

LETTER OF UNDERTAKING

Roads

Date: _____
Regional File #: _____
Site Plan #: _____

FROM:

(DEVELOPER) _____
(Address) _____

TO:

The Regional Municipality of Peel

RE: Part of Lot _____, Concession _____, _____ (THIS
SITE KNOWN AS) _____ more particularly described as
Parts _____ on Reference Plans 43R-_____, City / Town of
_____, Regional Municipality of Peel.

WE, _____ (the "Developer"), in consideration of
being allowed to construct the Road Works, appurtenances and associated works
agree to:

1. Accept the conditions and procedures detailed in the **Development Procedures Manual** which may be revised from time to time, to be part of this Letter of Undertaking.
2. Prepare **design drawings** in accordance with the Region of Peel, Public Works Department Design Criteria Manual and the Development Procedures Manual.
3. Complete the **As Constructed Requirements** as set out in the Development Procedures Manual, current at the time of submission.
4. a) Pay **Engineering Fees** at 7.0% plus H.S.T. of the estimated cost of the Proposed Works to cover design review, approval and inspection by the Region of Peel, Public Works Department. A minimum amount of \$1,500.00 plus HST is to be applied. Additionally, submit hydrant inspection fees in the amount of \$150.00 per Hydrant, as required.
b) Submit MOEE Application Fees as set out in the Ministry's current Guide Lines. The fees are to be made payable to THE REGION OF PEEL.
5. Apply and receive approval for all the **necessary permits** that are required prior to construction of the proposed road and access works. The approval agencies may

include but are not limited to MOEE, PUCC, NEC, Conservation Authorities, and Road Authorities, etc.

6. Deposit an acceptable **Letter of Credit** with the Regional Municipality of Peel in the amount of 100% of the estimated cost of the works as specified in Schedule "A", attached. Acceptable securities must remain in effect for the duration of this Letter of Undertaking until final acceptance of the works including the period of guaranteed maintenance. The Letter of Credit may be reduced to an amount (normally 10% or a minimum \$1,500.00) of the original amount, The reduction will be determined by the Region of Peel, Public Works Department, upon issuance of Preliminary Acceptance, receipt of Item 3 of this Agreement and a completed Statutory Declaration. The Regional Municipality of Peel will release the remainder of the Letter of Credit upon Final Acceptance of the proposed works.

7. Allow the Regional Municipality of Peel to draw upon the Letter of Credit submitted in accordance with the Development Procedures Manual. This would be for repair of any works considered necessary by the Region of Peel including such works as restoration of work area, rectification of drainage problems and clean up of existing roads, upon verbal notification to the consulting Engineer.

8. Deliver to the Region a **Restriction on Transfer or Charge** of the Lands in registerable form together with the costs of registration. Said restriction will have the effect of preventing any transfer or charge of the Lands without the consent of the Region's Commissioner of Public Works until this Letter of Undertaking is satisfied.

9.
 - a) Prepare and submit to the Region for approval a draft Reference Plan and draft legal documents for _____ within thirty (30) days of execution of this Letter of Undertaking.
 - b) Deposit/register the approved Reference Plan noted in a) within thirty (30) days of approval by the Region.
 - c) **Convey**, at no cost to the Regional Municipality of Peel, all lands and easements required by the Regional Municipality of Peel as specified in schedule "B", attached free and clear of all encumbrances within ninety (90) days of execution of this Letter of Undertaking.
 - d) Prepare and register, at no cost to the Region, all necessary **plans and documents** required, to facilitate the conveyance of all property and easements required by the Region and to release such easements as are no longer required by the Region, as specified in Schedule "B".

10. Supply **insurance** satisfactory to the Region of Peel, Public Works Department, to be retained in full effect during the life of this **Letter of Undertaking** until Final Acceptance of the works including the period of guaranteed maintenance.
11. Provide written notification to the Region of Peel, Public Works Department; of their intent to **Commence Work** 48 hours prior to commencing such works. The proposed works must have been given “Design Review Approval” by the Region of Peel, Public Works Department, prior to submitting the notification to commence work.
12. **Construct** the Road, associated works as shown on The(*CONSULTANT*)_____ construction drawings, numbered - _____ to the satisfaction of the Region of Peel, Public Works Department.
13. Limit the **hours of work** associated with the proposed works from 9:00 A.M. to 3:30 P.M. daily or the time period specified by the Region of Peel, Public Works Department. The hours of work may also be limited through the road authorities issuance of road occupancy permits.
14.
 - a) The Developer’s consultant shall provide **full time inspection** and confirm in writing that the works are constructed and are ready for Preliminary Approval by the Region of Peel as set out in the Development Procedures Manual current at the time of this Inspection.
 - b) The Developer acknowledges that it shall **maintain** all Regional Underground and Aboveground Works as set out in the Development Procedures Manual which may be revised from time to time, currently set for a period of Three (3) years from the date of Preliminary Acceptance by the Region. This includes Sanitary Sewers, Underground and Aboveground Watermain, and Regional Road Works. All Regional Works must be constructed and approved prior to any maintenance period commencing. The Registered Plan as set out in Item 9 shall be in place prior to any Preliminary Approvals.
 - c) Prior to the end of the Maintenance Period, the developer’s consultant shall **confirm in writing**, that the works meet all Regional Standards and Specifications Manuals and are ready for final Acceptance as set out in the Region’s Development Procedures Manual current at the time of this inspection.

15. The Developer shall identify to the satisfaction of the Region of Peel any potential impacts to the quality or quantity of water in existing **private wells** that may result from the proposed works relating to his development. The Developer will further be required to monitor wells, within the zone of influence and to submit results to the Region.

Alternatively, a letter shall be received signed and sealed from a recognised hydrogeologist indicating that **no** existing **private wells** are located within the zone of influence of the proposed development.

If private wells have been identified within the zone of influence then, an amount shall be held in the Letter of Credit until final acceptance of the proposed works by the Region to serve as protection for the private wells in the zone of influence of the proposed works. The actual amount shall be based on the anticipated cost of replacing water supplies within the zone of influence of the lands. The minimum amount shall be \$20,000.00. If the private well systems in the zone of influence deteriorate due to the servicing of this site, the Developer shall provide temporary water supply to the residents upon notice by the Region. The Developer will continue supplying the water to the affected residents until the issue is resolved to the satisfaction of involved parties. If the quantity and or quality of water in the existing wells is not restored to its original condition within a month after first identification of the problem, the Developer will engage the services of a recognized hydrogeologist to evaluate the wells. This hydrogeologist will recommend solutions including deepening the wells or providing a permanent water service connection from the watermain to the dwelling unit.

Developer shall inspect, evaluate and monitor all wells within the zone of influence prior to, during and after the construction has been completed. Progress Reports should be submitted to the Region as follows:

- a) Base line well condition and monitoring report shall be submitted to the Region prior to the Design Review Approval and shall include as a minimum requirement the following tests:
 - 1) Bacteriological Analysis - Total coliform and E-coli counts
 - 2) Chemical Analysis - Nitrate Test
 - 3) Water level measurement below existing grade
- b) In the event that the test results are not within the Ontario Drinking Water Standards, the Developer shall notify in writing the Homeowner, the Region of Peel's Health Department (Paul Callanan, Manager - Environmental Health) and Public Works Department (Alex Masley, Supervisor - Development) within 24 Hours of the test results.
- c) Well monitoring shall continue during construction and an interim report shall be submitted to the Region of Peel for records.
- d) Well monitoring shall continue for one year after the completion of construction of the underground services and a summary report shall be submitted to the Region of Peel prior to final acceptance.

16. Should the Region be involved in Re-inspections or Maintenance work, the **rates** will be as set out in the Region's Development Procedures Manual current at that time.

- 17. In consideration of allowing the Developer to construct the private sewer on public right of way, the Developer will not require **reimbursements** of the Sanitary Sewer and _____ as per the Development Charges By-Law 98-91. The additional size and depth is for the proposed works only.

- 18. We understand that municipal roadwork will be maintained by The Region of Peel after the Maintenance Period is complete.

- 19. Warrants that the Developer is the **Registered Owner** of the lands on which the works are to be installed and shall provide evidence of title.

- 20. Require this Letter of Undertakings and covenants herein to be assumed by any successor in title, to the effect that the obligations and covenants herein shall be binding upon successors and assigns.

(DEVELOPER) _____

Per: _____

Name:

Title:

c/s

Per: _____

Name:

Title:

We have authority to bind the Corporation

SCHEDULE "A"

Detailed Cost Estimate

Development:

Developer:

Consulting Engineer:

SCHEDULE “B”

Land Conveyances to the Regional Municipality of Peel

Development:

Developer:

Consulting Engineer:

Note: Release for building permit approval will be issued upon receipt of executed Letter of Undertaking and Letter of Credit satisfactory to the Regional Municipality of Peel.

SCHEDULE “C”

Well Protection Clause Details

Development:

Developer:

Consulting Engineer: