

ATTACHMENT A – ADDITIONAL RECOMENDATIONS

- 1) AND THAT Council approve the request by Kylemore Communities (Yorkton) Ltd to finance the cost of design, construction, and contract administration of this park identified as Plan 65M-4613, Block 2 (0.37ha/0.9ac) and Block 5 (0.07ha/0.16ac) in draft plan of subdivision 19TM-04009, subject to the following conditions:
 - A. That Kylemore Communities (Yorkton) Ltd, finance the cost of the design, construction, and contract administration of this park to a maximum of \$563,553.15 inclusive of HST impact:
 - B. That, subject to compliance with these terms and conditions, the City of Markham reimburse Kylemore Communities (Yorkton) Ltd, up to a maximum of \$563,553.15, inclusive of HST impact, towards this project from development charges for park development under the understanding that Kylemore Communities (Yorkton) Ltd may contribute additional funds above this amount which will not be reimbursable by the City towards the development of this park. Design fees are included in this upset value and are not to exceed 6% of approved construction costs:
 - C. That subsequent to collection of sufficient Development Charges for park development at the building permit stage for residential lots within Yorkton Community Phase 2, the City shall reimburse Kylemore Communities (Yorkton) Ltd, for invoices paid for approved costs associated with the design, construction, and contract administration, for park development. No interest on such invoices shall be payable by the City. Reimbursement terms are as follows:
 - a. Kylemore Communities (Yorkton) Ltd may only invoice the City for 80% of approved costs provided that:
 - i. At least 60 days from the date of publication of Substantial Performance has expired;
 - ii. Proof of publication has been submitted with the invoice;
 - iii. No liens have been registered in regard to this contract;
 - iv. The constructed work has reached Total Completion to the City's satisfaction after which the two year warranty period shall begin;
 - v. The landscape architect has issued to the City a Total Completion Certificate.
 - b. The remaining 20% of City approved costs shall be retained by the City for a minimum of two years from Total Completion and shall be paid to the Developer upon the Developer invoicing the City for the remaining 20%, provided the following has occurred in the order listed here:
 - i. Two years has passed from the date of Total Completion;
 - ii. That the two year warranty inspection has occurred with the City;

- iii. That all noted deficiencies at the two year warranty inspection have been completed to the City's satisfaction to the point of total performance
 - iv. That Final Acceptance has been granted by the City;
 - v. That the landscape architect has issued a certificate certifying the warranty period has expired and further that noted deficiencies have been completed in general conformance to the plans and specifications;
 - vi. That any liens registered in regard to the contract have been released and/or paid by the developer;
- c. Or alternatively, Kylemore Communities (Yorkton) Ltd may invoice the City for 100% of approved costs two years after the date of Total Completion provided items b, i through vi, as listed above, have occurred to the City's satisfaction.
- D. That Kylemore Communities (Yorkton) Ltd not receive any credit towards park development charges and continue to pay the park development charge at the building permit stage for all present and future development phases of subdivisions within the Yorkton Community Phase 2;
- E. That Kylemore Communities (Yorkton) Ltd hire a landscape architect who is a Full Member of the OALA having custody and use of the Association seal, approved by the City, to provide professional design, contract documents, and contract administration services, to the satisfaction of the City as outlined in Attachment C;
- F. That Kylemore Communities (Yorkton) Ltd follow the City's standard Park and Open Space approval process which includes development of several design concepts, holding public open house meetings, presentation to selected Standing and Advisory Committees as applicable, as well as review and approval by the Planning and Urban Design Department in consultation with the Parks Operations Department and others as required;
- G. That Kylemore Communities (Yorkton) Ltd tender out the construction of the park works to a minimum of three bidders to the satisfaction of the City including providing the City with a copy of all bids submitted within 24 hours of tender close. The successful bidder will be responsible to construct and maintain the park from the time the park construction is begun until Final Acceptance by the City;
- H. That internal capital administration fee in the amount of \$44,304.49 be approved for the administration of this project;
- I. That reimbursement for this park in the amount of \$563,553.15 plus internal capital administration fee in the amount of \$50,719.78, totaling \$614,272.93 be funded from Project #20030 Yorkton Community Park – Design & Construction with balance available of \$805,016.00;

- J. That balance remaining in the amount of \$190,743.07 (\$805,016.00 - \$614,272.93) be returned to original funding sources;