



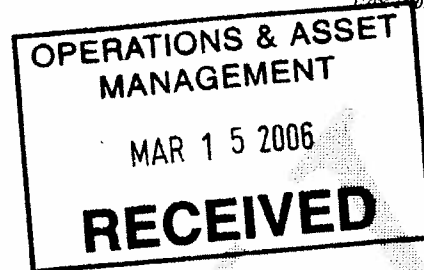
ATTACHMENT 'B'
RE: AWARD OF TENDER
059-T-06

Transportation and Works Department
Roads Branch

File No. 905-895-7523

February 17, 2006

Mr. Ken Collicott, P.Eng.
R.V. Anderson Associates Limited
2001 Sheppard Avenue East, Suite 400
Toronto ON M2J 4Z8



Dear Mr. Collicott:

Re: Engineering Approval
16th Avenue and Markham Road Intersection
Town of Markham
York Region File No. D19 04.010.M

The Roads Branch of the Regional Municipality of York Transportation and Works Department has reviewed the engineering drawings submitted in support of the 16th Avenue/Markham Road intersection improvements and has no objections to its approval subject to the following comments. These comments refer only to the sections of 16th Avenue that is under the ownership of the Regional Municipality of York.

1. All work within the Regional right-of-way shall be carried out in accordance with the approved drawings and conditions as set out by the Commissioner of Transportation and Works.
2. **Prior to commencing any work on the site or road allowance**, the Contractor shall submit to the Regional Transportation and Works Department, Development Approvals Section, a certificate of insurance in a form satisfactory to the Commissioner of Finance, naming The Regional Municipality of York as additional insured. The contractor shall maintain in effect, until all site works have been completed and accepted by The Regional Municipality of York, liability insurance of not less than \$5,000,000.00 and shall indemnify The Regional Municipality of York, against and hold The Regional Municipality of York harmless from any and all liability for damages on account of injury to persons or damage to property resulting from or arising out of or in any way connected with the presence of the contractor, its servants, agents or employees, and persons duly authorized by the contractor, on the site or road allowance and shall reimburse The Regional Municipality of York for all costs, expenses and any loss incurred by it in consequence of any claims, demands and causes of action which may be brought against it arising out of the presence of the contractor, its servants, agents or employees, and persons duly authorized by the contractor, on the site or road allowance.

This certificate of insurance shall specify The Regional Municipality of York's File Number **D19-04.010.M**, the location of the site and the name and address of the contractor. The name, address and telephone number of the issuing company and/or agent must be shown on the certificate. In addition, a clause shall be added such that this policy shall be automatically extended in one year increments, until all site works have been completed and accepted by

The Regional Municipality of York, and that 30 days written notification be given to The Regional Municipality of York by registered mail if this policy is to be cancelled.

3. The Town agrees to indemnify The Regional Municipality of York and its employees, elected officials, contractors and agents against any and all actions, causes of action, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of undertaking any of the Town's work with respect to this development proposal.
4. Since the work will be carried out by a Contractor under contract with the Town of Markham, The Regional Municipality of York will not require securities, however, we ask that prior to releasing securities for the works, the Town of Markham contact The Regional Municipality of York to carry out a final inspection of the works on the Regional right-of-way.
5. Based on the agreed upon cost sharing formula for the required 16th Avenue/Highway 48/Markham Road intersection road works, the Regional Municipality of York will contribute the following:
 - a) The full cost of installing the right turn lane at the northeast corner of the Highway 48/16th Avenue intersection;
 - b) The full cost of the grinding and repaving of 100 mm of asphalt on 16th Avenue;
 - c) 25% of the total cost of the traffic signal works;
 - d) 25% of the total cost of the engineering consulting fees;
 - e) The full cost of the utility relocations for **only** the works needed as a result of the right turn lane in the northeast quadrant of the intersection. The Region will not contribute towards any other utility relocation cost.

The remainder of the cost 16th Avenue/Markham Road/Highway 48 road improvements will be provided by the Town of Markham and MTO respectively.
6. Drawings No. R-1 to R-7 prepared by R.V. Anderson Associates Limited, dated January 23, 2006, E1 to E6 prepared by Moon-Matz Limited, dated January 16, 2006 and L-1 to L-4 prepared by McWilliam and Associates, dated January 17, 2006 form part of this approval for **D19 04.010.M** and are on file with the Commissioner of Transportation and Works.
7. The Town of Markham shall be the owner of the streetscape features located within the Regional right-of-way and shall be responsible for the year round maintenance of such features located within the Regional right-of-way. In addition, the Town of Markham shall indemnify the Regional Municipality of York from all liabilities associated with the streetscape features within the Regional right-of-way.
8. The Town shall contact Steve Murphy, Development Construction Co-ordinator, to arrange for attendance at a pre-construction meeting for this site.

9. The contractor shall notify the Roads Branch of the Transportation and Works Department 48 hours in advance of any work commencing on the site or road allowance and shall provide, in writing, 24 hours emergency telephone numbers for the Contractors, the Consulting Engineer and Owner.

Any notice to be delivered to the Region shall be delivered to the following address:

Office of the Commissioner of Transportation and Works
The Regional Municipality of York
17250 Yonge Street, Box 147
Newmarket, ON L3Y 6Z1

Attention: Steve Murphy
Development Construction Coordinator

10. The Town must obtain a Road Occupancy Permit from the Transportation and Works Department prior to commencing any work on The Regional Municipality of York right-of-way. The Road Occupancy Permit will be issued once the Owner has supplied proof that The Regional Municipality of York, Finance Department, is in receipt of securities and the certificate of insurance required above. The completed Road Occupancy Permit is to be returned to the Roads Operations Group. Please contact Darlene Robertson-Bootsma at extension 5207 in this regard.
11. All curb and gutter within The Regional Municipality of York right-of-way shall be constructed to O.P.S.D. 600.04 with provision for dropped curbs at the locations of all pedestrian crossings.
12. All boulevards disturbed during construction shall be restored to their original or better condition with minimum 100-mm of topsoil and sod.
13. If this site requires any service installation, connection or relocation, including hydro, bell, gas, cable, water, sewers, etc. within The Regional Municipality of York road allowance, the Town must inform the affected utility company of the requirement to obtain approval from The Regional Municipality of York, Transportation and Works Department. The Owner must, also, contact Andrea Adley-McGinnis at extension 5087.
14. The Town shall be responsible for determining the location of all utility plants within The Regional Municipality of York right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Town must review, or ensure that any consultants retained by the Town, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and make any adjustments, if necessary, prior to the commencement of any construction.
15. The 16th Avenue right-of-way shall be free of all visibility obstructions of any sort including earth berms, landscaping and utility structures, construction equipment, vehicles and materials not immediately required for the construction of site works.

16. All works within the Regional road allowance shall comply with The Regional Municipality of York Standard Construction Practices for Work on Regional Roads.
17. A detailed traffic management plan shall be prepared by the Consultant and submitted to the Roads Branch for review and approval, prior to commencing any work. If traffic conditions are severe the traffic management plan and the requirements below may need to be revised to mitigate the impact. Please note the following requirements of working within The Regional Municipality of York Road allowance:
 - i. No lane closures are permitted on weekdays between the hours of 7:00-9:30 A.M. and 3:30-6:00 P.M.;
 - ii. Any lane closures or lane encroachments that occur must be signed in accordance with the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions";
 - iii. A 24-hour contact must be available throughout the duration of the project;
 - iv. The characteristic and placement of all signs and traffic control or management shall conform to the standards of the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions" and as per the Occupational Health and Safety Act;
18. The manufacture and the erection of all signs for the Traffic Management Plan shall be the responsibility of the Contractor.
19. These conditions of approval are applicable for a **maximum period of eighteen months from the date of this letter**. Any extension to this approval period requires the consent of The Regional Municipality of York and must be requested in writing by the applicant. Furthermore, **all construction activities, on the Regional road allowance, including but not limited to, final restoration works, must be completed within a maximum period of three months from the date of commencement of construction**. Any requests for extension of this timeline, requires the consent of The Regional Municipality of York and must be requested in writing by the applicant.
20. The Region, in connection with this approval, has reviewed the engineering submission, including but not limited to the engineering drawings submitted therewith. **The Region makes no guarantees, warranties or representations as to the completeness and/or accuracy of the engineering submission, and specifically does not certify the completeness or accuracy of any aspect or component of the engineering submission.** The professional engineer who stamped, signed and dated the submission is responsible for all aspects of its quality, completeness and accuracy.

21. Highway 48/Markham Road is under the jurisdiction of the Town of Markham and MTO; therefore, all approvals for site works within the Highway 48/Markham Road right-of-way must come from the Town of Markham and MTO respectively.

If you have any questions please contact Carl Smith at extension 5754.

Sincerely,



Faris Georgis, P.Eng.
Manager, Development Approvals

CS\cr

Attachment:

Copy to: Steve Murphy, Construction Coordinator
Debbie Panza, Legal Department (E-mail)
Janette Andrade, Noreen Calderone, Regional Finance Department (E-mail)
Darlene Robertson-Bootsma, Roads Transportation (E-mail)
Vick Bilkhu, Development Approvals
Stan Lau, Town of Markham

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