



## Town of Niagara-on-the-Lake

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**REPORT #:** CDS-23-121

**COMMITTEE DATE:** 2023-06-13

**DUE IN COUNCIL:** 2023-06-27

**REPORT TO:** COTW-Planning

**SUBJECT:** Apricot Glen Estates Phase I Subdivision - File No. 26T-18-04-01  
Municipal Assumption of Services

### 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The Town assume the primary, secondary and tertiary services installed within the Apricot Glen Estates Phase I Subdivision, File No. 26T-18-04-01, as defined in the Subdivision Agreement authorized by Town By-law 3962-05 (attached as **Appendix III** to this report); and Subdivision Agreement Amendment authorized by Town By-law 3962A-09 attached as **Appendix IV** to this report); and
- 1.2 The draft Assumption By-law, attached as **Appendix I** to this report, be forwarded to Council for approval.

### 2. EXECUTIVE SUMMARY

- This report recommends to Council the municipal assumption of the primary, secondary and tertiary services constructed within the Apricot Glen Estates Phase I Subdivision.
- The Owner has satisfied their obligations to construct services under the terms of the Subdivision Agreement with the Town.
- The required maintenance period for the services has passed.
- Staff recommend that Council approve an Assumption By-law for the subdivision to allow the Town to assume the services.

### 3. PURPOSE

This report responds to the Owner's (subdivision developer) request that the municipality assume the primary, secondary and tertiary services constructed for the Apricot Glen Estates Phase I Subdivision. The required Assumption By-law for the subdivision is attached as **Appendix I** to this report.

### 4. BACKGROUND

The Apricot Glen Estates Phase I Subdivision was registered on February 8, 2006, as Plan 30M-354 (see attached **Appendix II**). The subdivision is located between Four Mile Creek Road and Tanbark Road, north of Highway 405, within the Urban Area Boundary of St. Davids. The plan contains 39 lots for single-detached dwellings on municipal roadways identified as Red Haven Drive, Bunny Glen Drive and Apricot Glen Drive, and a stormwater management area.

Council approved By-law 3962-05 on July 25, 2005 to authorize the Subdivision Agreement (attached as **Appendix III**) between the Developer and the Town. There was an amendment to the Subdivision Agreement approved by Council through By-law 3962A-09 on January 26, 2009 (**Appendix IV** to this report). The Agreements set out the obligations of the Developer and the Town for the construction, maintenance and assumption of the services.

As required by the Agreements, the Developer constructed the stormwater management pond and services within the public roads and on portions of lots within the Subdivision. Easements for services located along lot lines were established as Parts described on Reference Plan 30R-11729 (attached as **Appendix V**).

## **5. DISCUSSION / ANALYSIS**

The assumption by the Town of the services within the Subdivision is required as detailed in Sections 8, 9 and 10 of the Subdivision Agreement upon fulfilment of the preconditions to assumption. Following the expiry of the required maintenance period and written request by the Owner/Developer, Town Staff issued a Final Certificate of Completion of Services which is attached as **Appendix VI** to this report.

## **6. STRATEGIC PLAN**

The content of this report supports the following Strategic Plan initiatives:

### Pillar(s)

2. Deliver Smart Balanced Growth

### Objective(s)

1.2 Close the gap on capital investments

## **7. OPTIONS**

Not applicable. The Owner has satisfied their obligations for servicing contained in the Subdivision Agreement with the Town.

## **8. FINANCIAL IMPLICATIONS**

Upon assumption, the Town will be responsible for all future maintenance and replacement of municipal infrastructure within the subdivision. Such responsibilities include municipal roads, water, sanitary sewers, storm water management, street cleaning, catch basin cleaning, hydrant and valve maintenance, sewer flushing, street lighting maintenance and winter control.

Assets will be recognized as Tangible Capital Assets within the Town's financial statements and depreciated per their useful lives on a straight-line basis. These assets will also be added to the Town's Asset Management Plan to assist with long-term financial planning.

## **9. ENVIRONMENTAL IMPLICATIONS**

Not applicable.

## **10. COMMUNICATIONS**

Town Staff will register the Assumption By-law on title and advise the Owner.

## 11. CONCLUSION

The Owner/Developer has completed all servicing requirements specified within the Subdivision Agreement with the Town. Staff recommend that Council approve the Assumption By-law, attached as **Appendix I** to this report.

## 12. PREVIOUS REPORTS

- **PDS-04-131** (December 6, 2004) Apricot Glen Subdivision Application for Draft Plan of Subdivision Approval
- **PDS-05-091** (July 25, 2005) Application for Subdivider's Agreement Apricot Glen Subdivision
- **PDS-09-006** (January 19, 2009) Amendment of the Subdivider's Agreement for Apricot Glen Subdivision – Phase 1 and Phase 2

## 13. APPENDICES

- **Appendix I** - By-law Authorizing Assumption of Municipal Services
- **Appendix II** - Registered Plan 30M-354 (Apricot Glen Estates)
- **Appendix III** - Subdivision Agreement
- **Appendix IV** - Subdivision Agreement Amendment
- **Appendix V** - Easement Plan 30R-11729
- **Appendix VI** - Final Certificate of Completion of Services

Respectfully submitted:

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