 3 Block 1 in the subdivision application.

- The existing homes will remain at 80 Halparin Drive, 436 Budd Road, 420 Budd Road, and 172 Phil-Chris Way. These homes will be on Proposed Lot 1 Block 1; Lot 2 Block 2; Lot 3 Block 2; and Lot 3 Block 1 respectively.
- Variances are required for substandard lot sizes for four RR5 zoned lots and one RR2 zoned lot (see DAV 14-153838/D).

ANALYSIS AND ISSUES

ST. VITAL PERIMETER SOUTH SECONDARY PLAN

The subject site is located within the Medium Density Rural Residential Policy Area under the St. Vital Perimeter South Secondary Plan. Key development objectives in the Medium Density Policy Area include:

- To consider residential development in areas designated Medium Density Rural Residential in accordance with the Key Objectives of the Plan.
- To designate those lands situated between St. Mary's Road and the Red River north of Plan No. 10,104 to the Perimeter Highway and those lands generally between the PTH 59 and St. Anne's Road south of the Perimeter Highway to the Red River Floodway Medium Density Rural Residential as shown on the Land Use Policy Map.
- To establish a medium density rural residential area and to adopt a zoning by-law establishing a minimum site area of two acres and a minimum site width of 180 feet for a single-family dwelling site subject to approved variations.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The proposed subdivision application is substantially consistent with the objectives of the Medium Density Rural Residential Policy Area under the St. Vital Perimeter South Secondary Plan.
- Only two lots included in the subdivision application are not 2 acres in area (Proposed Lot 1 & 4 Block 2). However, 0.82 acres of land is being used between these two lots to facilitate the Ramblewood Road extension.
- The six lots created by the subdivision will be more consistent in size to the lots that presently exist in the area. In fact, the property at 172 Phil-Chris Way increases by approximately 7,000 square feet, making it over 2 acres in area instead of 1.91 acres.
- The proposal is favourable to the surrounding neighbourhood as it will result in the full connection of Ramblewood Road through the completion of the portion of the right-of-way where a gap currently exists.
- There is an associated variance application of which the Urban Planning Division is supportive. See associated variance file for rationale (DAV 14-153838/D).

REMOVAL OF CAVEAT 84-113796/1

- The Public Service is recommending that caveat 84-113796/1 be withdrawn as it affects Lot 1 Plan 18627. The primary reasons for this caveat were to ensure that development on the lot did not result in the location of a home that could block the future extension of Ramblewood Road, and to ensure that two lots could be created with frontage on Ramblewood Road and Budd Road. The proposed subdivision results in two lots being created with frontage on Ramblewood Road and Budd Road (Proposed Lots 3 &4 Block 2).

SERVICING AND ACCESS

- Servicing requirements must be developed in accordance with the attached Report of the ACG (see Schedule 'B').

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting 'cash-in-lieu' for this development.

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed subdivision application is substantially consistent with the objectives of the Medium Density Rural Residential Policy Area under the St. Vital Perimeter South Secondary Plan.
- Servicing requirements will be developed in a manner consistent with Report of the ACG.
- The creation of the lots will allow for the completion of a public right-of-way through the extension of Ramblewood Road.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Robert Kostiuk. MCIP
PPD File # DAS 26/2014

Schedule "A" for File No. DAS 26/2014, Riel Community Committee, dated November 21, 2014

By-Law No. _____

File No. **DAS 26/14**

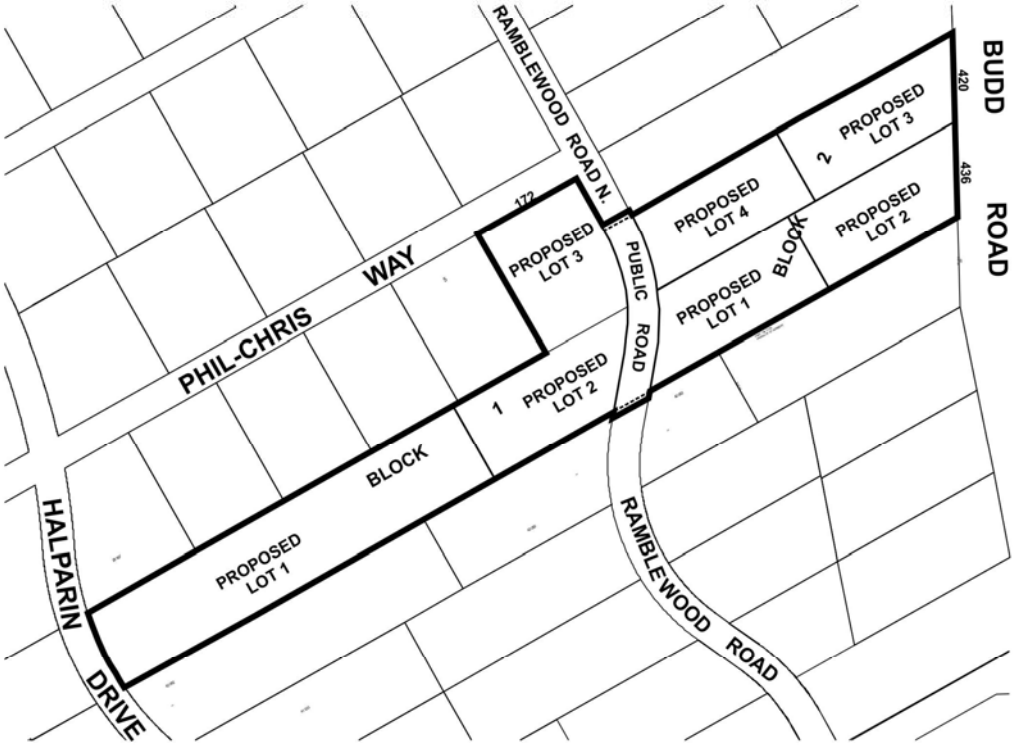
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COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below at 80 Halparin Drive, 420 & 436 Budd Road and 172 Phil-Chris Way to create seven (7) residential building lots to allow for future residential development which includes the extension of the Ramblewood Road North right-of-way.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – Nov. 20, 2014

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 80 HALPARIN DRIVE, 420 BUDD ROAD, AND 172 PHIL-CHRIS WAY – DAS 26/2014

It is recommended that the approval of DAS 26/2014, if granted, be subject to the applicant entering into a Development Agreement addressing the following items:

A. Plan Considerations

1. The Developer shall, at no expense to the City, transfer and legally open right-of-way required for the extension of Ramblewood Road, as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Ramblewood Road North for the length of the Planned Area abutting Ramblewood Road North.

3. The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Ramblewood Road for the length of the Planned Area abutting Ramblewood Road.

4. The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Halparin Drive for the length of the Planned Area abutting Halparin Drive.

B. Servicing

1. Water and Waste Charges

   The Developer shall, prior to the execution of the development agreement, pay the following charges, where they have not already been collected in prior applications:

   a) the Seine River Waterway Land Acquisition Charge ($145.00/acre).

   b) Prairie Grove Road North Area Drainage Study charge ($23.30/acre).

2. Lot Grading Plan

   The Developer shall, at no expense to the City provide a lot grading plan, prepared by a municipal engineer, and shall grant any easements as required by the design to the satisfaction of the Director of Water and Waste.

3. Share of Services

   The Developer shall pay their share of the cost of services previously installed in Ramblewood Road North, Budd Road, Phil-Chris Way, and Halparin Drive abutting the subject property, if applicable.

4. Pavement

   The Developer shall, at no expense to the City, construct asphaltic concrete roadways in the extension of Ramblewood Road within the proposed subdivision in accordance with current RR-2 standards as determined by and to the satisfaction of the Director of Public Works.

5. Caveat

   The Developer for itself, its successors and assigns shall be required to covenant with the City to cut and maintain all areas within the landscaped street right-of-way adjacent to each lot between the travelled road surface and the property line to the satisfaction of the Director of Public Works.

6. Ornamental Street Lighting

   The Developer shall, at no expense to the City, cause ornamental street lighting to be installed on the extension of Ramblewood Road within the proposed subdivision.

7. Temporary Dead-End Street

   a) The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of each temporarily dead-ended street within the Planned Area, and provide to the City any rights-of-way or easements necessary to accommodate same, all as determined by and to the satisfaction of the Director of Public Works.

   b) The Developer shall, at no expense to the City, erect and maintain barricades and signage, across the full width of any streets which are temporarily dead-ended due to phasing of development, immediately upon completion of the paving or when house construction has begun, whichever is sooner, as determined by and to the satisfaction of the Director of Public Works.

8. Two Means of Vehicle Access

   The Developer shall, at no expense to the City, ensure that two means of paved vehicular access are available at all times to each stage of development of the Planned Area, to the satisfaction of the Director of Public Works. This may require the construction of temporary paved roadways by the Developer and the provision of easements or rights-of-way by the Developer to the City.

9. Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

10. Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

11. Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

C. COSTS AND FEES

1. By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $1200.00/acre of the planned area to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 26/2014
Nov. 20, 2014

*"Original signed by G. Jasper"*__
G.V. Jasper P. Eng.
Land Development Branch

*"Original signed by F. Mazur"*___
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Water & Waste Department

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C.J. Desjardine P. Eng.
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