



Staff Report

Planning and Development Services Development Engineering

Report To: Committee of the Whole
Meeting Date: October 28, 2019
Report Number: PDS.19.07
Subject: Legacy Subdivision Assumptions
Prepared by: Brian Worsley, Manager Development Engineering

A. Recommendations

THAT Council receive Staff Report PDS.19.07, entitled "Legacy Subdivision Assumptions" for information;

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-23, (Peaks Bay East)

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-36, (Georgian Woodlands Phase IV, Stage 1) and Registered Plan 16M-46, (Georgian Woodlands Phase IV, Stage 2)

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-14 & 16M-48 (Trailwoods Phase 1 & 2)

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-17 & 16M-49 (Lora Bay Phase 3 & 3B/West Ridge Drive)

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within the Open Space block (Block 75) within Registered Plan 16M-53, (Trailwoods Phase 3), in-line with the process established by Town Bylaw 2018-4 for early assumption of Parkland blocks.

AND THAT Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-47 & 16M-52 (Windfall Phase 2A & 2B)

B. Overview

The subdivision agreement between P.B. Holdings Limited and the Town dated 28th July 2008 provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, satisfaction of the agreement terms is imminent.

The subdivision agreement between George H. Fleming & Associates Limited, Condo Development Limited, and the Town, dated 29th April 2015, (a requirement of the 7th June 2010 Preliminary Subdivision Agreement) provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, satisfaction of the agreement terms is imminent.

The subdivision agreement between Trail Woods Corporation and the Town dated 2nd October 2007, and amending agreement dated 9th December 2015, provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, satisfaction of the agreement terms is imminent for High Bluff Lane.

The subdivision agreement(s) between The Lora Bay Corporation and the Town dated 14th March 2008, and 2nd July 2008 provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, satisfaction of the agreement terms is imminent.

The subdivision agreement between Trail Wood Corporation and the Town dated 15th June 2017 provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, the agreement terms have been satisfied within Block 75.

The subdivision agreement(s) between Windfall GP Inc. and the Town for Windfall 2A dated 1st December 2015, and Windfall 2B dated 17th November 2016 provided for assumption of the subdivision upon satisfaction of terms. Upon review by Town Development Engineering staff, satisfaction of the agreement terms is imminent.

C. Background

Peaks Bay East:

Development Engineering staff have determined that all developer obligations have been, or will imminently be met, under the Subdivision Agreement for Registered Plan 16M-23, as shown on Attachment 1.

Subject to Council authorization and enactment of the requisite bylaw, all securities for these projects barring securities for any minor outstanding deficiencies will be returned as there are no outstanding costs and it is appropriate that the Town assume the Works as Municipal Works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 2.

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-23, as illustrated herein, are hereby accepted and assumed.
2. Ellis Drive, and Delphi Lane as shown on Registered Plan 16M-23 are hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-23 less block 29 which was assumed 22nd of January 2018, through By-law 2018-4.

Georgian Woodlands Phase IV, Stage 2

Development Engineering staff have determined that all developer obligations have been, or will imminently be met, under the Subdivision Agreement for Registered Plan 16M-46, as shown on Attachment 3.

Subject to completion by the Developer of ongoing minor deficiency corrections, and Council authorization and enactment of the requisite bylaw, all securities for these projects, barring the road guarantee security and securities for any minor unresolved deficiencies will be returned as there are no outstanding costs and it is appropriate that the Town assume the Works as Municipal Works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 4.

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-46, as illustrated herein, are hereby accepted and assumed.
2. Arnot Crescent, Courchevel Crescent, Grindelwald Court, Nipissing Crescent, and Interlaken Court as shown on Registered Plan 16M-46 are hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-46.

Trail Woods Phase 1 & 2 (High Bluff Lane):

Development Engineering staff have determined that all developer obligations have been, or will imminently be met, under the Subdivision Agreement for Registered Plan 16M-14 & 16M48, as shown on Attachment 5.

Subject to completion by the Developer of ongoing minor deficiency corrections, Council authorization and enactment of the requisite bylaw, all securities for these projects barring securities for any minor outstanding deficiencies will be returned as there are no outstanding costs and it is appropriate that the Town assume the Works as Municipal Works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 6.

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-14 & 16M-48, as illustrated herein, are hereby accepted and assumed.
2. High Bluff Lane as shown on Registered Plan 16M-14 & 16M-48 is hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-14 & 16M-48.

Lora Bay Phase 3 & 3B (Westridge Drive):

Development Engineering staff have determined that all developer obligations have been, or will imminently be met, under the Subdivision Agreement for Registered Plan 16M-17 & 16M-49, as shown on Attachment 7.

Subject to completion by the Developer of ongoing minor deficiency corrections, Council authorization and enactment of the requisite bylaw, all securities for these projects barring securities for any minor outstanding deficiencies will be returned as there are no outstanding costs and it is appropriate that the Town assume the Works as Municipal Works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 8.

1. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-17 & 16M-49, as illustrated herein, are hereby accepted and assumed.
2. West Ridge Drive as shown on Registered Plan 16M-17 & 16M-49 is hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-17 & 16M-49.

Block 75, Trailwoods Phase 3:

Development Engineering staff have determined that all developer obligations have been met under the Subdivision Agreement for Block 75 within Registered Plan 16M-53, as shown on Attachment 9.

A draft by-law has been prepared to initiate the following and is provided as Attachment 10.

3. All of the public works constructed and installed in accordance with the subdivision agreement for Block 75 of Registered Plan 16M-53, as illustrated herein, are hereby accepted and assumed.
4. Block 75 as shown on Registered Plan 16M-53 is hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Block 75 of Registered Plan 16M-53.

Windfall Phase 2A & 2B (Yellow Birch Crescent):

Development Engineering staff have determined that all developer obligations have been, or will imminently be met, under the Subdivision Agreement for Registered Plan 16M-47 & 16M52, as shown on Attachment 11.

Subject to completion by the Developer of ongoing minor deficiency corrections, Council authorization and enactment of the requisite bylaw, all securities for these projects barring securities for any minor outstanding deficiencies will be returned as there are no outstanding costs and it is appropriate that the Town assume the Works as Municipal Works.

A draft by-law has been prepared to initiate the following and is provided as Attachment 12.

5. All of the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-47 & 16M-52, as illustrated herein, are hereby accepted and assumed.
6. Yellow Birch Crescent as shown on Registered Plan 16M-47 & 16M-52 is hereby assumed for public use.

Staff recommends Council enact a By-law to approve full acceptance and assumption of the public works constructed and installed within Registered Plan 16M-47 & 16M-52.

D. Analysis

Excepting Block 75 within Trail Woods, and Phase 2 of Windfall, all of the subdivisions discussed within this report have been in progress for close to, or over a decade. Deficiency lists compiled by Planning & Development Services Engineering staff, based upon input from the Operations Department, formerly Infrastructure & Public Works (Water & Waste Water, Road & Drainage, and Solid Waste), Community Services (Parks & Trails), and Fire & Enforcement Services have been worked through and substantially satisfied in all cases. The installed infrastructure is substantially free of design & workmanship defects, and, fit for its intended use. The deficiencies being resolved by the Developer(s) at the time of writing of this report, are all minor, and appropriate for retention of securities, if the works are not completed.

Extension of the assumption process through identification of additional defects is not recommended, as the development agreement does not require infrastructure to be “brand new” upon assumption. Minor “wear & tear” is therefore to be expected particularly considering the age of some of the subdivisions and extension would not be consistent with the spirit of the agreement.

E. The Blue Mountains Strategic Plan

The Town’s Strategic Plan Goal No. 2, *“Engage Our Communities & Partners”*, Objective #3 *“Strengthen Partnerships”*, and Goal No. 5 *“Ensure Our Infrastructure is Sustainable”*, Objective #4 *“Ensure that Infrastructure is Available to Support Development”*, are all furthered by enactment of this report.

F. Environmental Impacts

Not Applicable.

G. Financial Impact

The Town will now become responsible for all operation, maintenance and ultimate replacement costs associated with public works within the above-mentioned Registered Plans. Future Town budgets will make allowance for these costs.

H. In consultation with

Nathan Westendorp, Director, Planning & Development Services

I. Public Engagement

This Staff Report proposes the conclusion of the subdivision implementation process(s) set out in the Development agreements referenced above.

J. Attached

1. Assumption Figure Peaks Bay East
2. Draft By-Law Peaks Bay East
3. Assumption Figure Georgian Woodlands Phase IV
4. Draft By-Law Georgian Woodlands Phase IV
5. Assumption Figure Trailwoods Phase 1 & 2
6. Draft By-Law Trailwoods Phase 1 & 2
7. Assumption Figure Lora Bay Phase 3 & 3B
8. Draft By-Law Lora Bay Westridge Phase 3 & 3B
9. Assumption Figure Trailwoods Phase 3
10. Draft By-Law Trailwoods Phase 3
11. Assumption Figure Windfall 2A & 2B
12. Draft By-Law Windfall 2A & 2B

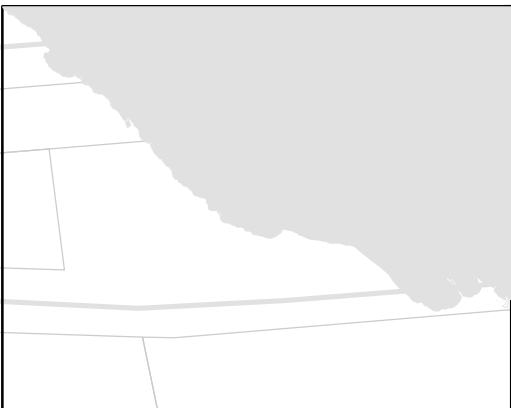
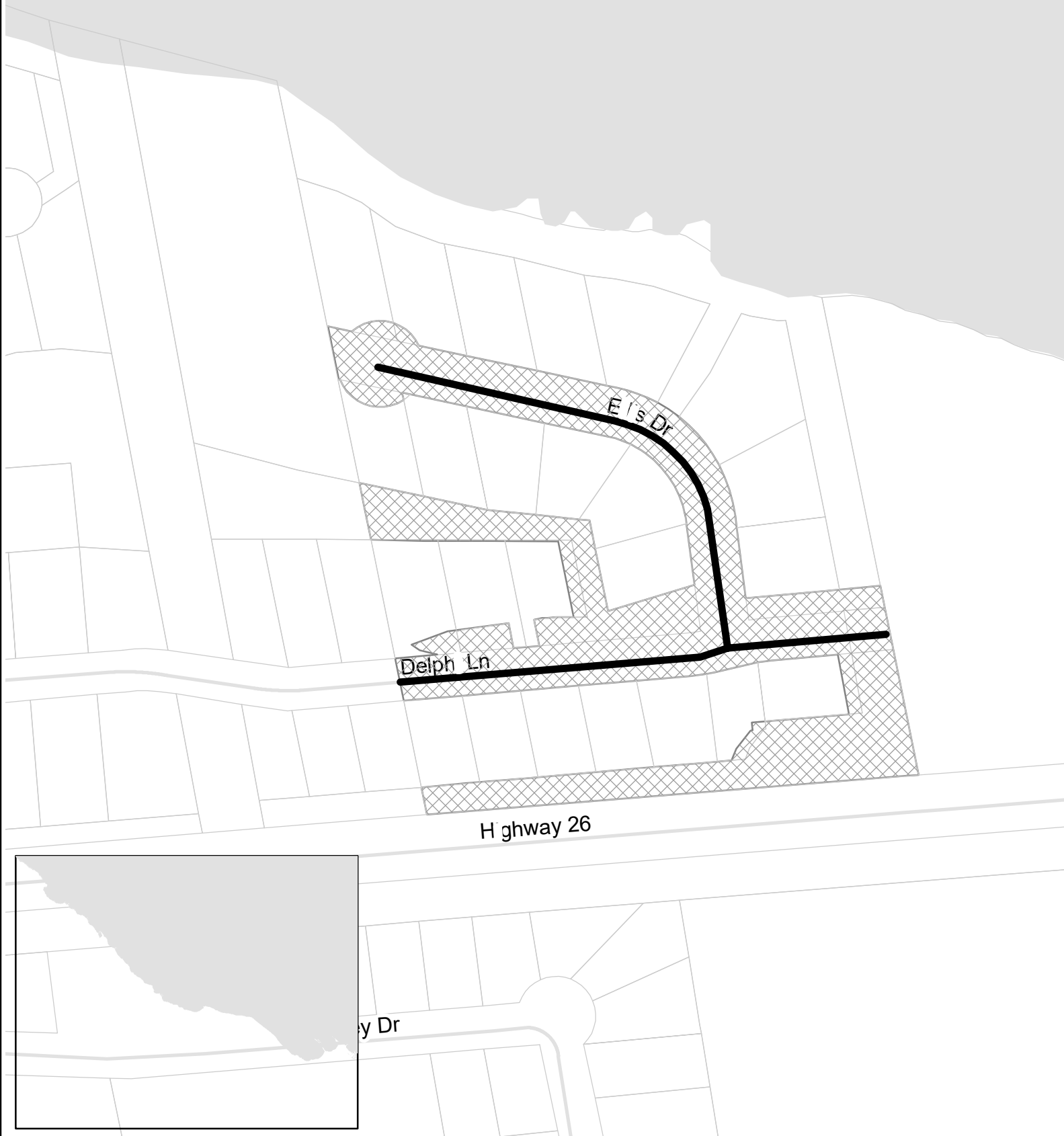
Respectfully submitted,

Brian Worsley, P.Eng.,
Manager Development Engineering

Nathan Westendorp, MCIP RPP
Director of Planning and Development Services

For more information, please contact:
Brian Worsley
developmentengineering@thebluemountains.ca
519-599-3131 extension 224

Georgian Bay



The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Peaks Bay East Registered Plan 16M-23

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-23, have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

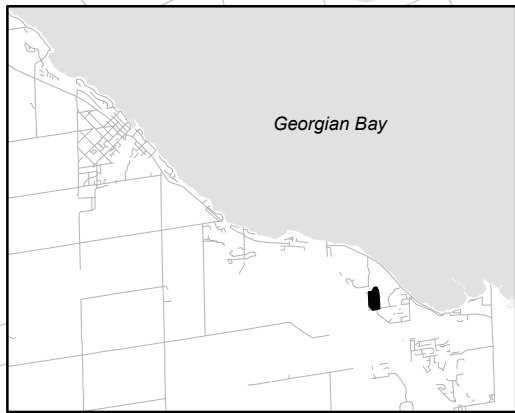
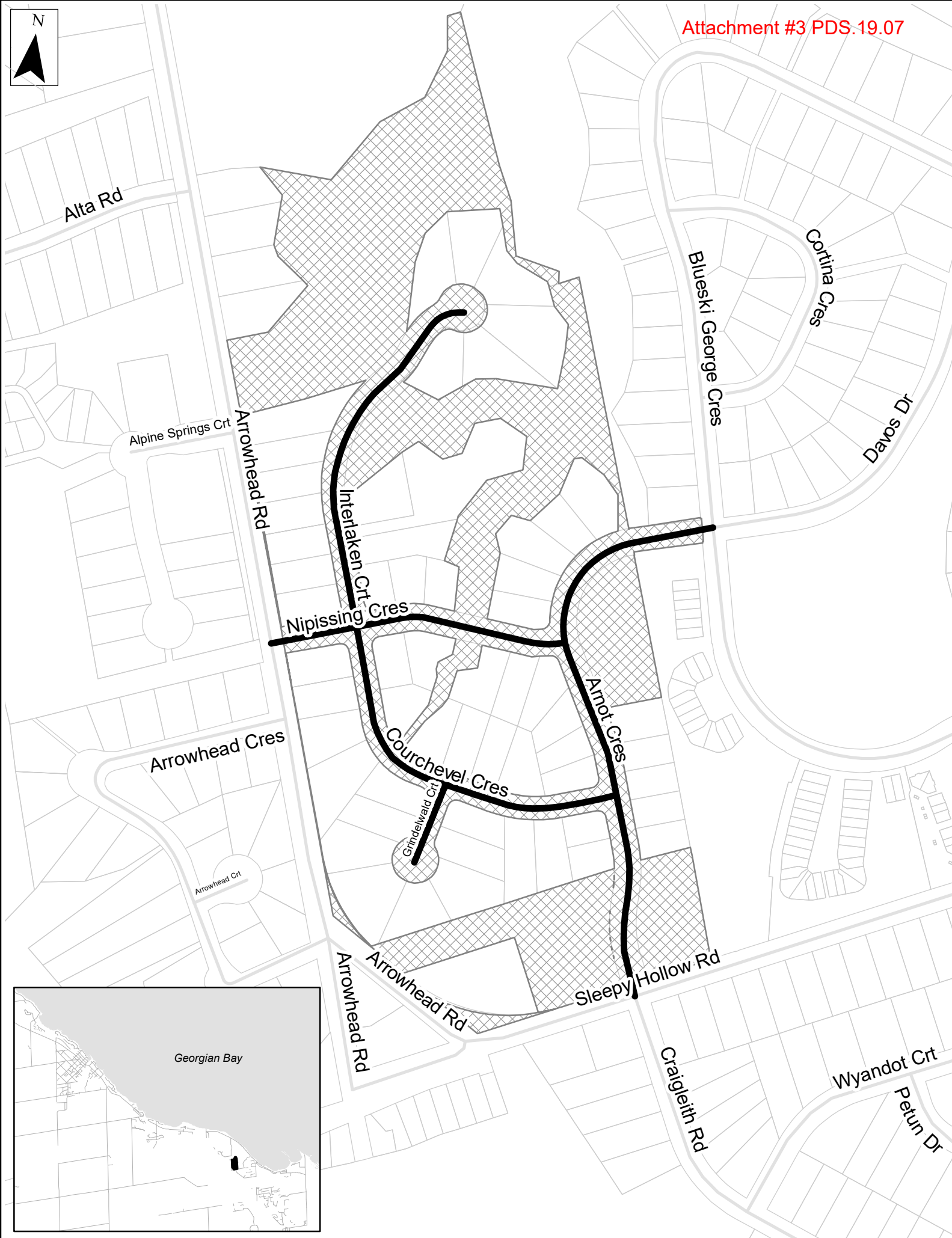
1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-23, are hereby accepted and assumed
2. That Ellis Drive, and Delphi Lane as shown on Registered Plan 16M-23 are hereby assumed for public use

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk



The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Georgian Woodlands Phase IV Registered Plan 16M-36 & 16M-46

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-36 & 16M-46, have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

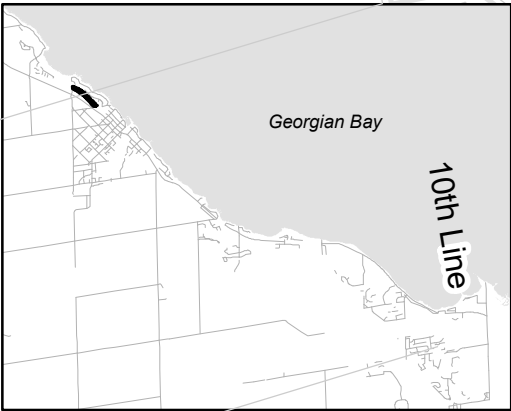
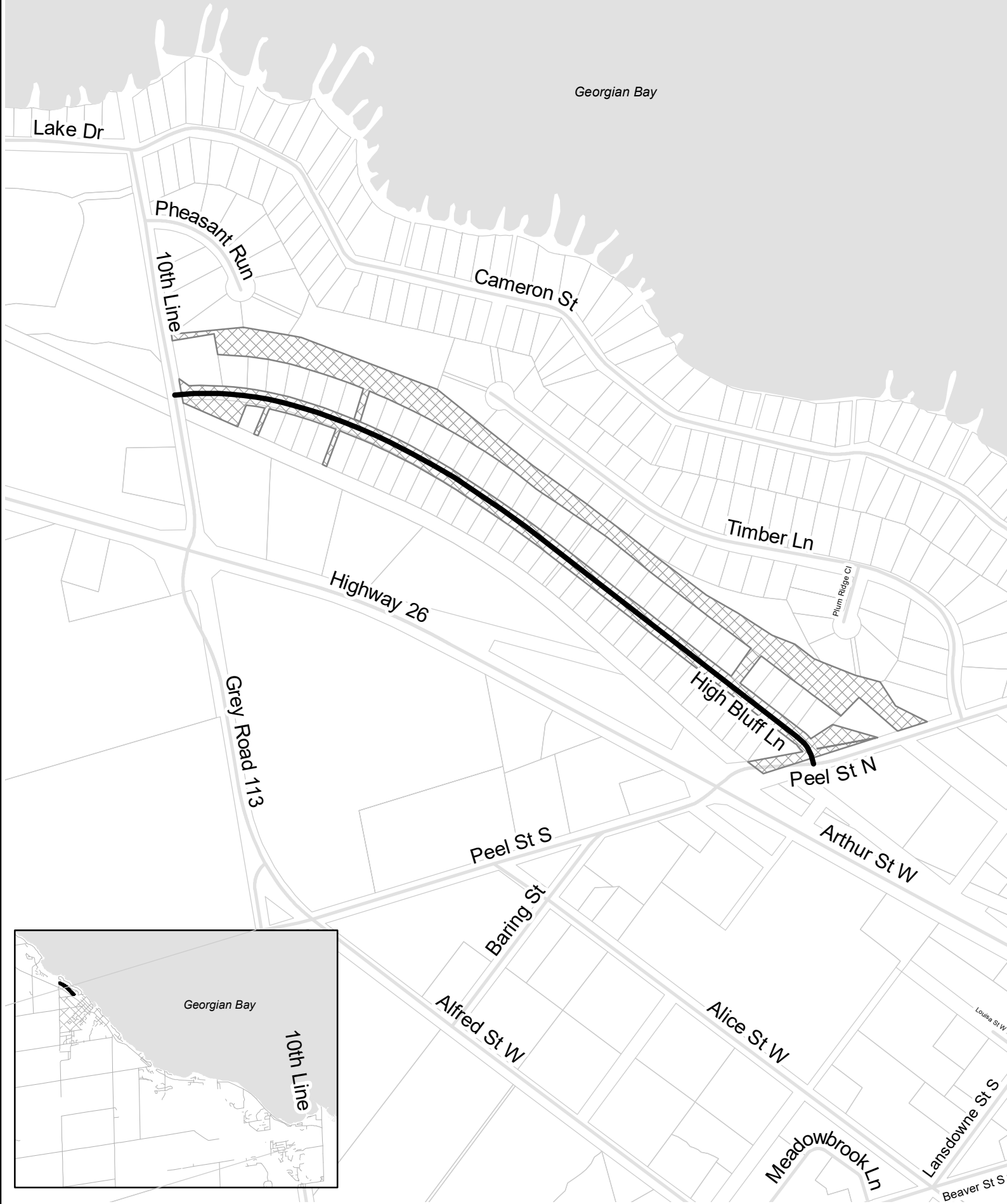
1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-46, are hereby accepted and assumed
2. That Arnot Crescent, Courchevel Crescent, Grindelwald Court, Nipissing Crescent, and Interlaken Court as shown on Registered Plan 16M-46 are hereby assumed for public use.
3. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-36, Including Blocks 6, 7 & 8.
4. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-46, Including Blocks 59, 60, 61, 62, 63, 64, & 65.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk



The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Trail Woods Phase 1 & 2, Registered Plan 16M-14 and 16M-48

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-14 and 16M-48, have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

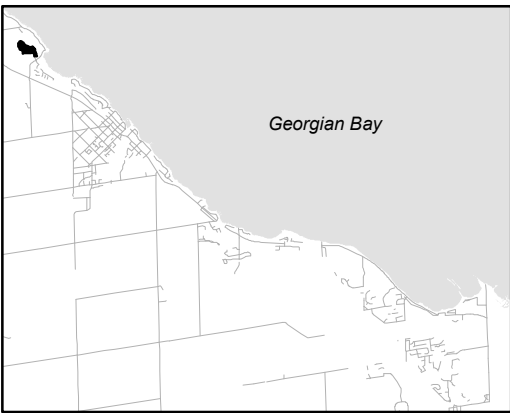
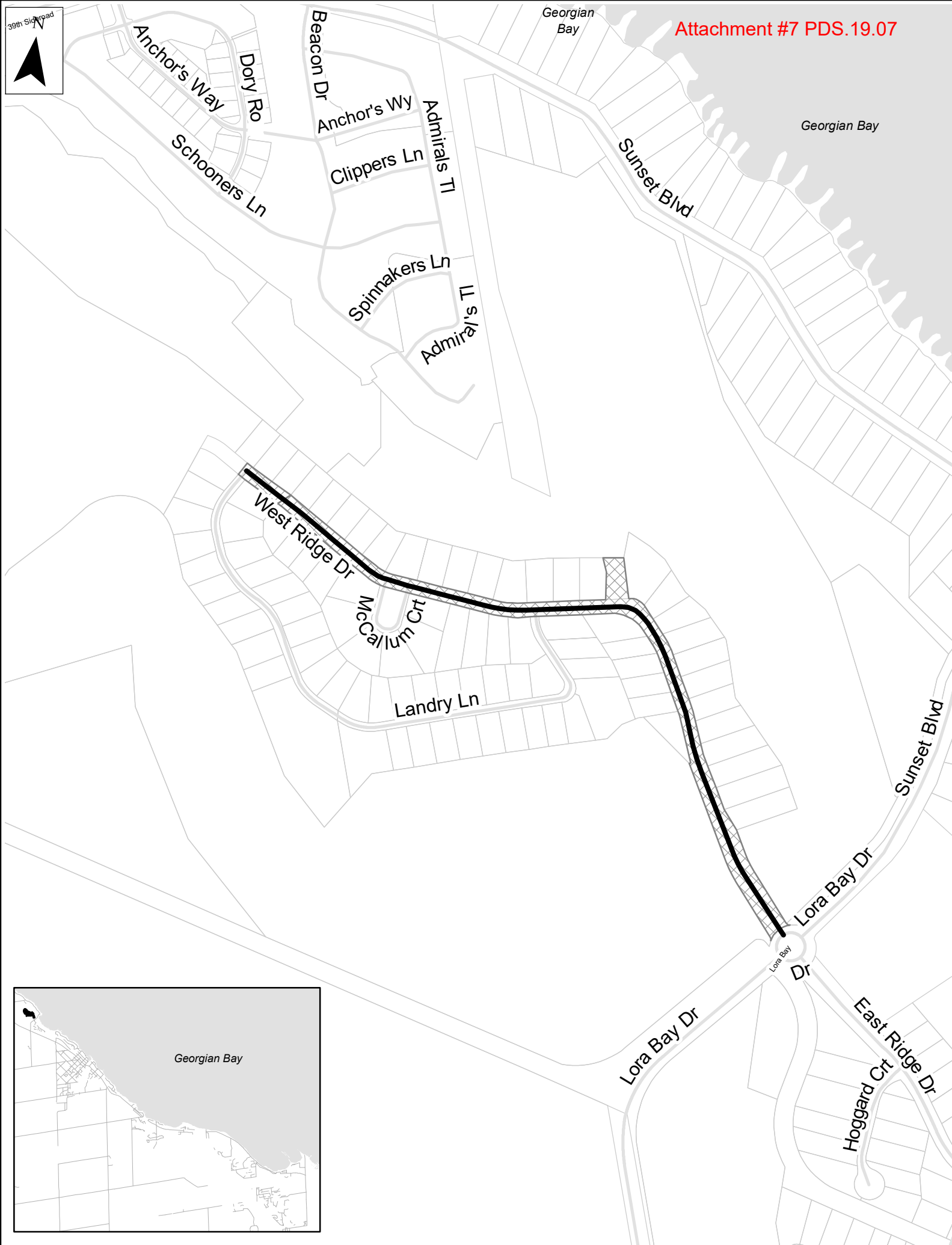
1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-14 and 16M-48, are hereby accepted and assumed
2. That High Bluff Lane as shown on Registered Plan 16M-14 and 16M-48 is hereby assumed for public use
3. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-14, Including Blocks 25, 28, 29, 30, 31, 32, 34, 35.
4. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-48, Including Blocks 49, 50, 51, 52, 53, 54, 55.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk



Georgian Bay

The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Lora Bay Phase 3 & 3b, Registered Plan 16M-17 and 16M-49

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-17 and 16M-49, have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-17 and 16M-49, are hereby accepted and assumed
2. That West Ridge Drive as shown on Registered Plan 16M-17 and 16M-49 is hereby assumed for public use
3. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-17, Including Part of Block 1, excluding Blocks 15, 66, 67, 69, 70.
4. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-49, Including Part of Block 1, excluding Blocks 15, 24, 29, 30.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk



Georgian Bay

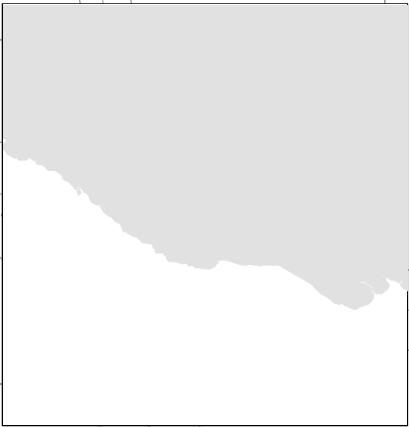
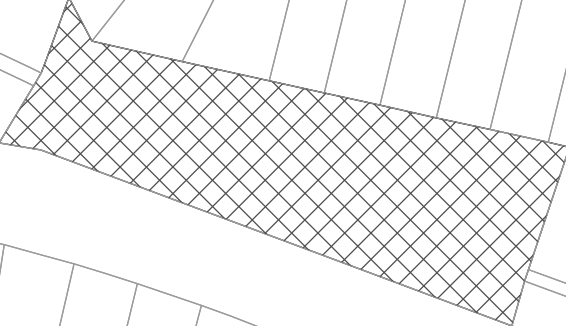
PHEASANT RUN

CAMERON ST

10TH LINE

TIMBER LN

HIGH BLUFF LN



The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Trail Woods Phase 3, Registered Plan 16M-53, Block 75

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-53, Block 75 have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

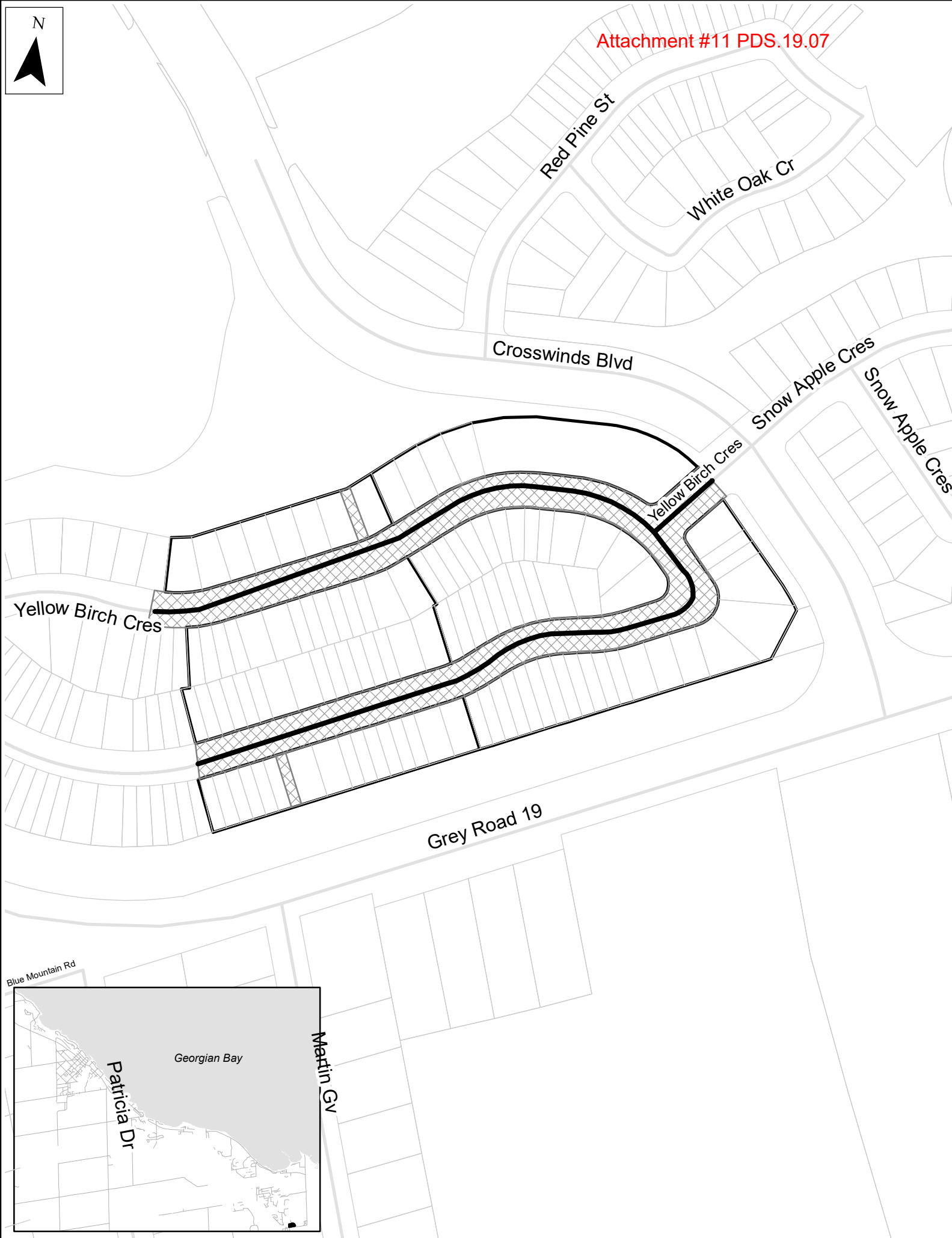
1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-53, Block 75, are hereby accepted and assumed
2. That Block 75 as shown on Registered Plan 16M-53 is hereby assumed for public use

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk



Yellow Birch Cres

Red Pine St

White Oak Cr

Crosswinds Blvd

Snow Apple Cres

Snow Apple Cres

Yellow Birch Cres

Grey Road 19

Blue Mountain Rd

Georgian Bay

Patricia Dr

Martin Gv

The Corporation of the Town of The Blue Mountains

By-Law Number 2019 –

Being a By-law to accept and assume works in Windfall Phase 2A & 2B, Registered Plan 16M-47 and 16M-52

Whereas sections 11 and 31 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, enables the council of a municipality to pass by-laws to establish and assume highways for public use

And Whereas all of the public works in Registered Plan 16M-47 and 16M-52, have been constructed and installed in accordance with the subdivision agreement for this Plan;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That the public works constructed and installed in accordance with the subdivision agreement for Registered Plan 16M-47 and 16M-52, are hereby accepted and assumed
2. That Yellow Birch Crescent as shown on Registered Plan 16M-47 and 16M-52 is hereby assumed for public use
3. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-47, Including Part of Block 39, and Block 66.
4. That the Town Assumes all Dedicated Blocks within Registered Plan 16M-52, Including Blocks 38, Part of Block 39.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this ____ day of _____, 2019

Alar Soever, Mayor

Corrina Giles, Clerk