

DRAFT PLAN OF CONDOMINIUM 30CDM-22203
55 Franklin Street South
55 Franklin GP Inc.
RECOMMENDED CONDITIONS OF DRAFT APPROVAL

That the City of Kitchener, pursuant to Section 51(31) of the Planning Act R.S.O. 1990, c.P.13, as amended, and By-law 2002-164 as amended, of the City of Kitchener, hereby grants draft approval to Condominium Application 30CDM-22203 for 55 Franklin Street South in the City of Kitchener, subject to the following conditions:

1. That this approval applies to Draft Condominium 30CDM-22203 owned by 55 Franklin GP Inc., dated May 24, 2022 proposing a Vacant Land Condominium Plan for 0.83 hectares of land comprised of 5 units and common elements.

Units 1-4: Lots for Mixed use buildings.

Unit 5: 1 storey parking structure

Common Elements: Internal drive aisle, walkway, and landscaped areas.

2. That the final plan shall be prepared in general accordance with the above noted plan, with a copy of the final plan being approved by the City's Manager of Development Review.
3. That prior to registration, the Owner obtain approval from the City's Addressing Analyst of the following:
 - A. An addressing plan showing the proposed units with Condominium Unit Numbering; and;
 - B. A summary table containing the proposed Condominium Unit Numbering and assigned municipal addresses.
4. The Owner shall submit a draft Condominium Declaration, for approval by the City's Manager of Development Review and Regional Municipality of Waterloo's Commissioner of Planning, Development and Legislative Services. The said Declaration shall contain:
 - i) provisions, to the satisfaction of the Regional Municipality of Waterloo's Commissioner of Planning, Development and Legislative Services, regarding ownership details and rights and obligations for common elements including, but not limited to, access lanes, sanitary, storm and water services, and open space/amenity areas, if any.

In addition, the Declaration shall contain specific provisions 4 ii) through 4 vii), as outlined below, to the satisfaction of the City's Manager of Development Review.

- ii) That private sidewalks, driveways and parking areas be maintained in a snow free condition and void of any obstructions 12 months of the year.
- iii) That the condominium corporation agrees to develop and maintain the subject lands in compliance with approved Site Plan.
- iv) That access rights to Kitchener-Wilmot Hydro Inc. facilities on the subject property will be maintained.

- v) That the home mail delivery will be from a designated Centralized Mail Box.
 - vi) That easements, as may be required, for servicing and/or access across the condominium lands are to be conveyed to: City of Kitchener, Regional Municipality of Waterloo, Kitchener-Wilmot Hydro, Bell Canada and any communication/telecommunication company.
 - vii) That the Condominium Corporation and Unit Owners, would at their expense, be obligated to implement and maintain the approved Salt Management Plan related to winter snow and ice clearing.
 - viii) That Despite the best efforts of the Waterloo Region District School Board (WRDSB), accommodation in nearby facilities may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school. For information on which schools are currently serving this area, contact the WRDSB Planning Department at 519-570-0003 ext. 4419, or email planning@wrdsb.ca. Information provided by any other source cannot be guaranteed to reflect current school assignment information. In order to limit liability, public school buses operated by the Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point.
 - ix) In order to limit risks, public school buses contracted by Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up and drop off students, and so bussed students will be required to meet the bus at a congregated bus pick-up point.
5. That the Owner covenant and agree in writing to the City's Manager of Development Review to register a Condominium Declaration which shall include the approved provisions as required in condition 4 hereof.
6. That the Owner shall provide an undertaking that the new home purchasers will be advised in Offers of Purchase and Sale of the location of Centralized Mail Boxes.
7. That the Owner shall obtain a tax certificate from the City of Kitchener to verify that there are no outstanding taxes on the subject property to the satisfaction of the City's Revenue Division.
8. That the Owner shall make arrangements for the granting of any easements for utilities and municipal services. The Owner agrees to comply with the following easement procedure:
- (a) to provide reference plan(s) showing the easements to Hydro, communication/telecommunication companies, and the City, to the satisfaction of the City's Manager of Development Review;
 - (b) to ensure that there are no conflicts between the desired locations for utility easements and those easement locations required by the City's Director of Engineering Services for municipal services;

- (c) to ensure that there are no conflicts between utility or municipal service easement locations and any approved Tree Preservation/Enhancement Plan;
 - (c) if utility easement locations are proposed within lands to be conveyed to, or presently owned by the City, the Owner shall obtain prior written approval from the City's Manager of Development Review or, in the case of parkland, the City's General Manager of Development Services; and
 - (d) to provide to the City's Manager of Development Review, a clearance letter from each of Hydro, Bell Canada and other pertaining communication/telecommunication companies. Such letter shall state that the respective utility company has received all required grants of easements, or alternatively, no easements are required.
9. That the Owner shall submit to the City of Kitchener a Letter(s) of Credit to cover 100 percent of the remaining cost of all outstanding and/or uncertified site development works as may be identified through the Site Plan process to the satisfaction of the City's Manager of Development Review.
- i) The Letter(s) of Credit shall be kept in force until the completion and certification of the required site development works in conformity with their approved designs. If a Letter(s) of Credit is about to expire without renewal thereof and the works have not been completed and certified in conformity with the approved designs, the City may draw all of the funds so secured and hold them as security to guarantee completion and/or certification, unless the City Solicitor is provided with a renewal of the Letter(s) of Credit forthwith.
 - ii) In the event that the Owner fails to complete the required site development works, to the satisfaction of the City's Manager of Development Review, then it is agreed by the owner that the City, its employees, agents or contractors may enter on the lands and so complete and/or certify the required site development works to the extent of the monies received under the Letter(s) of Credit. The cost of completion of such works shall be deducted from the monies obtained from the Letter(s) of Credit. In the event that there are required site development works remaining to be completed, the City may by by-law exercise its authority under Section 326 of the Municipal Act to have such works completed and to recover the expense incurred in doing so in like manner as municipal taxes.
 - iii) Other forms of performance security may be substituted for a Letter(s) of Credit, at the request of the owner, provided that approval is obtained from the City Treasurer and City Solicitor.
10. That the Owner confirms that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development to the satisfaction of Bell Canada or other communication/telecommunication company.
11. That the Applicant/Owner agrees to stage development of this condominium in a manner satisfactory to the Commissioner of Planning, Development and Legislative Services and the City of Kitchener, including any easements or other requirements as a result of staging;
12. That prior to final approval, the Owner/Developer enters into a development agreement with the City of Kitchener to provide a consolidated list of conclusions and recommendations relating to noise mitigation measures to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;

13. That prior to final approval, the Owner/Developer enter into a Registered Development Agreement with the City of Kitchener to secure the recommendations contained within the Noise Study entitled "Franklin Street GP Inc. 55 Franklin Street South Development Noise & Vibration Assessment" dated October 2020, prepared by SLR and an addendum dated April 11, 2021 (prepared by SLR)" and any further addenda thereto, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
14. That prior to final approval, the Owner/Developer shall provide a copy of the noise study entitled "Franklin Street GP Inc. 55 Franklin Street South Development Noise & Vibration Assessment" dated October 2020, prepared by SLR and an addendum dated April 11, 2021 (prepared by SLR)" and any further addenda thereto to Dare Foods Limited in accordance with the MECP NPC-300 noise guideline;
15. That prior to final approval, the Owner/Developer enter into a registered development agreement with the Regional Municipality of Waterloo to implement the following warning clause:

"Prospective purchasers and tenants are advised that all units in this plan of condominium are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and directional lighting along this path and noise from aircraft using the flight path may cause concern to some individuals."
16. That prior to final approval, the Owner/Developer include the following noise warning clauses within the Condominium Declaration and all offers of Purchase and Sale/Lease/Rental Agreements, to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services:

All required warning clauses recommended in the accepted Noise Study in Conditions 2 and 3 above.

"Prospective purchasers and tenants are advised that all units in this plan of condominium are located within or in close proximity to one of the flight paths leading into and out of the Region of Waterloo International Airport and directional lighting along this path and noise from aircraft using the flight path may cause concern to some individuals."
17. That prior to final approval, the Owner/Developer incorporate the approved recommendations for both the unit owners and the condominium corporation contained within the accepted Risk Management Plan for Salt Application (Plan # 00116, signed July 16, 2021; prepared by Michael Maxwell and MTE) within the Condominium Declaration to the satisfaction of the Regional Commissioner of Planning, Development and Legislative Services;
18. That the Regional Municipality of Waterloo be provided with a copy of the registered development agreement with the City of Kitchener prior to the final approval of the condominium plan; and,
19. That prior to final approval, that the Condominium Declaration be forwarded to the Commissioner of Planning, Development and Legislative Services at the Regional Municipality of Waterloo prior to final approval of the condominium plan.
20. That the Owner/Developer enters into an agreement with the City of Kitchener to be registered on the title to the property that provides:

- a. "All agreements of purchase and sale or leases for the sale or lease of a completed home or a home to be completed on the Property must contain the wording set out below to advise all purchasers of residential units and/or renters of same."
 - i. *"Despite the best efforts of the Waterloo Region District School Board (WRDSB), accommodation in nearby facilities may not be available for all anticipated students. You are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may, in future, be transferred to another school."*
 - ii. *"For information on which schools are currently serving this area, contact the WRDSB Planning Department at 519-570-0003 ext. 4419, or email planning@wrdsb.ca. Information provided by any other source cannot be guaranteed to reflect current school assignment information."*
 - iii. *"In order to limit liability, public school buses operated by the Student Transportation Services of Waterloo Region (STSWR), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."*
- b. That in cases where Agreements of Purchase and Sale have already been executed, the Owner/Developer sends a letter to all purchasers which includes the above statements a) i., ii. and iii.
- c. Prior to final approval, the WRDSB advises in writing to the Approval Authority how the above condition(s) has/have been satisfied.

CLEARANCES:

1. That prior to the signing of the final plan by the City's Manager of Development Review, the Owner shall submit a detailed written submission outlining and documenting how conditions 3 through 20 inclusive have been met. The submission shall include a brief but complete statement detailing how and when each condition has been satisfied.
2. That prior to signing of the final plan by the City's Manager of Development Review, the Regional Municipality of Waterloo shall notify the City's Manager of Development Review that Conditions 4i), vii), and 11 through 19 have been satisfied.

NOTES:

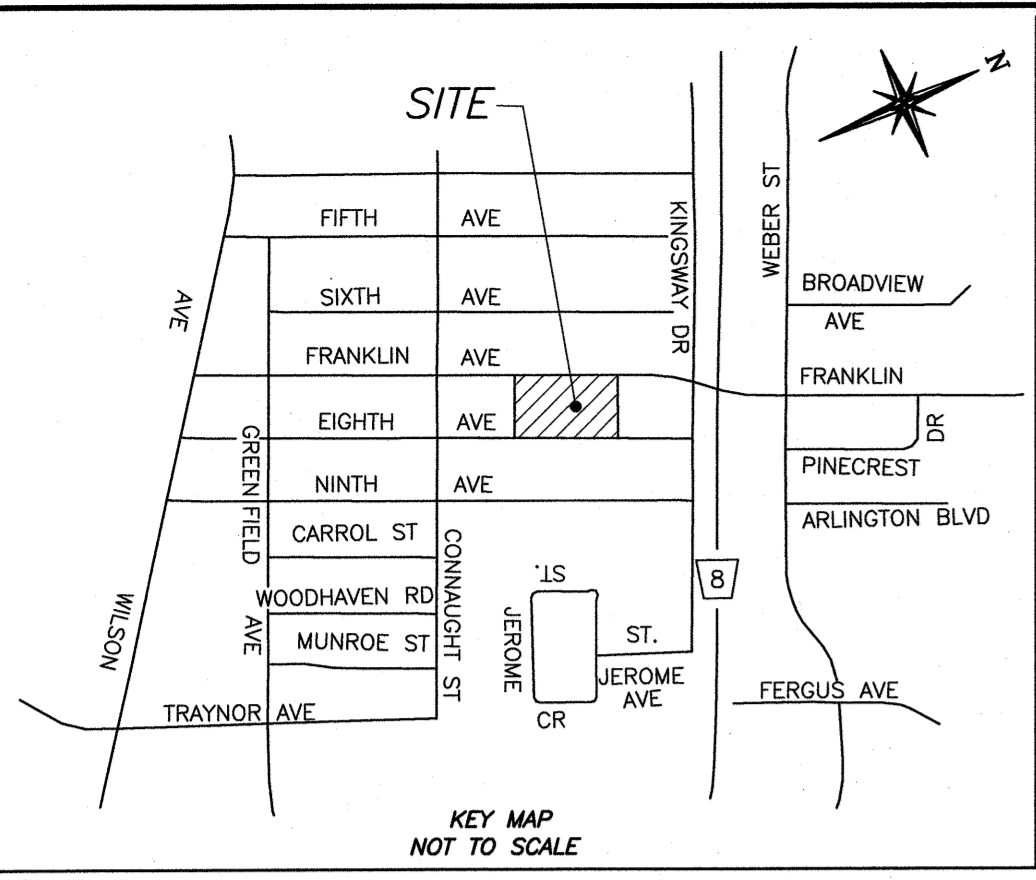
1. The owner is advised that the provisions of the Development Charge By-laws of the City of Kitchener and the Regional Municipality will apply to any future development on the site.
2. The condominium plan for Registration must be in conformity with Ontario Regulation 43/96 as amended, under the Registry Act.
3. Draft approval will be reviewed by the Manager of Development Review from time to time to determine whether draft approval should be maintained.
3. It is the responsibility of the owner of this draft plan to advise the Regional Municipality of Waterloo Department of Planning, Development and Legislative Services and the City of Kitchener Development Services Department of any changes in ownership, agent, address and phone number.

4. The owner is advised that the Regional Municipality of Waterloo has adopted By-law 96-025, pursuant to Section 69 of the Planning Act, R.S.O. 1990, c.P. 13, to prescribe a tariff of fees for application, recirculation, draft approval, modification to draft approval and registration release of plans of condominium.
5. This draft plan was received on February 19, 2022 and deemed complete on February 19, 2022 and shall be processed and finally disposed of under the Planning Act, R.S.O. 1990, c.P. 13, as amended as of that date.
6. To ensure that a Regional Release is issued by the Region's Commissioner of Planning, Development and Legislative Services to the City of Kitchener prior to year end, it is the responsibility of the owner to ensure that all fees have been paid, that all Regional conditions have been satisfied and the required clearance letters, agreements, prints of plan to be registered, and any other required information or approvals have been deposited with the Regional Planner responsible for the file, no later than December 15th. Regional staff cannot ensure that a Regional Release would be issued prior to year end where the owner has failed to submit the appropriate documentation by this date.
7. When the survey has been completed and the final plan prepared to satisfy the requirements of the Registry Act, they should be forwarded to the City of Kitchener. If the plans comply with the terms of the approval, and we have received assurance from the Regional Municipality of Waterloo and applicable clearance agencies that the necessary arrangements have been made, the Manager of Development Review signature will be endorsed on the plan and it will be forwarded to the Registry Office for registration

The following is required for registration and under The Registry Act and for our use:

Two	(2)	original mylar
Five	(5)	white paper prints
One	(1)	digital copy

REV. 0.1.21.02.22



INDEX OF PARTS	
PART SHEET(S)	DESCRIPTION
1 1	PLAN OF SURVEY OF THE CONDOMINIUM PROPERTY, THE ILLUSTRATION OF THE APURTENANT AND SERVIENT INTERESTS AND THE DESIGNATION OF UNITS ON LEVEL 1
2 0	PLAN OF SURVEY OF THE EXCLUSIVE USE ELEMENTS.
3 0	ARCHITECTURAL PLANS
4 0	STRUCTURAL PLANS

PART/SHEET	DATE
PART 1 of 4 PARTS SHEET 1 of 1 SHEETS	

WATERLOO VACANT LAND CONDOMINIUM PLAN No.

LEVEL 1
UNITS 1 TO 5 (INCLUSIVE)
REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WATERLOO No. 58 AT _____ O'CLOCK, ON THE _____ DAY OF _____, 2022.
REPRESENTATIVE FOR LAND REGISTRAR

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE CONDOMINIUM ACT, 1998, THE SURVEYS ACT, THE SURVEYOR'S ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2) THE SURVEY WAS COMPLETED ON THE XTH DAY OF XXXXXX, 2021.
Trevor D. McNeil
TREVOR D. McNEIL
ONTARIO LAND SURVEYOR

DECLARATION REGISTERED AS NUMBER _____

THIS PLAN COMPRISES ALL OF P.I.N. 22589-0015 (LT)

PLAN OF SURVEY OF ALL OF LOTS 143 AND 152 AND PART OF LOTS 142, 144, 151 AND 153 REGISTERED PLAN No. 254 IN THE CITY OF KITCHENER REGIONAL MUNICIPALITY OF WATERLOO

SCALE 1:500
0 10 20 30 METRES

MTE OLS LTD.
ONTARIO LAND SURVEYORS
METRIC:
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

UNIT DEFINITION:
THE MONUMENTS CONTROLLING THE EXTENT AND LOCATIONS OF THE UNITS ARE THE VERTICAL PLANES ESTABLISHED BY MEASUREMENT AND WITNESSED BY THE MONUMENTS SHOWN AND ARE DESCRIBED IN SCHEDULE 'C' OF THE DECLARATION. THE UNITS HAVE NO UPPER OR LOWER LIMITATIONS.

LEGEND

□	DENOTES PLANTED MONUMENT
■	DENOTES FOUND MONUMENT
SIB	DENOTES STANDARD IRON BAR
IB	DENOTES IRON BAR
IB#	DENOTES ROUND IRON BAR
OU	DENOTES ORIGIN UNKNOWN
WIT	DENOTES WITNESS
M, MEAS	DENOTES MEASURED
CALC	DENOTES CALCULATED
ORP	DENOTES OBSERVED REFERENCE POINT
SCP	DENOTES SPECIFIED CONTROL POINT
P.I.N.	DENOTES PROPERTY IDENTIFICATION NUMBER
(LT)	DENOTES LAND TITLES
(R)	DENOTES REGISTRY
MTE	DENOTES MTE OLS LTD.
1114	DENOTES METZ AND LORENTZ LTD.
994	DENOTES WAYNE D. BRUBACHER O.L.S.
706	DENOTES DAVID J. HOWE, O.L.S.
R.P.	DENOTES REGISTERED PLAN
P1	DENOTES PLAN 58R-5217
P2	DENOTES PREVIOUS SURVEY BY HARVEY HALL O.L.S., DATED JULY 12, 1966 (FILE No. X-3880)
P3	DENOTES PLAN 58R-20295
P4	DENOTES PLAN 58R-10181
P5	DENOTES PLAN 58R-1578

NOTES:
ALL PLANTED BARS ARE IRON BARS UNLESS NOTED OTHERWISE.

CERTIFICATE OF DECLARANT.

THIS IS TO CERTIFY THAT THE PROPERTY INCLUDED IN THIS PLAN HAS BEEN LAID OUT INTO UNITS AND COMMON ELEMENTS IN ACCORDANCE WITH MY INSTRUCTIONS.

DATED AT _____, ONTARIO THIS _____ DAY OF _____, 2022.

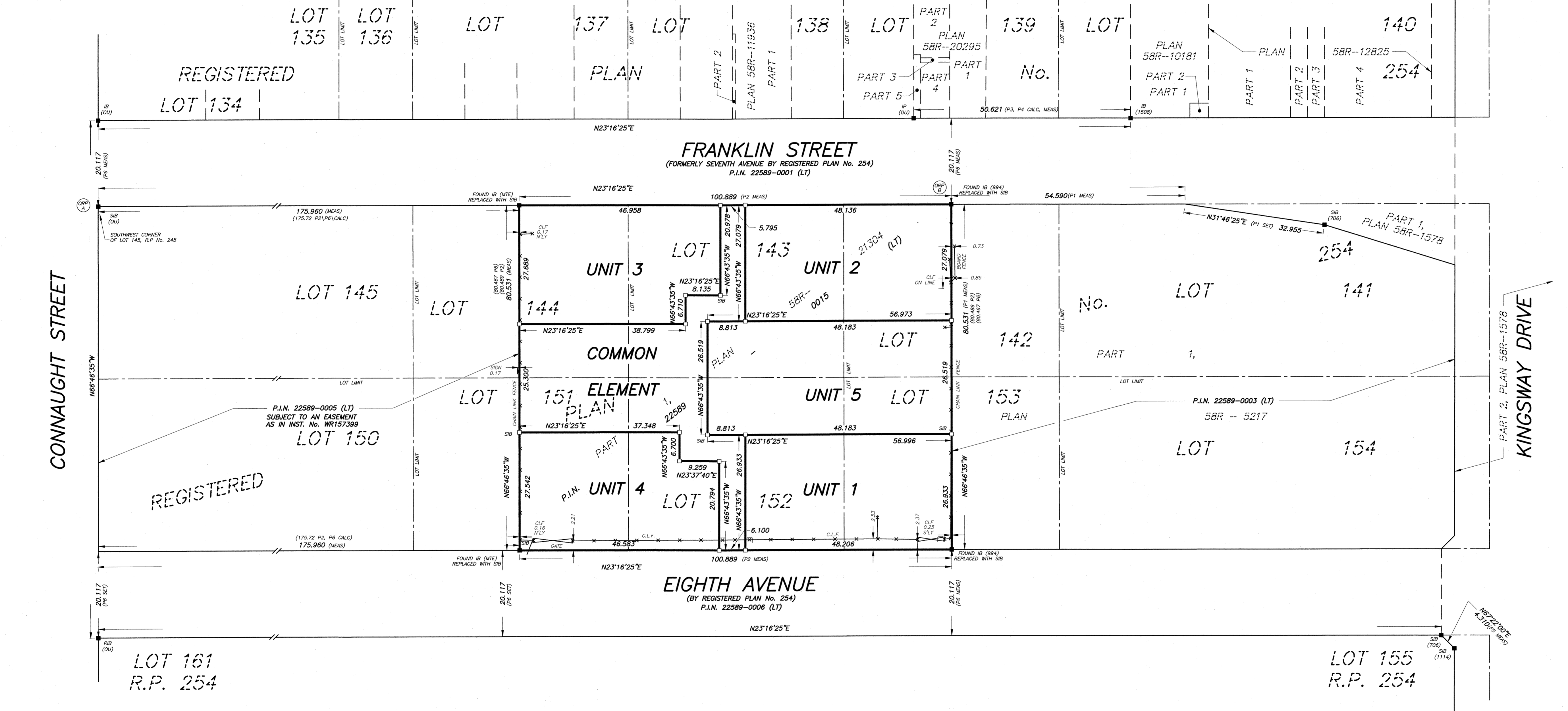
55 FRANKLIN G.P. INC.
55 FRANKLIN L.P.

I HAVE THE AUTHORITY TO BIND THE CORPORATION
MICHAEL MAXWELL

PARTS 1 AND 2 APPROVED AND PARTS 3 AND 4 EXEMPTED UNDER SECTION 9 OF THE CONDOMINIUM ACT AND SECTION 51 OF THE PLANNING ACT THIS _____ DAY OF _____, 2022.

THE CORPORATION OF THE CITY OF KITCHENER

MANAGER OF DEVELOPMENT REVIEW



NOTES:

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
BEARINGS ARE UTM GRID, DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v7) EPOCH 2010.00.
DISTANCES ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999578734

ALL COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS v7) EPOCH 2010.00. COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4808794.193	544481.090
ORP B	4808977.153	544559.783

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

MTE ONTARIO LAND SURVEYORS LTD.
520 BINGEMANS CENTRE DRIVE
KITCHENER, ONTARIO, N2B 3X9
TEL: (519) 743-6500