

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

STAFF REPORT

DATE: August 17, 2020
TO: Committee of the Whole
FROM: Cory Smith, Public Works Technologist
SUBJECT: Riverfront Estates Phase 3B – Final Acceptance

RECOMMENDATION:

THAT Committee of the Whole recommend that Council authorize final acceptance for the finalized portion of plan of subdivision 27M-68 Riverfront Estates Phase 3, to be known as Phase 3B, in accordance with Section 15 of the subdivision agreement with Houchaimi Holdings inc.;

AND THAT Committee of the Whole recommend that Council direct staff to prepare an assumption by-law for the roads and associated infrastructure works constructed with the development of the portion plan of subdivision 27M-68 to be known as Phase 3B.

BACKGROUND:

On May 12th, 2015, the Town of Mississippi Mills (now Municipality of Mississippi Mills) entered into a subdivision agreement with Houchaimi Holdings Inc. for the development of Riverfront Estates Phase 3. The subdivision which was registered on June 16, 2015, included townhouse blocks, lands for stormwater management purposes and deeded sections of Spring Street, Robert Hill Street and Merrithew Street. A copy of plan of subdivision 27M-68 has been included for reference as Attachment A.

Section 15 states:

“When the Director of Roads and Public Works is satisfied that the Works set out in this agreement or any part thereof and any other Works which may have been required have been executed in accordance with this agreement and the Town standards and specifications and requirements, and has also been satisfied that all Town accounts have been paid, and maintenance requirements met, the Director of Roads and Public Works will forthwith present a report to the Council of the Town stating that the work or any part thereof has been completed satisfactorily and the roads are in the required condition for them to be assumed by the Town. Acceptance of any of the Works or any part thereof shall be evidenced by By-law of Council.

Upon the said By-law being passed the ownership of the Works, except house numbers and sodding beyond the road boundary, shall vest in the Town and the Owner shall

have no claim or rights thereto, other than those accruing to it as Owner of the land abutting streets on which the Works were installed.”

Houchaimi Holdings Inc. requested consideration for splitting phase 3 into 2 portions as the works in the areas along Merrithew, Spring and a small portion of Robert Hill were complete. These portions of Phase 3 as outlined in DSEL drawing GP-1, last modified February 2017 (attached) are to be known as Phase 3A. The remaining portion of Phase 3 on Robert Hill are known as Phase 3B.

All the works prescribed within the subdivision agreement for the part of Riverfront Estates Phase 3, known as 3A were completed in late 2016, with all the required documentation being submitted by January 31, 2017. The mandatory one year maintenance (warranty) period has now expired and Phase 3A was assumed by The Municipality in 2018.

All the works prescribed within the subdivision agreement for the part of Riverfront Estates Phase 3, known as 3B were completed, with the exception of lot grading adjacent to Lots 9, 10, 11 and 12. Phase 3B entered into its warranty period in April, 2019, The mandatory one year maintenance (warranty) period has now expired and the required lot grading for Lots 9, 10, 11 and 12 have been completed to the Satisfaction of the Director of Public Works with all required certifications being submitted and accepted.

DISCUSSION:

The Municipality completed a final inspection of Riverfront Estates Phase 3B to mark the end of the mandatory one year maintenance period for the subdivision. During the inspection no unacceptable deficiencies were identified. The Developer has satisfied all obligations of the subdivision agreement. Staff is therefore recommending that final acceptance be issued pursuant to Section 15 of the agreement for Phase 3B.

In addition, staff is recommending that the required assumption by-law be prepared in accordance with Section 22.1 of the agreement. Final release and assumption is contingent on the successful demonstration that the requirements of the Construction Lien Act, 1990. C.30, have been met as per section 23.5 of the subdivision agreement.

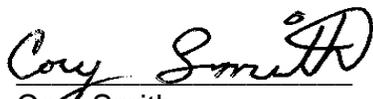
FINANCIAL IMPLICATIONS:

There are no financial implications to the Municipality. However, the final release of securities for Phase 3B in the amount of \$30,764.68 will occur concurrently with demonstrating that the requirements of the Construction Lien Act have been met and the works being assumed by the Municipality are clear in title.

SUMMARY:

The Phase 3B portion of Riverfront Estates subdivision (Plan 27M-68) concluded the mandatory one year maintenance period for works constructed as part of the subdivision agreement. The developer, Houchaimi Holdings Inc., has completed all works to the satisfaction of the Director of Roads and Public Works. Staff is therefore recommending that the Municipality issue final acceptance and that the remaining securities totaling \$30,764.68 be released subject to the conditions as noted in this report. It is also recommended that the Municipality move forward with the preparation of the necessary by-law governing assumption of the works.

Respectfully Submitted,



Cory Smith
Roads and Public Works

Reviewed by,



David Armstrong
A/Director of Roads and Public Works

Approved by,



Ken Kelly
CAO