



SUBJECT: Assumption of Marble Creek Subdivision (Registered Plan 20M-1149)

TO: Environment, Infrastructure & Community Services Cttee.

FROM: Capital Works Department

Report Number: CW-09-20

Wards Affected: 6

File Numbers: 510-01/08-1

Date to Committee: July 6, 2020

Date to Council: July 13, 2020

Recommendation:

Assume the Marble Creek Subdivision, registered as Plan 20M-1149, File 510-01/08-1; 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 HR1210672 from title save and except for the following conditions:

- Condition 27 a) to g) inclusive, affecting all lots and blocks; 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:

<u>STREET</u>	<u>PARCEL</u>	<u>PIN NUMBER</u>
Marble Gate	20M-1149	07202-3865

Pottery Drive	20M-1149	07202-3866
Ray Lane	20M-1149	07202-3867; and

Authorize the City Solicitor or 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 Marble Creek Subdivision be assumed.

Background and Discussion:

This subdivision was registered as Plan 20M-1149 on August 14, 2014. Most of the work in this subdivision has been completed for approximately three years.

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

- 0.6 lane kilometres of road;
- 200 metres of storm sewers, along with catch basins and other appurtenances;
- 800 metres of curb and gutter;
- 600 metres of 1.5 metre wide sidewalk;
- 196 metres of 1.2 metres high metal decorative fence;
- 44 metres of 2.0 metre high wood acoustic fence;
- 46 metres of 2.2 metre high wood acoustic fence;
- 43 boulevard trees; and
- 17 street lights.

All works in the Marble Creek 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 HR1210672 may be released from title save and except for the following conditions:

Condition 27 a), affecting Lots 6 to 9 inclusive, 15, 16 and 18 and Blocks 19 to 21 inclusive, advising purchasers/tenants that in order to achieve a suitable indoor noise environment, windows may have to remain closed; therefore the dwelling has been equipped with a central air conditioning system.

Condition 27 b), affecting Lots 4, 5, 10, 11, 13, 14 and 17 and Blocks 22 to 25 inclusive, advising the purchasers/tenants that the dwellings have been fitted with a forced air heating system and the fan, ducts, etc. are sized to accommodate the installation of a central air conditioning system if it is found necessary by the owner/occupant at any time in the future. If the air conditioning is to be provided at a later date, the outdoor unit shall be located in a noise insensitive location. The final installation shall meet the Ministry of the Environment criteria in Publication NPC-216 and other applicable levels specified by the municipality.

Condition 27 c), affecting Lots 4 to 11 inclusive, 13 to 18 inclusive and Blocks 19 to 26 inclusive, advising purchasers/tenants that despite the inclusion of noise control features in the development and within the building units, sound levels due to the increasing road traffic on Palladium Way 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.

Condition 27 d), affecting Lots 8, 9, 15, 16 and 18 and Blocks 19 and 20, advising and notifying purchasers/tenants that a sound fence is located inside the lot/block line within the rear/side yard of the lot/block and that the said sound fence shall not be altered or removed. It shall be the obligation of the owner of this lot/block to maintain and keep in good working repair that portion of the sound fence situated on the lot/block.

Condition 27 e), affecting Lots 8, 9, 15, 16 and 18 and Blocks 19 to 21 inclusive, advising purchasers/tenants that Palladium Way may be used as future transit routes and that bus stops and passenger shelters may be located adjacent to any property along these routes.

Condition 27 f), affecting Lots 1 to 8 inclusive and Block 29, advising purchasers/tenants that the installation or use for any purpose of a gate in the existing fence along the common boundary line with the Catholic School property is prohibited.

Condition 27 g) i), affecting all lots and blocks, advising purchasers/tenants that due to limited on street parking, the City of Burlington will not issue driveway curb cut widening permits.

Condition 27 g) ii), affecting all lots and blocks, advising purchasers/tenants that the City of Burlington Zoning By-law standards for Alton Community require a

minimum of two parking spaces to be provided per dwelling units, one of which may be provided in the garage that the City of Burlington Parking By-law regulates on street parking.

Condition 27 g) iv), affecting all lots and blocks, advising purchasers/tenants that a drainage swale may exist across the rear of the property and that the drainage swale as indicated on the approved engineering drawings is not to be altered or blocked in any way, nor are any structures, sheds, etc. (fencing excepted) to be erected within the drainage swale area without the prior approval of the City of Burlington.

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 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 \$7,100 per year, based on 2020 operating budget projected costs. The costs of maintaining additional roadway assets are included annually in the Roads, Parks and Forestry Department's current budget proposal.

Climate Implications

Not applicable

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.

Respectfully submitted,

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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, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council. Final approval is by the City Manager.

