



Town of Niagara-on-the-Lake

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REPORT #: CDS-23-122 **COMMITTEE DATE:** 2023-06-13
REPORT TO: COTW-Planning **DUE IN COUNCIL:** 2023-06-27
SUBJECT: Apricot Glen Estates Phase 2 Subdivision - File No. 26T-18-07-01
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 2 Subdivision, File No. 26T-18-07-01, as defined in the Subdivision Agreement authorized by Town By-law 4231-08 (attached as **Appendix III** to this report); and Subdivision Agreement Amendment authorized by Town By-law 4231A-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 2 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 request by the Owner (subdivision developer) that the municipality assume the primary, secondary and tertiary services constructed for the Apricot Glen Phase 2 Subdivision. The required Assumption By-law for the subdivision is attached as **Appendix I** to this report.

4. BACKGROUND

The Apricot Glen Estates Phase 2 Subdivision was registered on September 24, 2008 as Plan 30M-384 (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 26 lots for single-detached dwellings and blocks containing 13 townhouses on municipal roadways identified as Creekside Drive, Red Haven Drive and Bunny Glen Drive.

Council approved By-law 4231-08 on June 16, 2008 to authorize the Subdivision Agreement (attached as **Appendix III**) between the Developer and the Town. There was an amendment to the Subdivision Agreement related approved by Council through By-law 4231A-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 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-13183 (**Appendix V**).

5. DISCUSSION / ANALYSIS

The assumption by the Town of the services within the Subdivision is required as detailed in Sections 9, 10 and 11 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

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, stormwater 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 for 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-07-042** (June 18, 2007) Apricot Glen Phase 2 Draft Plan of 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-384 (Apricot Glen Estates Phase 2)
- **Appendix III** - Subdivision Agreement
- **Appendix IV** - Subdivision Agreement Amendment
- **Appendix V** - Easement Plan 30R-13183
- **Appendix VI** - Final Certificate of Completion of Services

Respectfully submitted:

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