



**SUBJECT: Assumption of Sheldon Creek Phase 3 Subdivision**

**TO: Committee of the Whole**

**FROM: Capital Works**

Report Number: CW-55-17

Wards Affected: 5

File Numbers: 510-02-06/01

Date to Committee: June 26, 2017

Date to Council: July 10, 2017

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**Recommendation:**

Assume the Sheldon Creek Phase 3 Subdivision, registered as Plan 20M-867, 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

Direct the City Clerk to notify the Region of Halton of this assumption; and

Release Subdivision Agreement Instrument Number HR206391 from title save and except for the following conditions:

- Condition 36 b) to d) inclusive, affecting all lots, blocks and units;
  - Condition 36 e), affecting Block 7;
  - Condition 36 f), affecting all interior street townhouse units; and
  - Condition 36 g), affecting the Block 2 and Block 3 units abutting the Park Block;
- 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

Ironstone Drive	20M-867	07183-0941
Des Jardins Drive	20M-867	07183-0942
McCoy Avenue	20M-867	07183-0943
Cobra Crescent	20M-867	07183-0944
Alessia Avenue	20M-867	07183-0944; and

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 Sheldon Creek Phase 3 Subdivision be assumed.

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### **Background and Discussion:**

This subdivision was registered as Plan 20M-867 on June 26, 2003. The majority of the work in this subdivision has been completed for approximately ten years.

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

- 2.3 lane kilometres of road;
- 1,100 metres of storm sewers, along with catch basins and other appurtenances;
- 2,100 metres of curb and gutter;
- 1,000 metres of 1.5 metre wide sidewalk;
- 120 metres of 1.5 metre high black vinyl chain link fence;
- 160 boulevard trees; and
- 32 street lights.

All works in the Sheldon Creek Phase 3 Subdivision have been completed. The underground and aboveground services have been accepted. 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 HR206391 may be released from title save and except for the following conditions:

Condition 36 b), affecting all lots, blocks and units advising purchasers/tenants that a 1.5 metre wide sidewalk in front of their property may limit the available

parking space in front of the unit to one vehicle in the driveway between the garage and the sidewalk.

Condition 36 c), affecting all lots, blocks and units advising purchasers/tenants that a drainage swale exists across the rear of the property and that the drainage swale, as indicated on the approved engineering plans, is not to be altered or blocked in any way, nor are any structures, shed, etc. (fencing excepted) to be erected within the drainage swale area without the prior approval of the City of Burlington.

Condition 36 d), affecting all lots, blocks and units advising purchasers/tenants that due to limited on-street parking, the City of Burlington will not issue driveway curb cut widening permits.

Condition 36 e), affecting Block 7 advising that despite the inclusion of noise control features in the development and within the building units, sound levels due to the increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the sound levels exceeds the Municipality's and the Ministry of the Environment noise criteria. Furthermore, the dwelling has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate alternate ventilation. Finally, air cooled condenser units should be located in a manner so as to minimize the noise impacts in sensitive locations on the subject property and in the immediate vicinity of the subject property.

Condition 36 f), affecting all interior street townhouse units advising that access to the rear yard of the dwelling is provided only through the living areas of the unit.

Condition 36 g), affecting the Block 2 and Block 3 units abutting the Park Block advising purchasers that gates will not be permitted between the park and the abutting residential lands.

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## **Financial Matters:**

It is the understanding of staff that a condition of the agreement of purchase and sale between the builder and homeowner was that the builder collected 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, grading deposits, securities and inspection fee 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 \$19,700 per year, based on 2017 projected costs. The costs of maintaining additional roadway assets are included annually in the Road and Parks Maintenance Department's current budget proposal.

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### **Conclusion:**

Staff has confirmed with all City departments, Region of Halton, Conservation Halton, 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.

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Respectfully submitted,

Jeff McIsaac

Senior Engineering Technologist

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### **Appendices:**

A. Detail Sketch – Sketch No. 1

### **Notifications:**

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### **Report Approval:**

All reports are reviewed and/or approved by Department Director, Director of Finance and Director of Legal. Final approval is by the City Manager.

