Engineering Department

TO: Community Development Committee

SUBJECT: Assumption of Bella Court Developments Subdivision, Registered Plan 20M-884

Report Number: E-46-12 File Number(s): 510-02-01/01

Report Date: September 17, 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 Bella Court Developments Subdivision, registered as Plan 20M-884 (Appendix A), File 510-02-01/01; 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 Subdivision Agreement Instrument Number HR except for the following conditions:

- Condition 41 (b) to (l) inclusive, affecting all lots,
- Condition 41 (m), (n) and (o) inclusive, affecting lots 1 to 7 inclusive, and
- Condition 41 (p), affecting lots 7 to 41 inclusive and block 42, and
- Condition 41 (q), affecting lots 7 to 9 inclusive, and 39 to 41 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 NUMER

Vanessa Drive	20M-884	07184-3327
Danielle Drive	20M-884	07184-3045
Danielle Drive	20M-884	07184-3411
Garland Cres.	20M-884	07184-3326

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 Bella Court Developments Subdivision be assumed.

Reference to Strategic Plan:

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

Background:

This subdivision was registered as Plan 20M-884 on November 3, 2003. The majority of the work in this subdivision has been completed for approximately one year.

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

- 0.580 lane kilometres of road;
- 135 metres of storm sewers, along with catch basins and other appurtenances;
- 285 metres of 1.5 metre wide sidewalk;
- 44 boulevard trees; and
- 8 street lights.

Discussion:

All works in Bella Court Developments Subdivision that were required under the subdivision agreement have been completed. The underground and aboveground 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 HR 240889 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:

Subdivision Agreement Instrument Number HR 240889 can be released, except for the following eighth schedule conditions requiring the owners to include warning clauses in all offers of purchase and sale, as noted:

Condition 40 (b), affecting all lots and blocks, advising that due to limited on-street parking, the Corporation of the City of Burlington will not issue driveway curb cut widening permits.

Condition 40 (c), affecting all lots, advising that the City of Burlington Zoning By-Law Standards for the Orchard Community require a minimum of two parking spaces per dwelling unit, one of which may be provided in the garage. Furthermore, the City of Burlington's Parking By-law limits on-street parking to three hours.

Condition 40 (d), affecting all lots, advising that there may be above-ground utility facilities such as fire hydrants, hydro transformers and telecommunications service pedestals located in front of their properties within the city's road allowance or on easements.

Condition 40 (e), affecting all lots and blocks, advising that a drainage swale exists across the rear/or side yard and that this drainage swale is not to be altered or blocked in any way.

Condition 40 (g and h) inclusive, affecting all lots and blocks, advising that mail delivery will be from a designated centralized mailbox and that the owner is responsible for officially notifying the purchasers of the exact centralized mail box location prior to the closing of any home sales.

Condition 40 (j,k,l), affecting all lots and blocks, advising prospective purchasers that school accommodations on designated sites for both the Halton District School Board and the Halton Catholic School Board are not guaranteed. Students may be accommodated in temporary facilities or bussed to existing facilities outside the area. Furthermore, the School Boards will designate pick up points for children to meet the bus at a location convenient to the boards.

Condition 40 (m), affecting lots 1 to 7 inclusive, with regards to including a noise warning clause in all offers of purchase and sale, advising that these dwellings are fitted with a forced air heating system and that the ducting, etc. are sized to accommodate the installation of a central air conditioning unit by the occupant.

Condition 40 (m), affecting lots 1 to 7 inclusive, advising that despite the inclusion of noise control features in this development and within the building units, sound levels due to increasing road traffic may continue to be of concern occasionally interfering with some activities of the dwelling occupants.

Condition 40 (m), affecting lots 1 to 7 inclusive, advising prospective purchasers that this dwelling unit has been supplied with an air conditioning system which allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria.

Condition 40 (m), affecting lots 1 to 7 inclusive, advising that despite the inclusion of noise control features in this development and within the building units, sound levels from increasing traffic on Orchard Road 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.

Condition 40 (n), affecting lots 1 to 7 inclusive, advising that a 1.5 meter wide concrete sidewalk may/will be constructed adjacent to property line, offset 1 meter from the property line. This will limit the parking space available in front of the unit to one vehicle in the driveway between the garage and the sidewalk.

Condition 40 (o), affecting lots 1 to 7 inclusive, advising that Orchard Road may be used as a transit route and that bus stops and passenger waiting areas may be located adjacent to any property along the route.

Condition 40 (p), affecting lots 7 to 9 inclusive, 25 to 30 inclusive, 39 to 41 inclusive and block 42, advising that a 1 meter gas easement exist along the front and/or side street boundaries of these lots and that no structures including fencing are permitted on the easement.

Condition 40 (q), affecting all lots. All persons intending to acquire an interest in real property by purchaser or lease are advised of the proximity of a dog kennel, at times, activities at the facility will be audible.

Strategy/Process

N/A

Options Considered

N/A

Financial Matters:

The major builder in this subdivision is Mattwood Construction Limited. It is our understanding that a condition of their agreement of purchase and sale was that these builders would collect grading 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 grading 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 $5,000 per year, based on 2012 projected costs. The costs 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:

Staff has confirmed with all city departments, public utilities including Burlington Hydro Inc. and the Halton School Boards that all subdivision agreement requirements have been fulfilled. It is therefore recommended that this subdivision be assumed.

Respectfully submitted,

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

Appendices:

A. Registered Plan 20M-884

Notifications:
(after Council decision)

Name	Mailing or E-mail Address
Cathy Robertson	cathy.robertson@burlington.ca

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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