

November 7, 2010



City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator

Re: 1705391 Ontario Inc. – Assumption of Roads and Certificate of Release – Extension of Williams Road

Recommendation:

THAT, the City of Kenora issues a Certificate of Release of the Maintenance Guarantee(s) in the amount of \$43,807.69; and
THAT the City of Kenora accepts and assumes the extension of the Williams Road, as Block 20 and Williams Road on Plan 23M 954, into the City's road inventory as all the requirements of the subdivision agreement between 1703591 Ontario Inc. and the City of Kenora, authorized by By-law 56-2008 have been met.

Background:

The City of Kenora entered into a subdivision agreement with 1703591 Ontario Inc. on April 14, 2008. The agreement was a condition of approval of a 19 lot subdivision located on Black Sturgeon Lake and accessed via an extension of the Williams Road.

The agreement was amended twice; in January of 2009 in order to implement site plan control on several lots and thereby protect fishery values, and in April of 2009 in order to permit the City to sign off on the Plan of Subdivision before the road and drainage works were complete. This amendment required the insertion of a provision for a performance guarantee, in the amount of 115% of the estimate of works being \$214,189.43, for the remainder of the roadway and drainage works. The road works were satisfactory for acceptance and the two year maintenance period has now expired.

In order for the City to release the Developer of any further obligation, the following is required:

REQUIREMENTS FOR CERTIFICATE OF RELEASE

The City agrees to provide the Owner with an effective written release for the said lands, referred to herein as the 'Certificate of Release', in a form suitable for registration or deposit in the applicable Registry or Land Title Office. In addition to any other requirements contained herein, the Certificate of Release shall not be issued until:

- (1) the two year maintenance period has expired; and
- (2) Certificates of Completion have been issued for all of the Works; and
- (3) a registered Ontario Land Surveyor, approved by the City, has provided the City with written confirmation that, at a date not earlier than the end of the maintenance period described herein, he or she has found or replaced all standard iron bars, as shown on the Plan and survey monuments at all block

corners, the ends of all curves other than corner roundings and all points of change in direction of roads on the Plan; and

- (4) the Municipal Solicitor has verified that there are no outstanding claims against the said lands; and
- (5) the Municipal Council has by resolution, declared that the Owner is not default of any of the provisions of the Agreement.

The final requirement is that Council declares that the Owner is not in default of any of the provisions of the Agreement. The Certificate of Release shall operate as a discharge of all obligations of the Owner under the Agreement with the exception of the Owner's responsibility for drainage as provided herein.

The City has received confirmation of all of the above, and the Municipal Engineer has deemed that the road system is compliant with the subdivision agreement.

Budget: N/A – Release of deposit in the amount of \$43,807.69 – no budget implication

Communication: Per Notice By-law No. 144-2007; Council Agenda, 1703591 Ontario Inc., Roads Supervisor, Municipal Solicitor, Assets Management