



## Planning Advisory Committee Report

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**Report Number:** ENG2021-001  
**Meeting Date:** July 14, 2021  
**Title:** **Assumption of Riverside Heights Subdivision – Phase 2**  
**Description:** Assumption Report for Riverside Heights Subdivision – A portion of Plan 626, City of Kawartha Lakes  
**Type of Report:** Regular Meeting  
**Author and Title:** Christina Sisson, Supervisory Development Engineering

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### Recommendation(s):

**That** Report ENG2021-001, **Assumption of Riverside Heights Subdivision Report – Phase 2**, be received;

**That** the Assumption of Riverside Heights Subdivision – A portion of Plan 626, City of Kawartha Lakes, be approved;

**That** an Assumption By-Law, substantially in the form attached as Appendix “A” to Report ENG2021-001 be approved and adopted by Council; and

**That** the Council approve and authorize the use of security held by the City, in the amount of \$111,172.97, to partially fund the future Capital project for the completion of Public Services within the assumed portion of Plan 626, as deemed necessary by the Director of Engineering & Corporate Assets; and

**That** the Mayor and Clerk be authorized to execute any documents and agreements required by the approval of this application.

**Department Head:**\_\_\_\_\_

**Legal / Other:**\_\_\_\_\_

**Chief Administrative Officer:**\_\_\_\_\_

## **Background:**

The Corporation of the Village of Bobcaygeon (now City of Kawartha Lakes) entered into a Subdivision Agreement with Gormaw Developments Limited for the subdivision known as Riverside Heights (Plans 610, 626, 627) in 1988 and 1989. In 2003, the City of Kawartha Lakes assumed the first phase of the development (portion of Cedartree Lane, Juniper Court) in order to rectify drainage and road surface issues, resulting from the original 'V' cross section road design (see Appendix B, Report PW2003-118). There were no securities available to the City through the first phase of the subdivision, therefore the City completed the reconstruction of a portion of Cedartree Lane and Juniper Court through a Capital project in 2012-2013.

In 2005/2006 it became apparent to the City of Kawartha Lakes that development of Plans 626 and 627 (Phase 2) was not proceeding as per the terms of the agreement, and although there were some financial securities in place, the value was insufficient for the scope of works yet to be completed. By that time, the remaining lots in the development had transferred ownership from Gormaw Developments Limited to Brooke Properties Incorporated. The City attempted to encourage the owner to complete the works; however, in 2006 and upon advice of legal counsel, the City of Kawartha Lakes passed a Deeming By-Law 2006-310, to ensure that development of Plan 627 and further development of select blocks/lots within Plan 626 would occur to current standards, through an updated agreement with sufficient financial guarantees in place.

Following the implementation of the Deeming By-Law in 2006, the City continued to attempt to work with the Owner and the engineer to facilitate the completion of Plans 626 and 627, through a new or amending agreement. Brooke Properties Inc. filed a Statement of Claim against the City in 2008. In 2018 the claim was resolved at arbitration, in favour of the City. The lands reverted back to the mortgagers and are being actively marketed for sale.

The Engineering & Corporate Assets Department is recommending assumption of the existing roads serving existing residents only within the Riverside Heights Subdivision, Plan 626, to facilitate a detailed inspection and review of the scope of work required through a Capital Project (including base asphalt repair, surface asphalt, curb, sidewalk, etc.) to complete the Public Services for a portion of the lands within Plan 626 only, and identified in Appendix C as Birch Crescent (PIN: 63135-0230) and Cedartree Lane (PIN: 63135-0131, from 300 metres east of CKL Road 36, and easterly 245 metres). A portion of underground water and sanitary sewer main infrastructure within Plan 626 and

627 that services existing residential dwelling units will also be assumed. The City holds financial securities that will be drawn upon to fund the Capital Project, but it is anticipated that additional funds will be required and requested through the Capital Budgeting process.

The remaining lands for development, within a portion of Plan 626 and Plan 627 will be developed through a Development Agreement with the City, as per the City's current guidelines.

### **Rationale:**

To complete the Public Services within the subdivision, the City will complete the works through a capital project, which is best implemented on infrastructure assumed by the City.

The assumption of this phase of the development will provide a defined area, clearly demarcating the next/future phase of the development for the subsequent developer.

### **Other Alternatives Considered:**

Council could decide not to proceed with assumption of the roads identified; however, this would not be consistent with our commitment through consideration of the capital budget to complete the subdivision for the existing residents and future residents in the subdivision.

### **Alignment to Strategic Priorities:**

The City's Strategy Map outlines Council's Vision of a Community Pursuing Prosperity, Quality of Life and a Healthy Environment. This application aligns with the prosperity priorities in that new residents will be attracted to the City with the development of housing options that have connectivity to retail services and parks and open space.

### **Financial / Operation Impacts:**

There is currently \$111,172.97 cash security remaining for this subdivision. As all litigation is complete, the City can draw upon this security to use to partially fund a future capital project.

Upon assumption of the Subdivision, the City will be responsible for the completion of all of the public services contemplated through the registered

agreement and the approved engineering design. A high level estimate of approximately \$600,000.00 has been prepared in 2018 for outstanding deficiencies; however, further investigations and detailed design will confirm the required budget for the project. A future capital project will address these deficiencies (i.e. curb, sidewalk, top course asphalt, etc.). In addition, the operation and maintenance costs for the streets and services will need to be allocated for in future City department operating budgets.

### **Servicing Comments:**

The services in the subdivision will be further completed through a future capital project. This Subdivision consists of approximately 736 metres of 200 mm diameter PVC SDR 35 sanitary sewer, 77 metres of 300 mm diameter concrete storm sewer, 88 metres of 375 mm diameter concrete storm sewer, 51 metres of 450 mm diameter concrete storm sewer, 251 metres of 300 mm diameter concrete storm sewer, 760 metres of 150 mm diameter PVC CL 150 watermain, and a total of 675 metres of road at base asphalt level.

### **Consultations:**

City Solicitor  
Insurance Risk Management Officer  
Realty Services  
Finance Division  
Public Works Department

### **Attachments:**

Appendix 'A' - Draft Assumption By-Law



2021-xxx Assume  
Riverside Heights Bc

Appendix 'B' – Plan 626 and Plan 627



Registered Plan  
626.pdf



Plan 627.PDF

Appendix 'C' – Council Report PW2003-118



PW2003-118 –  
Assumption of Roac

Appendix "D" – Figure 1 Area for Assumption – Birch Crescent and portion of  
Cedartree Lane



2021 Area for  
assumption Birch Cr

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**Department File:** D05