

To: Mayor and Members of Council

June 14, 2011

Re: McKenzie Lane & McKenzie Landing Development Agreement Amendment

Background

Administration presented Council with a report at the May 30, 2011 Council Meeting which considered an amendment to the Development Agreement for the McKenzie Lane/McKenzie Landing Subdivisions. Council tabled the report to the June 13th Council meeting to allow Administration to negotiate an amount for security on the remainder of the servicing requirements on the subdivisions.

Discussion

The Developer's engineer has provided a certificate of completion on the water and sewer services for McKenzie Pointe, McKenzie Landing and McKenzie Lane. The only service that has to be completed is the pavement in McKenzie Pointe and McKenzie Landing. The Developer has awarded a pavement contract for the pavement of McKenzie Pointe, which is to be completed this summer. I received a quote from a contractor on the approximate cost of the existing servicing to be done on McKenzie Landing. The total cost of pavement for those two subdivisions is approximately \$100,000. The Town currently has 4 lots in McKenzie Pointe as security.

After discussions with the Town solicitor and the Developer, we have agreed to retain two lots in the McKenzie Pointe subdivision as security for the pavement service in both the McKenzie Pointe subdivision and the McKenzie Landing subdivision. Once the pavement is complete in McKenzie Pointe I have agreed to release another lot, and retain one lot for the warranty period one year on the pavement.

Attached is a revised copy of the Development Agreement Amendment.

Budget Implications

None

Conclusion

The purpose of this report is for Council to approve the Development Agreement Amendment for McKenzie Landing and McKenzie Lane. The most substantial change is the off-site levies. The water and sewer services have been completed and the warranty

period on those services have expired therefore we do not have any right to continue to hold security for those services. Community Planning is holding off on subdivision approval of the McKenzie Lane Condos until there is a Development Agreement Amendment.

Recommendation

Administration recommends Council approves the Development Agreement Amendment for the McKenzie Landing and McKenzie Lane Subdivisions as attached.

Respectfully submitted,



Shauna Bzdel,
Town Manager

AMENDING AGREEMENT

THIS AMENDING AGREEMENT made in triplicate this ____ day of _____, 2011.

BETWEEN:

TOWN OF WHITE CITY
(hereinafter called "the town")

OF THE FIRST PART

AND:

MAURI GWYN DEVELOPMENTS,
a body corporate registered and licensed to conduct
business in the Province of Saskatchewan
(hereinafter called "Developer")

ON THE SECOND PART

WHEREAS:

1. The Town and the Developer executed a Development Agreement dated June 18, 2007.
2. The Town has agreed at the request of the Developer to exchange the Municipal Reserve within the Condo Development as per the proposed Plan of Subdivision of Parcel B and Municipal Reserve MR1 Plan No. 101909189.
3. The Town and the Developer have agreed to amend the Development Agreement as hereinafter set forth.

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH THAT:

4. The Town and the Developer do hereby agree to amend the Development Agreement as follows:
 - a) The zoning of the Condo area has changed to R6, therefore the Condo Development will be referred to as R-6 (Condos).
 - b) That Section 4.02 be amended to change the off-site service charges to \$7,018 for each residential unit comprised in the development.

- c) To amend the second sentence of the second paragraph of section 4.02 to read as follows:

“The off-site service charges shall be paid to the Town at the earlier of the sale of the residential unit at the time of preparing title transfer documents, and three years from the Execution of this amendment.”

- d) With respect to Section 4.11 of the Development Agreement dated June 18, 2007, the Town continues to hold two lots within the McKenzie Pointe subdivision identified as:

2 McKenzie Pointe



as security for the remainder of the servicing requirements.

- e) That Section 5.06 of the Development Agreement shall be deleted.
 - f) That Schedule ‘C’ to the Development Agreement shall be revised as attached.
 - g) That the Developer agrees to pay for the costs related to the Town registering this amendment to the Development Agreement at Information Services Corporation.
5. Except as amended herein the Development Agreement remains in full force and effect.

IN WITNESS WHEREOF the Parties hereto have executed this agreement the day and year first above written.

Seal

Mayor

Town Manager

Witness or Company Seal

Developer

Witness Affidavit

I, _____, of _____, Saskatchewan, make oath and say

1. That I was personally present and did see _____, the Developer named above, who is personally known to me to be the person named herein, duly sign and execute the said agreement for the purposes named therein;
2. That the said agreement was executed in the _____ of _____ in the Province of Saskatchewan and that I am the subscribing witness thereto; and
3. That I know the said _____ who is, in my belief, at least eighteen years of age or more.

Sworn before me at the
_____ of _____
in the Province of Saskatchewan,
this ___ day of _____, 20__.

Witness

A Commissioner for Oaths in and for
the Province of Saskatchewan
My commission expires _____.

Schedule "C" - Water and Sewer Specifications and Road Construction General Specifications

1. Water Main and Appurtenances

Pipe

150mm dia. Polyvinyl chloride (PVC). Class 150 SDR 18 conforming to AWWA C900 and CSA B 137.3.

Fittings

Tees, bends, and plugs of polyvinyl chloride (PVC), Class 150, CSA 137.3, compatible with AWWA C900 PVC pipe.

Couplings

Rebar or equal nylon coated with stainless steel nuts and bolts. Coupling to be wrapped with 6 mil polyethylene film or Denso past and tape.

Valves

Resilient seat gate valves conforming to AWWA C509, epoxy coated interior, asphalt enamel exterior coating, non-rising stem, counter clockwise rotation opening, ends to suit pipe, stainless steel bolting, and a 50 mm municipal operation nut. Mueller A 2360 or approved equal.

Adjustable cast iron or PVC-cast iron to suit burial complete with hood, top section with separate lid, stone disc and rod with 50 mm wrench nut.

Hydrants

Dry-barrel compression type with 1 3/4" pentagon operating nut and nozzle cap nuts that open counter-clockwise conforming to AWWA C502. Hydrants to have safety stem and coupling, main valve minimum diameter 133 mm, epoxy coating in boot, stainless steel bottom bolting, bell inlet for AWWA C900 PVC pipe, drain, operating thread (permanent) lubrication. Hose nozzles to be 3 17/64: OD 6 TPI.

Colour to be teem green or fluorescent green above grade. Mueller Modern Centurion A442 or approved equal.

Construction

- Concrete for thrust blocking shall be Type 50 sulphate resistant cement and 20mPa at valves, tees, bends, etc.

- Anchors and strapping shall be provided at valves and fittings as required.
- Minimum cover from finished surface to crown of pipe shall be 2.7 meters.
- Bedding sand shall be placed prior to pipe installation.
- Pipe interiors, fittings, etc. Shall be free of dirt, debris and foreign material.
- All water mains shall be disinfected to meet AWWA specifications.
- Pressure/leakage test shall be carried out at pipe class designation pressure and maintained for one (1) hour.

Testing must comply with the procedures and specifications as outlined in Appendix 'A' of this agreement.

- All water main trenches are to be compacted to 95% standard Proctor density within the road structure **unless there is a freeze and a thaw period before construction of the road is initiated.** Compaction testing to be carried out by a geotechnical engineering firm.

2. Sewer Mains and Manholes

Pipe

Polyvinyl chloride (PVC) sewer pipe, SDR35, conforming to ASTM D3034 and CSA 182.2 bell and spigot type with gaskets for gravity main. Minimum size 200mm.

Fittings

PVC with rubber gasket joints conforming to ASTM and CSA 182 to suit sewer main.

Manholes

1050mm diameter, complete with base and rungs, ASTM Specification C478.

Portland sulphate resistant Type 50 cement conforming to CSA CAN 3-A5-M Standard.

Covers and frames shall be **Norwood Foundry Model F-39 or approved equal**, conforming to ASTM A27, Grade 70.36.

Manhole steps shall be 19mm diameter, hot dipped galvanized billet steel safety rungs.

Manhole joints shall be made watertight using mortar, and precast bases shall be a minimum of 20.7 mPa concrete.

Manhole spacing not to exceed 120m.

Construction

Bedding sand shall be placed prior to pipe installation.

Minimum bury shall be 2.7m and 2.3m at crossings with other infrastructure.

Gravity sewer system shall be installed to grade and elevations specified.

Perform pressure/leakage tests for gravity system.

All sewer main trenches are to be compacted to 95% standard Proctor density within the road structure unless there is a freeze and a thaw period before construction of the road is initiated. Compaction testing to be carried out by a geotechnical engineering firm.

3. Building Services

Water Pipe

20mm, copper type K 1.1 mPa pressure class conforming to CSA MC66, together with a curb stop terminated at the property line.

38mm, high density polyethylene, 1.1 mPa pressure class conforming to AWWA, CSA 137.7, complete with plastic inserts for compression fittings.

Unions

Standard brass compression type suitable for size and type of pipe. Mueller or Ford.

Stops

Main stops to be standard brass corporation stop with Mueller topping thread and compression type joint suitable for size and type of pipe Mueller H-15008 or approved equal.

Curb stops to be standard brass with drain with compression type joints. Mueller Mark II Oriseal H15219 or approved equal.

Valve box and extension to be Schedule 40 iron pipe, Mueller A714 or equal, complete with Mueller A808 or equal lid to suit depth requirements. Steel **rod** and cotter pin to be stainless steel.

Sewer Pipe

Gravity sewer system to be polyvinyl chloride (PVC) 150mm diameter sewer pipe, unless otherwise approved, **SDR35** conforming to CSA B182.1, bell and spigot ends with rubber gasket joints. The connections shall be PVC tee wye, wye branch tee, or saddle connections conforming to CSA 182.1.

Construction

For water service installation, install corporation cocks in the upper half of the water main at a 45 degree angle and provide goose neck. Leave all main stops open before backfilling.

For gravity sewer service installation, lay sewer pipe according to manufacturer's instructions and at a minimum grade of 1.0% for 150mm pipe and 2.0% for 100mm pipe.

Gravity sewer service and water service installed in a common trench shall have a horizontal separation of 300mm between services and the water service must be above the sewer service. The domestic sewer pipe shall be located in the centre and the water pipe on the right side within the trench, as seen when facing the building.

Backflow prevention devices shall be installed at the building drain.

All service trenches are to be compacted to 95% standard Proctor density within road structure **unless there is a freeze and a thaw period before construction of the road is initiated**. Compaction testing to be carried out by a geotechnical engineering firm.

4. Road, Street and Lane Constructions Standards

The Developer shall be responsible for the following:

- a) to remove or cause to be removed from within the limits of all the roads, streets and lanes on the "Plan" any privately owned structures, trees, bush or brush, and to properly dispose of any resulting refuse in order that no waste material is left on the Land;

- b) to design, improve or grade all driving surfaces so that all the driving surfaces within the roads or streets on the "Plan" have a driving surface with a minimum width of 7 metres (23 feet) and the driving surfaces within lanes have a minimum width 5 metres (16.5 feet); with ditch depressions, no driveway culverts, and area drainage where necessary.
- c) to design, improve or grade all driving surfaces so that all surfaces have a 15.24 centimetre (6 inch) high crown evenly sloped to the outside edge of the driving surface where the Developer shall provide surface water run-off channels or ditches as may be required by the topography;
- d) to grade all ditch side and back slopes at to a horizontal to vertical ratio not steeper than 3:1;
- e) to remove all rocks and other debris from all slopes and ditches and to revegetate all slopes and ditches by seeding grass;
- f) Road structure to consist of 50mm asphalt concrete (Type 71), 150mm soil stabilized base course (Type 32 or 33), and sub-base course, for traffic structure. A Bituminous Prime, Tack and Flush Coat shall be applied. For heavy traffic, the base course and sub-base course may vary in thickness depending on soil classification.
- g) Final shaped subgrade to be compacted to 98% standard Proctor density. Compaction testing to be carried out by a geotechnical engineering firm.
- h) Each layer prior to the final 150mm layer to be compacted to 95% standard Proctor density.
- i) to have at least 5% clay (binder) in the top 15.24 centimetres (6 inches) under all driving surfaces;
- j) If pavement works don't proceed during the same year, apply interim traffic gravel to road surface.
- k) Maintain dust free surface material until pavement is constructed.
- l) The Developer will ensure dust control guidelines are adhered to when installing services or levelling the area as per the Clean Air Act to ensure the Town does not receive complaints from Saskatchewan Environment or residents from the adjacent development area.
- m) to supply and install galvanized steel culverts at such sizes and locations given in Schedule "C" annexed to the Agreement.
- n) Sub-grade, sub-base course and base course densities shall be inspected and determined by the Developer's Engineer.

- o) For the concrete works, the cement shall be Type 10 Normal Portland Cement conforming to requirements of CSA Standard CAN/CSA-A5, with a minimum specified 28 – day compression strength of 32 mPa. The cement type shall be suitable for the conditions of installation. A mix design shall be submitted to the Engineer prior to beginning any concrete work. All testing prior to and during placement of concrete shall be inspected by the Engineer.
- p) During asphalt concrete mixing and placement, control testing mix design, and density testing shall be carried out under the jurisdiction of the Developer's Engineer.