

February 26, 2010



**City Council
Committee Report**

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: Assumption of portions of roads within Woods Drive and South Park Subdivisions

Recommendation:

That the Council of the Corporation of the City of Kenora by the passing of a by-law, the City of Kenora declares that the Owner is not in default of any of the provisions of the Agreement; and

THAT the City of Kenora accepts and assumes Woods Drive identified on Plan of Subdivision 23M. 883 and PIN 4217-0072, and portions of South Park Drive, Silverstone Drive, Autumnwood Drive, and Woodfield Drive, for municipal purposes, identified on Plan of Subdivision 23M890 and the Subdivision Agreement(s) entered into and/or on Schedule A to the By-law which shall lay out what portions of South Park Drive and Autumnwood Drive are to be assumed; and

THAT the City of Kenora, by passing of said by-law, releases the Owner from any further obligations associated with the Agreement.

Background:

The City of Kenora entered into subdivision agreements on February 4, 1991 (Woods Drive) and October 28, 1991 (Phase 2 Pine Portage Road)

In November of 2009, the Operations Manager reviewed the file. One condition of acceptance cannot be met as it requires that the Ministry of Transportation be apprised of the certificate of completion for subsidy purposes. The Operations Manager is satisfied that all other requirements have been met.

On June 26, 2008, the Developer undertook to complete outstanding works (streetlighting, "as built" drawings, sidewalk and landscaping on Autumnwood Drive and establishing a permanent water hook-up on Pine Portage Road, on or before September 30, 2008. This deadline was not met. As a result, the City is not obligated to reimburse the Developer for certain works. The City is no longer obligated to do so.

The Municipal Solicitor has reviewed the information and recommends assumption of the roads, or portions thereof, as recommended above.

Budget: N/A – Registration costs to be borne by property owner.

Communication Plan/Notice By-law Requirements: Notice by agenda of Property and Planning Committee and Council, Engineering; Municipal solicitor.



WOODS DRIVE SUBDIVISION

SOUTH PARK SUBDIVISION

UNDERTAKING AND ACKNOWLEDGMENT

WHEREAS D. LAFRENIERE DEVELOPMENTS LTD. (the Developer) entered into an agreement with the Town of Kenora, now the City of Kenora, (the City) to develop property that is now known as South Park Estates;

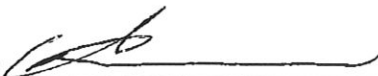
AND WHEREAS pursuant to the said Agreement the Developer undertook to perform works, all of which have not yet been completed;

NOW THEREFORE, in consideration of the City not enforcing its rights at this time, the Developer hereby undertakes and agrees as follows:

1. The temporary water hook-up on Pine Portage Road will be changed to a permanent hook-up on or before September 30, 2008.
2. The sidewalk and landscaping on the east side of Autumnwood Drive will be completed on or before September 30, 2008.
3. The "as built" drawings for Woods Drive will be delivered to the City in a form satisfactory to the City, on or before December 31, 2008 and works to date from Pine Portage Road including South Park Drive, Silverstone Drive, Woodfield Drive, Pine Ridge Drive and Autumnwood Drive.
4. Street lighting will be installed on Autumnwood Drive on or before September 30, 2008.
5. Pursuant to Schedule J of the said Agreement, the City is to reimburse the Developer for certain works. To date the City has paid the Developer \$37,500.00. In the event that the Developer does not complete the items listed in clauses 1 to 4 herein within the stated time periods, it is agreed that the Developer will remain responsible for completing the works outlined herein and on Schedule J of the Agreement, but the City will not be obligated to further reimburse the Developer for the items set out on Schedule J of the said Agreement.

DATED at Kenora, Ontario, this 26th day of June, 2008

D. LAFRENIERE DEVELOPMENTS LTD.

Per: 

DOUG LAFRENIERE
I/we have authority to bind the Corporation