

REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: AUGUST 04, 2020

FROM: Development Engineering Department

DATE: July 22, 2020

SUBJECT: Assumption of Green Ginger Phase 1 Stage 1 Subdivision 20M-1163 - By-law 2020-035

LOCATION: North of Dundas Street, West of Trafalgar Road

WARD: 7

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RECOMMENDATION:

1. That the assumption of Registered Plan 20M-1163 be approved.
2. That By-law 2020-035 a by-law to assume completed public works within Plan 20M-1163 be passed, save and except the storm water management ponds (Blocks 37 & 38) and Natural Heritage System (NHS Block 39).
3. That staff bring forward the required assumption by-law, without the need for a staff report, for the storm water management pond and Natural Heritage block within this subdivision, once the remaining obligations on these land parcels are fulfilled.

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, save and except the storm water management pond and Natural Heritage System lands.

BACKGROUND:

As a requirement of the subdivision agreement, when the obligations of the Owner have been fulfilled, a request may be made to the Town for assumption (or partial assumption if appropriate) of the public elements (parks, streets, sewers) within the plan of subdivision.

Plan 20M-1163 consists of, 33 townhouse blocks, 2 'Dundas Urban Core' blocks, a Village Square one Open Space block (Natural Heritage System) and two Stormwater Management pond blocks (Blocks 37 & 38).

The plan was registered on January 3, 2014. 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 developer may request the Town to assume the public elements within the plan of subdivision. The developer has requested a partial assumption which has prompted this report to Council. A partial assumption, should it be approved, would allow for the release of financial securities related to those obligations that have been fulfilled which retaining the legal instruments (the agreement) and financial securities for those obligations that remain outstanding.

COMMENT/OPTIONS:

The request for assumption was circulated to the standard commenting Departments and external agencies and there were no concerns expressed and all clearances have been received save and except the obligations pertaining to the two (2) storm water management ponds and the defined NHS lands. The storm water management pond remains subject to its 2-year monitoring phase, and will be eligible for assumption only after successful completion of this monitoring period. The public trail system within the NHS land block remains incomplete. The NHS lands and the trail system will be assumed upon successful completion of these works. Sufficient financial securities will be retained to ensure these obligations are completed and staff will be bring forward an assumption bylaw for these elements (without a staff report) once these works are completed, following which the associated financial securities will be released.

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 the storm water management pond and NHS 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

Appendix C – By-law 2020-035

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