Engineering Department

TO: Community Development Committee

SUBJECT: Assumption of The Bluffs of Burlington Subdivision, Registered Plan 20M-883

Report Number: E-10-12 File Number(s): 510-01/92

Report Date: September 25, 2012 Ward(s) Affected: 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☒ All ☐

Date to Committee: October 22, 2012 Date to Council: November 5, 2012

Recommendation: Assume The Bluffs of Burlingrton Subdivision, registered as Plan 20M-883 (Appendix A), File 510-02/93; and

Accept all works and services under the jurisdiction of the city within the subdivision to become the property of the City of Burlington; and

Notify the Region of Halton of this assumption; and

Release Subdivison Agreement Instrument Number HR 229884 except for the following under Condition 36:

- Condition 36 (a) to (e) (vi) inclusive, (i), (j) and (k), affecting all lots; and
- Condition 36 (f) (i), affecting lots 1, 2, 4 to 8 inclusive, 20 and 21; and
- Condition 36 (f) (ii), affecting lot 3; and
- Condition 36 (f) (iii), affecting lots 15 to 19 inclusive; and
- Condition 36 (f) paragraph 6, affecting lots 5 to 10 inclusive, 19 and 20; and
- Condition 36 (g) to (k) inclusive; and
- Condition 36 (l), affecting lots 15 to 21 inclusive; and

Authorize the City Solicitor to prepare any necessary documents and authorize the Mayor and City Clerk to sign them; and

Direct the City Clerk to present the necessary by-law to Council to

accept all works and services of the said plan of subdivision and assume the following streets as public highways:

STREET	PARCEL	PIN NUMBER
Bluffs Way	20M-883	07198-0196
Escarpment Drive	20M-883	07198-0195
Escarpment Drive	20M-883	
	Block 24	07198-0190
Guelph Line	20M-883	
	Block 27	07198-0193

Authorize the City Solicitor or her designate, to amend the parcel designation in the by-law, if necessary, upon registration of the by-law.

Purpose: The purpose of this report is to recommend that The Bluffs of Burlington be assumed.

Reference to Strategic Plan:

☐ Vibrant Neighbourhoods ☐ Prosperity
☐ Excellence in Government ☒ N/A

Background:

This subdivision was registered as Plan 20M-883 on September 23, 2003. All work in this subdivision has been completed for approximately two years.

This subdivision includes the following infrastructure that will be the future maintenance and reconstruction responsibility of the city:

- 4.3 lane kilometres of road;
- 4,320 metres of ditch;
- 137 boulevard trees; and
- 47 street lights.

Discussion:

All works in The Bluffs of Burlington Subdivision that were required under the subdivision agreement have been completed. The underground and above ground services have been accepted. The roads were assumed at an earlier date for the purposes of enforcement of the Highway Traffic Act and local traffic by-laws. It therefore remains for council to accept the works and services in the subdivision and relieve the developer of his obligations under the subdivision agreement.

Subdivision Agreement Instrument Number HR229884 can be released except for the conditions noted below requiring the owners to include warning clauses in all offers of purchase and sale as follows:

Condition 36 (a), affecting all lots, advising that door to door delivery of mail by Canada Post will not be available.

Condition 36 (b), affecting all lots, advising that school busses will not enter cul-de-sacs or internal streets and pick up points will generally be located on through streets.

Condition 36 (c), (d), (e) (i), (ii), (iii), (iv), (v) and (vi), affecting all lots, advising of water restrictions within this subdivision.

Condition 36 (f), (i), (ii) and (iii) affecting various lots, advising prospective purchasers of the maximum floor areas for dwellings within this subdivision.

Condition 36, paragraph 6, affecting lots 5 to 10 inclusive, 19 and 20, advising that no tree cutting is allowed on these lots (except for good arbour cultural practices) and that if any work is required within the woodlot areas, the city must first be consulted.

Condition 36 (g), affecting all lots, advising that due to the low density and land distance of the subdivision from the existing urban area south of Highway 5, no public transit service will be provided.

Conditions 36 (h), (i) and (j), affecting all lots, advising that the Nelson Aggregate Company is presently licensed to operate an aggregate extraction industry in proximity to this subdivision and the inconvenience associated with the operation.

Condition 36 (k), affecting all lots, advising that the Regional Health Department prohibits the installation of inground lawn irrigation systems in tile bed and reserve tile bed areas.

Condition 36 (l), affecting lots 15 to 21 inclusive, advising that despite the inclusion of noise control features in this development and within the building units, sound levels from increasing road traffic may continue to be of concern occasionally interfering with some activities of the dwelling occupants. These dwelling units have been fitted with a forced air heating system and that the ducting, etc. was sized to accommodate the installation of central air conditioning by the occupant.

Strategy/Process

N/A

Options Considered

N/A

Financial Matters:

There are a number of builders in this subdivision. It is our understanding that a condition of their agreements of purchase and sale was that these builders would collect deposits from their purchasers, which would not be returned until the subdivision was assumed. Assumption of this subdivision would begin the process of returning those deposits to the original purchasers.

Once council approves the assumption of this subdivision, the remaining securities and inspection fees deposited with the city by the developer will also be released.

Total Financial Impact

The estimated annual maintenance cost for the assumed infrastructure and urban forestry assets within this subdivision is $24,000 per year, based on 2012 projected costs. The cost of maintaining additional roadway assets are included annually in the Roads and Parks Maintenance Department's current budget proposal.

Source of Funding

N/A

Other Resource Impacts

N/A

Communication Matters:

N/A

Conclusion:

Since all subdivision agreement requirements have been fulfilled and having checked with all departments and public utilities including the Burlington Hydro Inc., Halton Board of Education and the Regional Municipality of Halton, we recommend acceptance of this subdivision.

Respectfully submitted,

Mike Korobkin
Development Agreement Administration Technologist
Engineering Department
Development and Infrastructure Division
905-335-7600 Ext. 7680

Appendices:

A. Registered Plan 20M-883

Notifications:
(after Council decision)

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John Kisneris	Region of Halton

Approvals:
*required

*Department	City Treasurer	General Manager	City Manager

	To be completed by the Clerks Department
Committee Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn
Council Disposition & Comments	
	01-Approved 02-Not Approved 03-Amended 04-Referred 06-Received & Filed 07-Withdrawn