Agenda - Executive Policy Committee - December 8, 2004

Report - Standing Policy Committee on Property and Development - November 30, 2004

Item No. 4 Subdivision and Rezoning - between 509 and 547 Templeton Avenue File DASZ 29/2004

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 29/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2004 dated October 26, 2004, 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 September 20, 2004, with the following amendment:

        i. That the radius of the residential cul-de-sac to be constructed at the east end of the proposed street to accommodate development of the adjacent property to the east be reduced from 17.5 metres (57.4 ft.) to 15 metres (49.2 ft.).

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 29/2004 dated October 26, 2004, to a "R1-3.5" Residential District.

4. That the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property be declared surplus to Parks and Open Space needs and requirements in accordance with Section 205(2) of The City of Winnipeg Charter, subject to Council approval of DASZ 29/2004.

5. That the applicant shall purchase the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property and said land shall be included in the subject rezoning and plan of subdivision.

Report - Standing Policy Committee on Property and Development - November 30, 2004

6. That the applicant shall apply to close and purchase the approximately eighteen (18) metre by eleven (11) metre strip of City-owned right-of-way on Templeton Avenue and said land shall be included in the subject rezoning and plan of subdivision.

7. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

8. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

9. 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.

10. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

11. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

12. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty -four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

With respect to Recommendation 4 and pursuant to Section 205(2) of The City of Winnipeg Charter, land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.

Agenda - Executive Policy Committee - December 8, 2004

Report - Standing Policy Committee on Property and Development - November 30, 2004

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, as amended, namely:

- That Recommendation 4 be re-numbered Recommendation 5 and Recommendation 5 be re-numbered Recommendation 4,

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the Administrative Coordinating Group report be amended by amending the plan of subdivision as follows:

  That the radius of the residential cul-de-sac to be constructed at the east end of the proposed street to accommodate development of the adjacent property to the east be reduced from 17.5 metres (57.4 ft.) to 15 metres (49.2 ft.),

and submitted the matter to the Standing Policy Committee on Property and Development.

On October 5, 2004, the Lord Selkirk-West Kildonan Community Committee adjourned the public hearing with respect to the application to its meeting scheduled for November 2, 2004, at 6:00 p.m., in the Council Building, 510 Main Street, and requested that, in the interim, the Administration meet with the applicant, Doug Henne Planning Services, and the adjacent neighbours, Chris and Barbara Grant, with a view to facilitating a plan of subdivision that would resolve property ownership issues.

RE: **Subdivision and Rezoning - between 509 and 547 Templeton Avenue File DASZ 29/2004**

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **November 8, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 2, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 29/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 29/2004, dated October 26, 2004, 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 September 20, 2004 ***with the following amendment:***

        i. That the radius of the residential cul-de-sac to be constructed at the east end of the proposed street to accommodate development of the adjacent property to the east be reduced from 17.5 metres (57.4 ft.) to 15 metres (49.2 ft.).

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 29/2004, dated October 26, 2004 to a "R1-3.5" Residential District.

4. That the applicant shall purchase the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property, and said land shall be included in the subject rezoning and plan of subdivision.

5. That the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property be declared surplus to

Parks and Open Space needs and requirements, in accordance with Section 205(2) of The City of Winnipeg Charter, subject to Council approval of DASZ 29/2004.

6. That the applicant shall apply to close and purchase the approximately eighteen (18) meter by eleven (11) metre strip of City-owned right-of-way on Templeton Avenue, and said land shall be included in the subject rezoning and plan of subdivision.

7. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

8. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

9. 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.

10. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

13. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

13. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty -four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee

The Lord Selkirk-West Kildonan Community Committee provided the following supporting reasons for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the revised report from the Manager of Planning and Land Use dated October 26, 2004 and in the report from the Administrative Coordinating Group dated September 20, 2004.

2. The proposed development is compatible with the neighbourhood.

PUBLIC HEARING SUMMARY

File: DASZ 29/2004

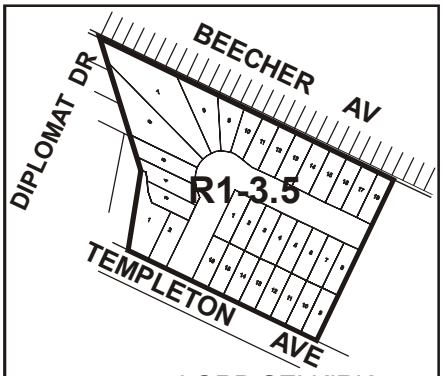
Before: Lord Selkirk-West Kildonan Community Committee
Councillor Lazarenko, Chairperson
Councillor O'Shaughnessy

Public Hearing: November 2, 2004
Council Chamber
Council Building, 510 Main Street

Adjourned from: October 5, 2004

Applicant: Doug Henne Planning Services (Doug Henne)

Subject:



LORD SELKIRK
WEST KILDONAN
COMMUNITY

APPLICANT : DOUG HENNE
PLANNING SERVICES

FILE : DASZ 29/04

PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "R1-20" SINGLE-FAMILY DISTRICT to a "R1-3.5" SINGLE-FAMILY DISTRICT. **For information, phone Mr. D. Marsh, Planner at 986-5549.**

Premises Affected: between 509 and 547 Templeton Avenue

Exhibits Filed:

1. Application dated July 27, 2004
2. Notification of Public Hearing dated September 10, 2004
3. Certificate of Title E6449 dated November 7, 1975
4a. Letter of authorization dated June 30, 2004 from Lincoln Properties Limited to North Grassie Properties Inc.
b. Letter of authorization dated July 16, 2004 from North Grassie Properties Inc. to Doug Henne Planning Services
5. Proposed Plan of Subdivision
6. Report from the Manager of Planning and Land Use dated September 28, 2004
7. Report from the Administrative Coordinating Group dated September 20, 2004
8. Inspection Report
9. Submission from Norm Boyle dated October 5, 2004 with respect to the Administrating Coordinating Group report dated September 20, 2004
10. Revised notification of Public Hearing dated October 8, 2004
11. Revised report from the Manager of Planning and Land Use dated October 26, 2004

REPRESENTATIONS:

In Support:

Norm Boyle
Doug Henne, Doug Henne Planning Services
Chris Grant

In Opposition:

Nil

For Information:

Barbara Grant
John Kuchak
Helen Kuchak
Walter Kuchak
Mary Lepki
Michael Lepki

For the City:

Mr. C. Torpey, Land Development Engineer, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

October 5, 2004

Norm Boyle, on behalf of the applicant, appeared in support of the application. Mr. Boyle indicated concurrence in the report of the Manager of Planning and Land Use, but stated the following concerns with respect to the report of the Administrative Coordinating Group, as contained in the submission filed and marked as Exhibit 9, namely:

a) the applicant agrees to amend its plan to allow for the implementation of a cul de sac at the east end of the subject property, but requests that the bulb of the cul de sac be reduced to a 15 metre radius to enable the developer to have enough depth to have buildable lots with a depth of approximately ninety (90) feet. In this connection, Mr. Boyle stated there is a precedent for this in the City and that the Administration is aware of this precedent.

b) With respect to clause 9.c), Mr. Boyle stated the applicant does not feel that the construction traffic to be generated during the installation of services and construction of houses will be of any significance on the haul roads and therefore feel they should not be held responsible for the regular grading and upkeep that such roads already require. In this connection, Mr. Boyle requested that clause 9.c) be amended to include the word "concrete" prior to the words "haul roads", and read as follows; "The Developer shall be responsible for the maintenance of the designated concrete haul roads…".

Mr. Boyle also requested that setback requirements be varied on some of the lots in the proposed plan of subdivision, but was informed by the Planner that this request would necessitate the filing of a separate variance application.

Chris and Barbara Grant, appearing in opposition to the application, advised Committee that when they moved to their residence on Templeton Avenue five years ago, they expressed interest in a portion of City-owned land approximately 50 feet by 150 feet adjacent to their property, but was informed by the City of Winnipeg that the subject land was set aside for the future extension of McGregor Street. Some time later, Mr. Grant stated he contacted the City's Real Estate Division to inquire about the possibility of purchasing or exchanging a portion of the subject City property in order to add a little extra space beside his house, to which he was advised the City was not interested in any sale or exchange of land at that time. Then on August 24, 2004, Mr. Grant stated he received a letter from the City of Winnipeg advising that if he wished to

pursue the purchase of a strip of land adjacent to his property, that he should contact the applicant, Doug Henne Planning Services, who had submitted to the City a proposal to purchase the subject City-owned property. Mr. Grant expressed concern that over the years, they followed the proper procedures and were the first ones to express an interest in the City-owned land, but felt that his attempts to purchase a portion of the City-owned land had been neglected and that he deserved a fair chance to purchase same before it got included in the proposed plan of subdivision.

Mr. and Mrs. Kuchak, appearing for informational purposes, questioned the location of the proposed cul de sac, and expressed concern regarding the location of the bulb of the cul de sac in relationship to their house. Subsequent thereto, Mr. Boyle showed Mr. and Mrs. Kuchak the proposed location of same.

In rebuttal, Mr. Boyle stated the applicant would be willing to consider negotiating a land exchange with Mr. and Mrs. Grant and having the application adjourned to the next meeting of the Lord Selkirk-West Kildonan Community Committee on November 2, 2004 to allow property ownership issues to be addressed.

November 2, 2004

Norm Boyle, on behalf of the applicant, accompanied by Doug Henne, Doug Henne Planning Services, appeared in support of the application. Mr. Boyle stated that since the adjourned public hearing on October 5, 2004, he met with Chris and Barbara Grant and that a mutually agreeable land exchange had been reached, resulting in the revised subdivision plan submitted with this application. Mr. Boyle also stated the applicant would be applying to close and purchase the City-owned right-of-way on Templeton Avenue approximately 18 metres by 11 metres. Mr. Boyle reiterated the concern relative to the size of the proposed cul-de-sac and requested that its diameter be reduced from 17.5 metres (57.4 ft.) to 15 metres (49.2 ft.).

John Kuchak, appearing for informational purposes, stated that although he resides in St. Adolphe, he is one of the owners of property adjacent to the proposed subdivision (509 Templeton Avenue). He expressed concern that approval of the proposed subdivision and cul-de-sac and the future extension of McGregor Street could hinder his ability to subdivide his property at a later date. In response thereto, the Planner stated the proposed street layout will permit additional development to the east of the site in an orderly and planned manner. Mr. Kuchak also questioned whether the proposed cul-de-sac would be concrete or asphalt.

In rebuttal, Mr. Henne confirmed that the proposed cul-de-sac would be concrete and that it would abut the west limit of the rear of Mr. Kuchak's property.

Exhibit "11" referred to in File DASZ 29/2004

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DASZ 29/04
Our c/f CP 300 (.324)

October 26th, 2004

Ms. Diane Timmins, Community Clerk
Lord Selkirk – West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

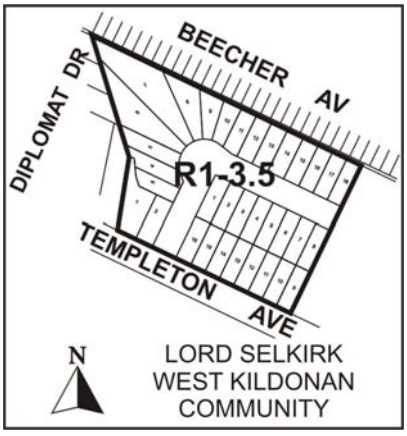
Dear Ms. Timmins:

REVISED REPORT

SUBDIVISION AND REZONING
West of McGregor , North of Templeton, between 509 & 547 Templeton
Lord Selkirk – West Kildonan Community Committee
File No. DASZ 29/04

An application has been received from Doug Henne Planning Services for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "R1-20" Residential District to a "R1-3.5" Residential District. This item was adjourned by the Lord Selkirk – West Kildonan Community Committee at its October 5th, 2004 meeting to permit inclusion of an adjacent property into the proposal.

RELATED FILES: N/A



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The majority of the property in question is currently vacant, and is zoned "R1-20" Residential and 'PR1' Parks and Recreation. A small portion of the site in the southwest corner is occupied by a single family dwelling, and is currently zoned 'RM-3' Multiple Family Residential. The subject site as revised is approximately 198,700 square feet (4.56 acres) in size.

Surrounding Land Use and Zoning:

North: Detached residential buildings and vacant land (R1-20)
South: Templeton Ave, then detached residential buildings (RM-1 & R1-6) and vacant land (A & PR1)
East: Detached residential buildings and vacant land (R1-20 & R1-5)
West: Detached residential buildings (RM-3)

DEVELOPMENT DESCRIPTION:

The applicant, Doug Henne Planning Services, proposes to rezone the property to "R1-3.5" Residential, and subdivide the property to facilitate residential development. As part of the development proposal, the developer has applied to purchase a narrow parcel of land owned by the City of Winnipeg on the west boundary of the site, and incorporate the land into the proposed development.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, and residential development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning and subdivision application. The proposed street layout will permit additional development to the east of the site in an orderly and planned manner. The ACG report dated September 20th, 2004, requests that the proposed street layout end in a cul-de-sac, thus permitting the parcel of land to the east to be accessed, while limiting access to the future McGregor Street extension. The proposed rezoning, size of lots, and lot layout are substantially similar to developments to the northwest, west, and southwest of the site. In addition, the narrow parcel of land incorporated into the project and owned by the City of Winnipeg must be declared surplus land by City Council in a two-thirds majority vote.

At its October 5th, 2004 hearing, the Lord Selkirk – West Kildonan Community Committee adjourned this item to permit the inclusion of an adjacent property into the development

proposal. The applicant has presented a revised rezoning and subdivision plan incorporating the adjacent land, and the Planning & Land Use Division has no objections. The applicant will be responsible for applying to close and purchase the approximately the approximately eighteen (18) meter by eleven (11) metre strip of City-owned right-of-way on Templeton Avenue, and including the land in the subject rezoning and plan of subdivision.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 29/04 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 29/04, attached hereto and dated October 26th, 2004, 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 September 20th, 2004.

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

III. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 29/04, attached hereto and dated October 26th, 2004 to a "R1-3.5" Residential District.

IV. That the applicant shall purchase the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property, and said land shall be included in the subject rezoning and plan of subdivision.

V. That the fourteen point six one eight (14.618) metre strip of City-owned land immediately adjacent to the western portion of the subject property be declared surplus to Parks and Open Space needs and requirements, in accordance with Section 205(2) of The City of Winnipeg Charter, subject to Council approval of DASZ 29/04.

VI. That the applicant shall apply to close and purchase the approximately eighteen (18) meter by eleven (11) metre strip of City-owned right-of-way on Templeton Avenue, and said land shall be included in the subject rezoning and plan of subdivision.

VII. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

VIII. That the City Solicitor / Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

IX. 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.

X. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

XI. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: David Marsh AICP, Planner
986-5549

By-Law No. _____

File No. **DASZ 29/04**

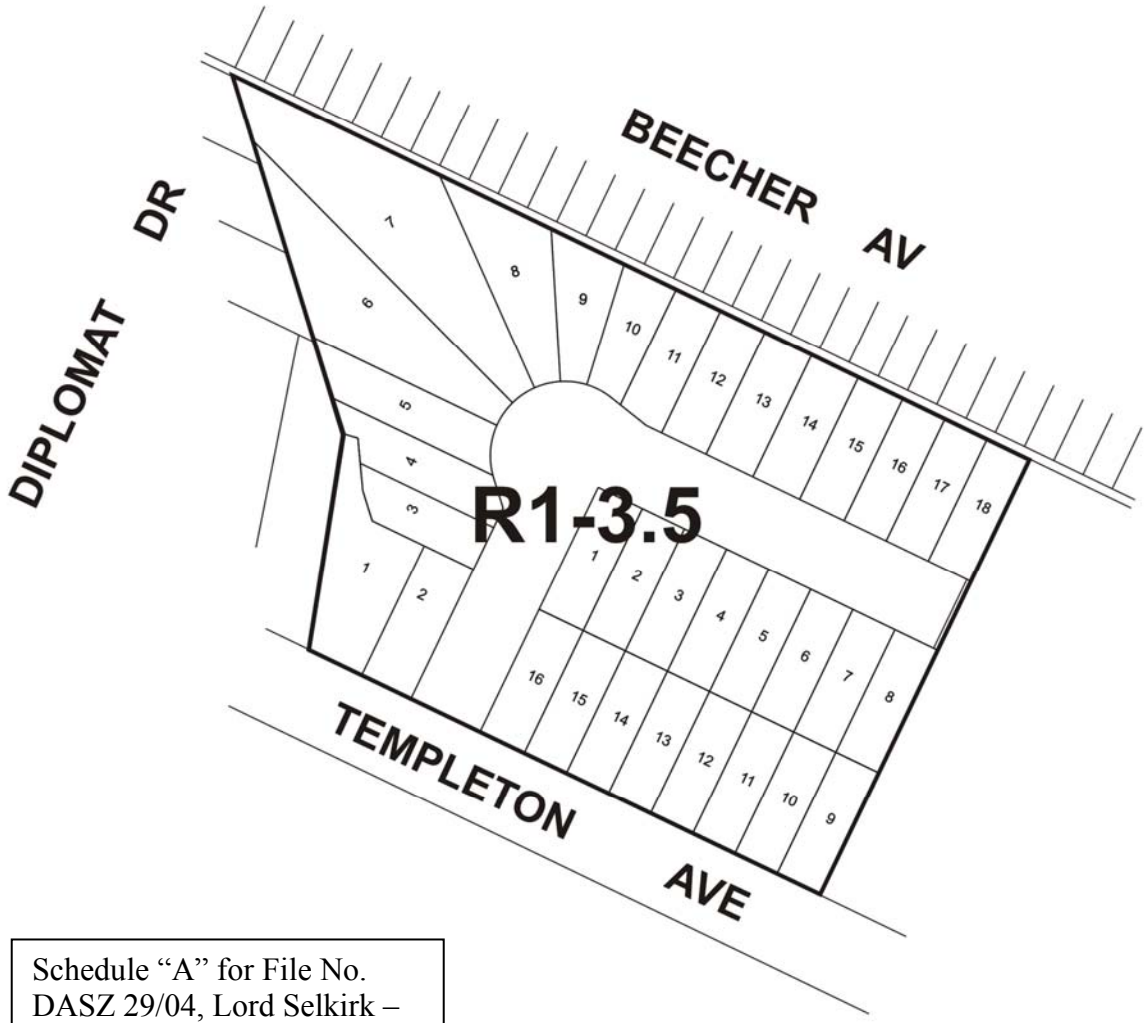
Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north side of Templeton Avenue, west of Diplomat Drive from an "R1-20" SINGLE-FAMILY DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 29/04, Lord Selkirk – West Kildonan Community, dated October 26/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
David Marsh AICP, Planner III
986-5549

By-Law No. _____

File No. **DASZ 29/04**

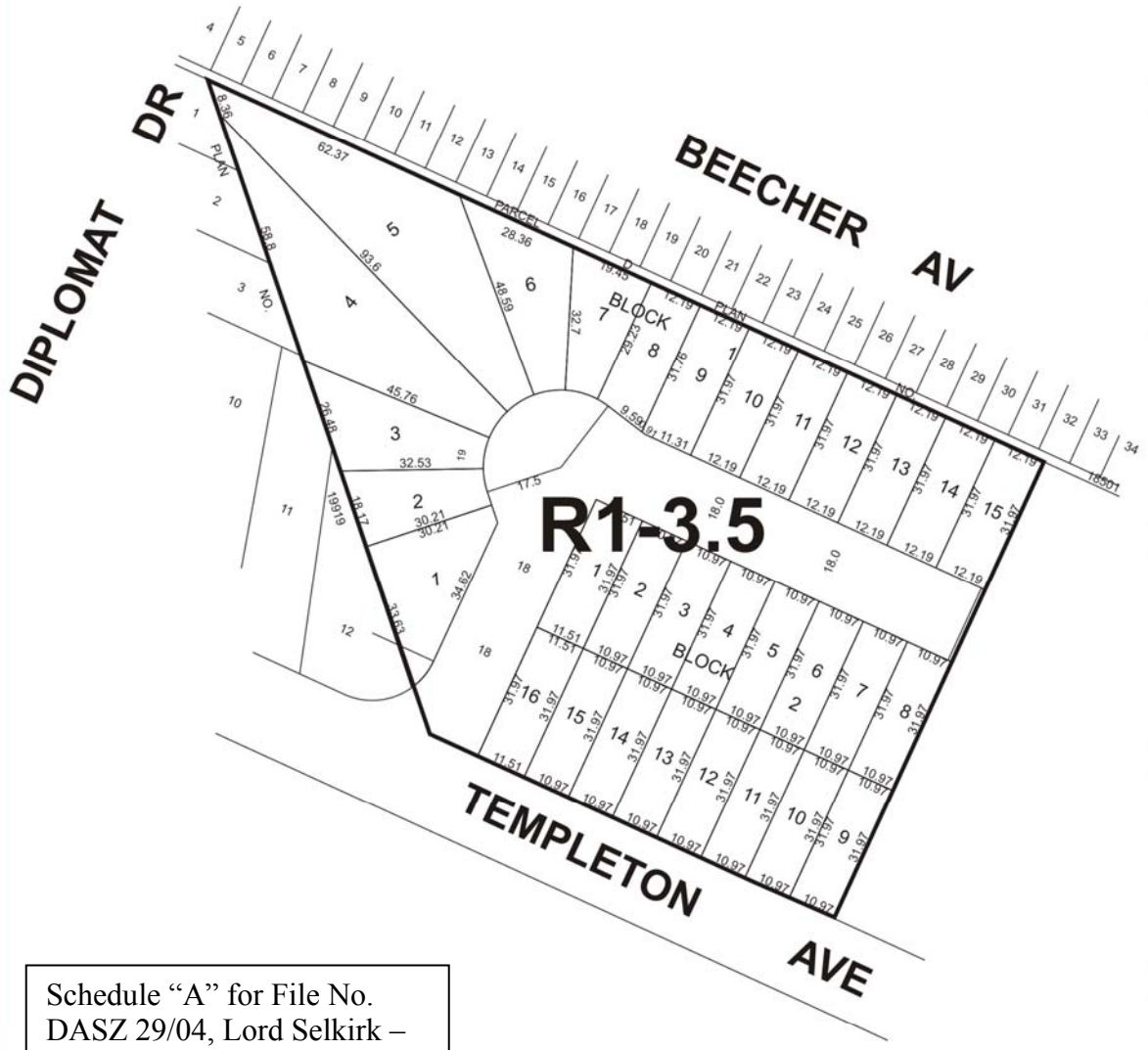
Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the north side of Templeton Avenue, west of Diplomat Drive from an "R1-20" SINGLE-FAMILY DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for File No. DASZ 29/04, Lord Selkirk – West Kildonan Community, dated September 28/04

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "7" referred to in File DASZ 29/2004

Re: Proposed subdivision and rezoning of land located on the north side of Templeton Avenue east of Diplomat Drive – DASZ 29/04

An application has been submitted by Doug Henne Planning Services to subdivide and rezone land located on the north side of Templeton Avenue east of Diplomat Drive. It is recommended that the Applicant amend the plan to allow for the implementation of a standard residential cul-de-sac at the east end of the proposed street to accommodate development of the adjacent property to the east to the satisfaction of the Director of Public Works.

It is recommended that approval of the amended plan be subject to the Developer entering into a Development Agreement as follows:

1. The Developer shall, at no expense to the City, install wastewater sewers and watermains to serve the proposed subdivision to the satisfaction of the Director of Water and Waste.

2. a) The Developer shall, at no expense to the City, install land drainage sewers complete with catchbasins and swales required to accommodate the proposed subdivision to the satisfaction of the Director of Water and Waste. The Developer shall construct all swales, including sodding, catchbasins and leads required to provide rear lot drainage prior to the issuance of Building Permits.

   b) The Developer shall, at no expense to the City, provide easements with respect to the maintenance of lot drainage and underground services upon registration of approved subdivision mylars in the Land Titles Office.

3. The Developer may, after registration of the plan of subdivision, file a petition in accordance with The City of Winnipeg Charter Act for the construction of land drainage facilities to serve the benefiting land.

   The City agrees to levy the benefiting properties at the City's uniform frontage rate, which includes the City's rate of interest plus 1% per annum handling, in equal annual instalments over a period of 20 years. It is understood and agreed that such levies as are collected annually minus handling charges shall be paid by the City to the Developer on December 1st of each year until fully paid, such levies to commence within one year from the date of completion of the land drainage facilities. It is also understood and agreed that the full cost of construction shall in the first instance be paid by the Developer. The City reserves the right to commute and pay to the Developer the amount of the levies outstanding against any land within the development.

4. a) The Developer shall, at no expense to the City, install water and wastewater lot line connections to serve each lot within the proposed subdivision. The Developer shall warranty the lot line connections for one year after the water has been turned on for domestic purposes.

b) The Developer shall be required to undertake that sewer and water connections to houses will not be extended within the lots until such time as each house foundation is backfilled and its roof has been sheathed.

5. The Developer shall, at no expense to the City, construct a reinforced portland cement concrete pavement to a minimum width of 7.5m and to a thickness of 150mm in the street within the proposed subdivision including the connection to Templeton Avenue to the satisfaction of the Director of Public Works.

6. a) The Developer shall, at no expense to the City, install boulevard sod and trees within the street within the proposed subdivision in accordance with construction specifications and plans approved, prior to installation, by the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Public Works.

7. a) The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and shall pay the full cost of removing or relocating any existing equipment to accommodate the proposed subdivision.

b) The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works which are required by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in street within the proposed subdivision.

9. The designated access route to the site shall be Murray Avenue to Ferrier Street to Templeton Avenue to the subject site.

a) The Developer shall endeavour to ensure that all construction vehicles use the haul and access route during the installation of services and the house construction.

b) The Developer shall exercise all of its powers in restricting all other construction traffic, including basement excavators, housebuilders, landscapers and any other vehicles related to the development of the proposed subdivision to the above specified haul and access roads.

c) The Developer shall be responsible for maintenance of the designated haul roads during the installation of services and construction of houses until the development is substantially complete. Substantial completion shall be

determined by the Director of Public Works and will require that 100% of the services be installed and that 80% of the houses have been constructed.

Maintenance of the haul roads shall include, but not be limited to, scraping and sweeping of concrete pavements. Where two or more developers are using the same haul roads and are both responsible for maintenance, an equitable sharing of the responsibility shall be determined by the Director of Public Works.

The Developer shall be responsible for the removal of dropped or tracked mud and dust control on the on-site roadways as paving is completed until substantial completion of the development. This shall include sweeping on a regular basis as determined by the Director of Public Works.

If construction traffic from the development is found to be using roads other than designated haul roads, the Developer shall be responsible for any remedial work required to restore those roads as above. Where the roads involved are paved roads, sweeping shall be included in the dust control measures for which the Developer is responsible.

10. The Developer shall pay the full cost of installing standard reflectorized permanent street name signs at the new street intersection.

11. The Developer shall prevent or initiate the cleanup of litter from the proposed subdivision and surrounding properties which has been generated by the installation of services and the housebuilders' activities until the project has been substantially completed. The Developer shall be responsible to provide and ensure emptying of covered refuse bins for the use of all contractors and sub-trades during the installation of services and the house construction.

12. The Developer shall pay an administration fee based on an area rate as approved from time to time by the City. The 2004 rate therefor is $1,200.00 per acre.

13. The Developer shall pay the full cost of engineering services provided by or on behalf of the City with respect to the installation of all services required to serve the proposed subdivision.

14. The Developer shall pay cash in lieu of dedication of land including landscaping and services in accordance with City policy.

15. The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the north side of Templeton Avenue from its existing terminus immediately west of the Planned Area to the east limit of the Planned Area as determined by and to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 29/04
September 20, 2004

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"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division