



Staff Report for Council Meeting

Date of Meeting: September 23, 2020

Report Number: SRPRS.20.124

Department: Planning and Regulatory Services
Division: Development Engineering & Transportation

Subject: SRPRS.20.124 - Authorization to Execute
Amending Subdivision Agreement, 19T-96004,
DeAngelis (City File: D03-96004)

Purpose:

To obtain authorization to execute an amending subdivision agreement for Subdivision File 19T-96004.

Recommendation(s):

That the Mayor and Clerk be authorized to execute an agreement with the Owner of Subdivision File 19T-96004 to amend the subdivision agreement for Subdivision File 19T-96004, upon the written recommendation of the Commissioner of Planning and Regulatory Services.

Contact Person:

Jeff Walters, Manager, Development Engineering (Subdivisions and Stormwater Management), 905 -747-6380.

Report Approval:

Submitted by: Kelvin Kwan, Commissioner of Planning and Regulatory Services

Approved by: Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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Background:

In October of 2005, the subdivision agreement for Subdivision File 19T-96004 was amended.

The amendment included a clause requiring conveyance of a Block 5 within the registered plan (65M-3868) to the City. The location of Block 5 is shown on the attached Map A.

The amendment further included provisions for the sale of Block 5 to the adjacent landowner in the future. This Block 5 would need to be combined with the abutting lands to the north to create new lots fronting onto Marsi Road. The future owner of these new lots would benefit from the municipal servicing (road, sewers and watermain) installed or front ended by the Subdivision Owner as part of their subdivision works.

As such, in accordance with the One Foot Reserve and Cost Recovery Policy (refer to Appendix B), provisions were also included in the subdivision agreement to pay the proceeds from this sale of Block 5 to the Subdivision Owner to offset some of the municipal servicing costs front ended during the Subdivision construction.

However, the subdivision agreement also included a sunset clause provision that indicated that after 15 years from October of 2005 (being October of 2020), if the sale of Block 5 has not been completed as provided for in the Subdivision Agreement, the City shall be entitled to retain ownership of Block 5 and shall have no further obligations with respect to cost recoveries.

The sale of Block 5 to the abutting benefitting land owner has not proceeded and the Subdivision Owner has made a written request (refer to Appendix A) to the City for the provision of this clause to be extended by another 15 years to continue to protect their interests with respect to cost recoveries for front ended municipal servicing.

Development Engineering has reviewed this request with Development Planning and Legal and staff have no objections to the request to extend the provision of this clause by another 15 years. Authorization is required from Council for the Mayor and Clerk to execute a further amendment to the Subdivision Agreement to reflect this extension.

Financial/Staffing/Other Implications:

All costs associated with preparation of the amending subdivision agreement will be borne by the Subdivision Owner for 19T-96004.

Relationship to the Strategic Plan:

This report relates to the objective of serving as a role model for municipal management and wise management of our resources.

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Conclusion:

Staff recommend that the Mayor and Clerk be authorized to execute an amending subdivision agreement with the Owner of Subdivision File 19T-96004 to extend the provisions with respect to the sale of Block 5 and best efforts for cost recoveries to continue for another 15 years, as outlined in this report.

Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format, please call the contact person listed in this document.

- Map A – Copy of Registered Plan 65M-3868
- Appendix A – Copy of Letter from Subdivision Owner for 19T-96004
- Appendix B – Copy of One Foot Reserve and Cost Recovery Policy

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Report Approval Details

Document Title:	SRPRS.20.124 Authorization to Execute Amending Agreement 19T-96004 DeAngelis.docx
Attachments:	<ul style="list-style-type: none">- SRPRS.20.124 Map A 65M-3868.pdf- SRPRS.20.124 Appendix A.pdf- SRPRS.20.124 Appendix B Cost Recovery Policy SRE-144-97.pdf
Final Approval Date:	Sep 3, 2020

This report and all of its attachments were approved and signed as outlined below:

Dan Terzievski - Sep 2, 2020 - 11:50 AM

Kelvin Kwan - Sep 2, 2020 - 11:53 AM

MaryAnne Dempster - Sep 3, 2020 - 11:11 AM