

REPORT NO. 369 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held March 23, 2016

Present: Councillor Chris Holt
Councillor Fred Francis
Councillor Bill Marra (Chair)
Councillor Hilary Payne
Councillor Paul Borrelli

That the following recommendations of the Environment, Transportation and Public Safety Standing Committee **BE APPROVED**:

Moved by Councillor Francis, seconded by Councillor Borrelli,

THAT the existing subdivision agreements, Instrument Number LT0291274 between Southwood Lakes Holdings Ltd. and The Corporation of the City of Windsor; Instrument Number LT0224483 between Alice Kurosky and The Corporation of the City of Windsor; and Instrument Number LT134471 between George Wimpey Canada Limited and The Corporation of the City of Windsor, which was subsequently amended by Instruments Number LT137331, LT138129 and LT149928, **BE AMENDED** as follows, and further, that the CAO and City Clerk **BE AUTHORIZED** to execute the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer:

Noise Attenuation Measures

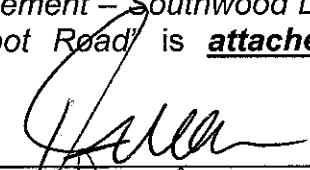
The Parties hereto agree and consent to the removal of the owner's obligation relating to the existing noise barrier wall and its maintenance requirement noted within the Subdivision Agreement.


Carried.

Councillor Marra was absent when the vote was taken on this matter.

S 44/2016 ZP/12472

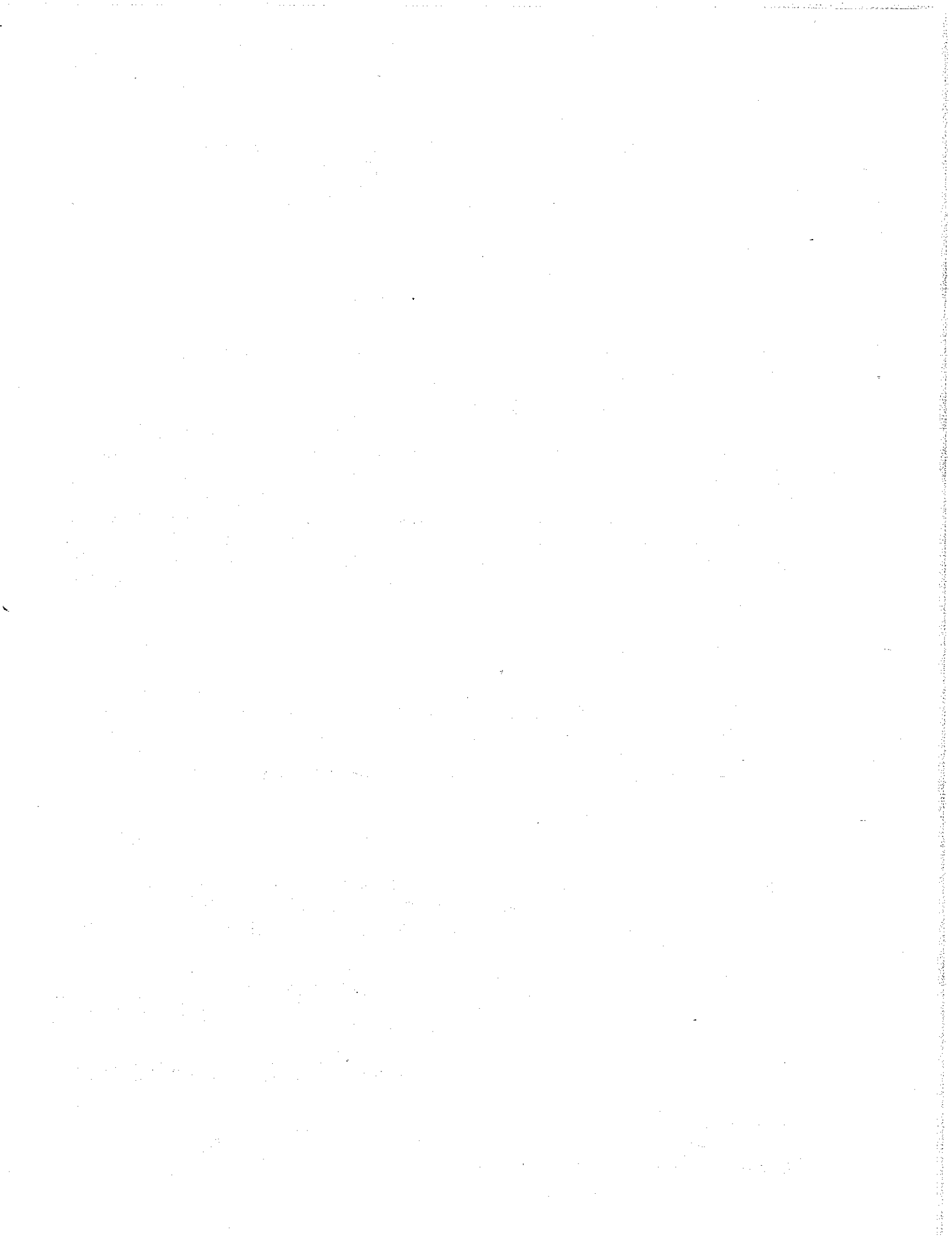
Clerk's Note: The report of the City Engineer dated February 11, 2016 entitled "Amendment to Subdivision Agreement – Southwood Lakes Subdivision – Howard Avenue to North Talbot Road" is **attached** as background information.



CHAIRPERSON


SUPERVISOR OF COUNCIL SERVICES

NOTIFICATION:	
NAME	CONTACT INFORMATION
Garfield Dales (MTO)	Garfield.dales@ontario.ca





Development, Projects & Right-of-Way

MISSION STATEMENT

"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"

REPORT #: S 44/2016	Report Date: 2/11/2016
Author's Contact: Paul Mourad Project Administrator (A) 519-255-6100 ext. 6119 pmourad@citywindsor.ca	Date to Council: March 23, 2016
	Clerk's File #: ZP/12472

To: Mayor and Members of City Council

Subject: Amendment to Subdivision Agreement - Southwood Lakes Subdivision
– Howard Avenue to North Talbot Road - Ward 1

RECOMMENDATION:

THAT the existing subdivision agreements, Instrument Number LT0291274 between Southwood Lakes Holdings Ltd. and The Corporation of the City of Windsor; Instrument Number LT0224483 between Alice Kurosky and The Corporation of the City of Windsor; and Instrument Number LT134471 between George Wimpey Canada Limited and The Corporation of the City of Windsor, which was subsequently amended by Instruments Number LT137331, LT138129 and LT149928, **BE AMENDED** as follows, and further, that the CAO and City Clerk **BE AUTHORIZED** to execute the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer:

Noise Attenuation Measures

The Parties hereto agree and consent to the removal of the owner's obligation relating to the existing noise barrier wall and its maintenance requirement noted within the Subdivision Agreement.

EXECUTIVE SUMMARY: N/A

BACKGROUND:

As part of the construction of the Herb Gray Parkway, the Ministry of Transportation (MTO) reconstructed the existing noise barrier wall adjacent to the Southwood Lakes Subdivision, from Howard Avenue to North Talbot Road, and relocated it onto lands acquired by the MTO. The pre-existing noise barrier wall was built pursuant to the Subdivision/Service Agreements between the developer/owners and the City of Windsor. The subdivision agreements indicated that the noise barrier would be located on private property and it was the private property owner's obligation to maintain it.

DISCUSSION:

Now that the noise barrier wall is on MTO property and the owners no longer have an obligation to maintain the wall, the existing Subdivision Agreements should be amended to state that the owners no longer have any obligations relating to the existing noise barrier wall and its maintenance requirement as noted within the subdivision agreement.

RISK ANALYSIS:

There is no risk in undertaking the amendment to the existing Subdivision Agreements, and reflects the current situation whereby MTO is responsible for the noise barrier wall.

FINANCIAL MATTERS:

There is no cost to the City of Windsor to amend the existing Subdivision Agreements as the MTO has agreed to cover any expenses incurred as a result of this work.

CONSULTATIONS:

Legal Department – Wira Vendrasco
Legal Department – Kate Tracey
Ministry of Transportation - Garfield Dales, Director of Windsor Border Initiatives Implementation Group

CONCLUSION:

Administration supports the proposed amendment to the existing Subdivision Agreements to remove the owners' obligation relating to the existing noise barrier wall and its maintenance requirement noted within the Subdivision Agreement.

PLANNING ACT MATTERS: N/A

APPROVALS:

Name	Title
France Isabelle-Tunks	Senior Manager, Development, Projects & ROW / Deputy City Engineer
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Transportation
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Helga Reidel	Chief Administrative Officer

NOTIFICATIONS:

Name	Address	Email
Fred Francis – Ward 1 Councillor	c/o 350 City Hall Sq W Windsor, ON N9A 6S1	ffrancis@citywindsor.ca
Garfield Dales, Director of Windsor Border Initiatives Implementation Group - MTO	Exeter Road Complex, 2nd Floor 659 Exeter Rd, London ON N6E 1L3	Garfield.Dales@ontario.ca

APPENDICES: N/A

