

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: MAY 13, 2019

FROM: Development Engineering Department

DATE: April 17, 2019

SUBJECT: **Partial Assumption of Biddington Subdivision 20M-1138 - By-law 2019-017**

LOCATION: North of River Oaks Blvd, West of Trafalgar Road

WARD: 5

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RECOMMENDATION:

1. That the partial assumption of Registered Plan 20M-1138 be approved.
2. That By-law 2019-017, a by-law to partially assume completed public works and streets within Plan 20M-1138 be passed.
3. That staff bring forward the required final assumption by-law for the street trees within this subdivision once the street tree warranty expires.

KEY FACTS:

The following are key points for consideration with respect to this report:

- All public works being recommended for acceptance through this assumption have been inspected and deemed acceptable, however the provisions for the street tree warranty need to continue until October 2019.
- Staff support a partial assumption recommendation that preserves the warranty condition for the street trees and retains a financial security representing the value of the planted street trees.

BACKGROUND:

As a requirement of the subdivision agreement, when all of the obligations of the Owner have been fulfilled, a request may be made to the Town for assumption of the works and streets within the plan of subdivision.

Plan 20M-1138 consists of 39 single detached lots, one park block, two open space blocks and one block for stacked townhouses with underground parking (Block 55).

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The plan was registered on August 12, 2013. Appendix A identifies the location of the plan to be assumed. Appendix B shows the legal plan.

As set out in the subdivision agreement, when the obligations of the Owner have been fulfilled, the Owner may request the Town to assume the public elements within the plan of subdivision. The Owner has requested assumption which has prompted this report to Council.

COMMENT/OPTIONS:

The request for final assumption was circulated to the standard commenting departments and external agencies.

The obligations within the subdivision agreement have been satisfied however the warranty period for the street trees has not yet expired. The Owner has requested a partial assumption of the subdivision acknowledging that the street trees warranty has yet to expire. The required two (2) year street tree warranty continues until the end of October 2019. At the end of the warranty period and upon successful completion of any required replacement works, staff will bring forward the required final assumption bylaw to Council. It is not staffs intention to provide an accompanying staff report with this final assumption by-law unless deemed necessary. The retained financial securities related to the street tree planting will be returned to the Owner once Council approves the final assumption by-law.

Staff are recommending the partial assumption of the subdivision respecting that the street tree warranty needs to continue under the provisions of the subdivision agreement until the warranty period expires.

CONSIDERATIONS:

(A) PUBLIC

Not applicable

(B) FINANCIAL

In accordance with the terms and conditions of the subdivision agreement the balance of subdivision securities can be released upon assumption of the public infrastructure, save and except street tree securities.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

All affected Departments (Engineering and Construction, Parks and Open Space, Legal Services, Finance and Development Engineering) have been circulated

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(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be accountable in everything we do

(E) COMMUNITY SUSTAINABILITY

The final assumption ensures that the development has been constructed in accordance with the sustainability objectives of the draft approval.

APPENDICES:

Appendix A – Location Plan

Appendix B – Legal Plan

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