

Report to Councils

Report Title: Walker West Estates Inc. Pre-Servicing Agreement

Prepared By: Sonya Watson, Chief Administrative Officer

Department: Administration

Date: November 12, 2019

Report Number: CAO2019-29 **File Number:** C11AD, L04, D12WA

Attachments: Walker West Estates Inc. Pre-Servicing Agreement

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CAO2019-29 - Walker West Estates Inc. Pre-Servicing Agreement, prepared by Sonya Watson, Chief Administrative Officer for information purposes and further approves a by-law coming forward to authorize the Amendments to the Pre-Servicing Agreement with Walker West Estates Inc.

Report:

Background:

On March 26, 2019, 1665426 Ontario Inc. (the “Developer”) received approval from Council for the Zoning related to the proposed subdivision adjacent to the Westwood subdivision in Walkerton. The Development established as “Walker West Estates Inc. “received approval from the County of Bruce for the draft Plan of Subdivision on April 8, 2019. The proposed new subdivision will be called “Walker West Estates”, and will include a number of single family homes (the first phase), townhouses and two apartment buildings (to be phased after the single family homes). One of the conditions of the draft Plan of Subdivision was that the Developer enter into a Subdivision Agreement with the Municipality of Brockton prior to any lots in the Walker West Estates subdivision being sold.

The Walker West Estates will require a booster pumping station to ensure adequate water pressure for the proposed lots. The booster pumping station will also increase water flows to existing Brockton residents. As a result, the Municipality of Brockton and Walker West Estates Inc. will be establishing an agreement related to the costs of this booster pumping station. The Municipal Class Environmental Assessment would need to be completed prior finalizing any costing of the proposed booster pumping station.

The Subdivision Agreement that was a condition of the Plan of Subdivision also cannot be completed until the details related to the booster pumping station have been finalized. Work is ongoing on this and will be resolved over the winter.

Further in August, 2019 Council approved entering a pre-servicing agreement with the Developer to allow for soil preparations for the subdivision. Work has been ongoing over the summer and fall. The Developer is now in a position to proceed with the installation of underground works namely; sanitary servicing, watermain and storm sewer infrastructure.

Analysis:

We continue to work with the Developer to help move the development along as expeditiously as possible.

In consultation the Municipal Engineer; BM Ross staff are recommending that the Municipality of Brockton amend the “Walker West Estates Inc. Pre-Servicing Agreement By-Law” By-Law 2019-090 to allow further infrastructure works to proceed. We will continue to finalize the remaining details for the Subdivision Agreement and booster pumping station. The main components of the Pre-Servicing Agreement are as follows:

- 1) The developer recognizes that the Municipality of Brockton is under no obligation to accept any works that may be completed prior to the Subdivision Agreement, but is permitted to begin some early works at the developer’s risk;
- 2) The Municipality of Brockton will require a security deposit for the Municipal Engineer’s and/or the Municipal Solicitor to review the works. The proposed deposit is based on 20% of the developer’s engineer’s estimate of the total costs of the works the developer is proposing in the pre-servicing agreement,
- 3) The developer is responsible for ensuring all agency approvals with respect to silt control are received;
- 4) There shall be no connections to Municipal services at this stage, unless approved by municipal staff;
- 5) The developer shall indemnify the Municipality of Brockton for any losses, claims or damages arising from the early works.

Staff are recommending the Pre-Servicing Agreement be amended as it would allow the development to progress prior to the winter weather, minimize risk to the Municipality of Brockton, and still allow sufficient time to complete the remaining documents.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

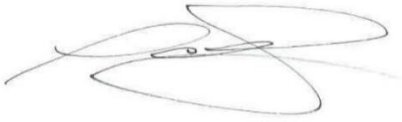
- | | |
|---|-----|
| • Do the recommendations help move the Municipality closer to its Vision? | Yes |
| • Do the recommendations contribute to achieving Cultural Vibrancy? | N/A |
| • Do the recommendations contribute to achieving Economic Prosperity? | Yes |
| • Do the recommendations contribute to Environmental Integrity? | Yes |
| • Do the recommendations contribute to the Social Equity? | N/A |

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The Pre-Servicing Agreement included a deposit of \$20,000.00 from the Developer to ensure the Municipality of Brockton has sufficient funds to cover the costs associated with having the Municipal Engineer/Solicitor review the documents, estimates or the works. The Pre-Servicing Agreement also requires the Developer to deposit 20% of the cost of the preliminary works within the agreement, as estimated by the Developer's engineer and reviewed by the municipal engineer (which is \$971,121.00 x 20% =194,224.20).

Reviewed By:

A handwritten signature in black ink, appearing to be 'Trish Serratore', written in a cursive style.

Trish Serratore, Chief Financial Officer

Respectfully Submitted by:

A handwritten signature in black ink, appearing to be 'Sonya Watson', written in a cursive style.

Sonya Watson, Chief Administrative Officer