

# SUBDIVISION PRE-SERVICING AGREEMENT POLICY



**DEPARTMENT:**  
CAO

**POLICY NUMBER:**  
001-21

**EFFECTIVE DATE:**  
FEBRUARY 8, 2021

**LEGISLATIVE AUTHORITY:**  
N/A

**APPROVED BY:** RESOLUTION 2021-030

## **Policy Statement and Rationale:**

It is the purpose of this policy to establish the requirements for pre-servicing of vacant lands prior to the execution of a subdivision agreement throughout the Township of Wellington North.

## **Scope:**

This policy shall apply to all requests for pre-servicing of vacant lands which have been granted draft plan approval.

## **Definitions:**

In reading and interpreting the Pre-Servicing of Subdivision Lands policy, the following definitions apply:

- a) "Township" means The Corporation of the Township of Wellington North
- b) "Owner" means the party who wishes to install services as a requirement of draft plan approval.

## **Policy:**

### **1.0 Request for Pre-Servicing Agreement**

- 1.01 Staff of the Operations Department shall review in consultation with the Building Department the requests for pre-servicing submitted by Owners.
- 1.02 The Owner shall acknowledge in writing in the request for pre-servicing that:

- a) the pre-servicing work will be completed solely at owners' risk and peril;
- b) the Township will assume no responsibility for any work that has commenced;
- c) the Owner is willing to indemnify the Township with respect to all matters pertaining to the pre-servicing;
- d) nothing contained within the Pre-Servicing application; Pre-Servicing Policy or Pre-Servicing Agreement shall constitute a planning approval pertaining to the property and that all documents are without prejudice to the public planning process and staff approval process;

1.03 The Owner shall acknowledge in writing in the request for pre-servicing that the pre-servicing agreement will not permit any connections to any existing sewers or water services. In addition, the Owner shall acknowledge that there will be no installations of any services within the Township's right-of-ways.

## **2.0 Requirements**

2.01 The following items must be submitted with the pre-servicing request:

- A draft copy of the pre-servicing agreement prepared by the Owner and the Owner's Consulting Engineer;
- A written acknowledgement from the Owner's Consulting Engineer addressed to the Township stating that the Consulting Engineer understands the obligations to the Township of the pre-servicing agreement;
- If applicable, a letter of indemnification to the Township identifying that the other Utility Plan(s) and Landscaping Plans are still outstanding from the engineering submission and that the Owner is proceeding at the Owner's sole risk on that basis;
- An irrevocable letter of credit or banker's draft for the securities (details noted in 2.03 below);
- A certificate of public liability insurance in an amount not less than \$5,000,000 to protect the Owner, and the Township and consultants jointly against loss, damage, or injury to persons or property caused directly or indirectly by reason of the Owner undertaking development of the lands (details noted in 2.04 below);
- A Construction Management Plan addressing the erosion and sediment controls, the construction traffic routing plan, and the detailed construction schedule, including the coordination of the preconstruction meeting with the Township staff, Township Engineer, Owner's Consulting Engineer, and the Contractor;
- A copy of the Ministry of the Environment, Conservation and Parks approval for municipal services;
- A copy of the Conservation Authority written confirmation of clearance; and
- Four hard copies and one electronic copy of the complete "issued for pre-servicing" sets of engineering drawings.

- 2.02 The Township Engineer and Operations Department must approve the pre- servicing proposal prior to the execution of the pre-servicing agreement.
- 2.03 The Owner will submit security in the amount of 100 percent of the total estimated cost of the works along with an executed Pre-Servicing Agreement. If, in the sole opinion of the Township, there is a default under the terms of the Agreement, the securities may be drawn or cashed in whole or in part to cover the costs incurred by the Township in remedying the default or in addressing an emergency situation. The security will be used to secure the site with any required fencing, vegetative cover, or grading if the Owner does not enter into a subsequent subdivision or development agreement.
- 2.04 The Owner will also supply an indemnification in the pre-servicing agreement along with proof of liability insurance in the amount of at least \$5,000,000 with the Township and the Township's Engineer being named as a co-insured.

### **3.0 Procedures**

- 3.01 If an Owner wishes to pre-service a property, the Owner will make a request to the Chief Building Official.
- 3.02 The Development Clerk will provide the application and a template of the pre- servicing agreement as requested, to the owner.
- 3.03 The Owner shall submit the draft pre-servicing application and agreement along with the required items listed in Section 2.0 to the Development Clerk for review by the Township.
- 3.04 The Director of Operations will report to the Mayor and Council that the Owner has met the requirements, and the Township may execute the agreement.

### **4.0 Delegated Authority**

- 4.01 For the purpose of permitting pre-servicing, the authority to execute a pre- servicing agreement is hereby delegated to the Mayor and Clerk.