



PLEASE REFER TO:
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May 25, 2010

Town Clerk and Members of Council
Town of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Sirs/Madams:

RE: Jade-Kennedy Development Corporation ("**Jade-Kennedy**") - (Areas 13 & 15)
South Unionville Cost Sharing Agreement, Town of Markham

AND RE: Development Charge Credit/Reimbursement Application

I am the Trustee for the South Unionville Landowners Group ("Group"). We are writing on behalf of the Group with regard to the staff report recommending an Area Specific Development Charge ("ASDC") Credit for the Jade-Kennedy Development Corporation, being presented to Council tonight for final approval by Council. As discussed with the Town, the Group has agreed to proposed construction cost credit from the ASDC, subject to resolution of the overall park requirements, return of the cash in lieu park payments from BMW to the Group and exclusion of the ASDC land credit for the SWM facility. We note that although the Group is still in discussions with the Town regarding all of these issues, the proposed ASDC credit has been moved forward for approval and that it currently includes the SWM pond land credit.

The Group worked with the Town of Markham with regard to the ASDC updates in 2008. It was noted by the Town and Group at that time that the ASDC was no longer relevant to the current SWM solutions in the western portion of South Unionville and that in order to expedite the ASDC update process and to avoid an appeal by the Group, the current ASDC would remain in place but that it would be updated prior to any further development in the area. The current version of the ASDC does not include any SWM infrastructure for the lands in the southwestern portion of South Unionville and it includes a traditional SWM pond facility for the Jade-Kennedy lands.

The Group has met on numerous occasions with the Town to both resolve the ASDC issues and to expedite the Jade-Kennedy ASDC credit. In an attempt to resolve several outstanding issues in the South Unionville area, the Group proposed to agree to the proposed Jade-Kennedy ASDC credit, notwithstanding that the ASDC was not updated as anticipated to reflect the actual SWM infrastructure required for western South Unionville. The condition associated with this proposal was that the land above the newly proposed underground SWM facility be considered as park and be compensated for by the Group in accordance with the landowner agreement. We note that your April 22, 2010 staff report acknowledges that "the land area above the storm water management facility can be used for recreational purposes."

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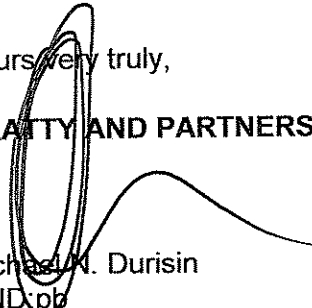
A summary of the requested action items discussed between the Town and the Group as most recently provided in a letter from SCS Consulting Group to the Town on April 12, 2010 is noted below:

- (a) Fix the South Unionville park requirement at 24.14 acres (9.77 Ha) and Dedicated Parks at 24.85 Acres (including all lands shown on the plan today, including the full Jade-Kennedy Park and underground SWM facility).
- (b) Continued provision of 2% cash in lieu payments from the non-residential landowners to the landowner group based on \$300,000/acre.
- (c) Continued provision of pro-rata share of park payments from residential landowners to the landowner group based on the pro-rata share of the park area provided in the Secondary Plan. Any additional shortfall based on intensification to be accommodated through cash in lieu payments to the Town.
- (d) Exclude ASDC credit for land above the underground SWM facility for the Jade-Kennedy site.
- (e) Close the South Unionville ASDC since all costs are paid and return any outstanding amount to the Trustee, who will enforce all future cost sharing of SWM facilities or other services through the cost sharing agreement.
- (f) Return the 2% cash in lieu payment for the BMW site to the Trustee based on \$300,000/acre.

In summary, we request that the Town withhold any ASDC land compensation to Jade-Kennedy for the SWM facility until the above items have been resolved.

Yours very truly,

BRATTY AND PARTNERS, LLP


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MND:pb

cc. Biju Karumanchery
Alan Brown
Kevin Ross
Maurice Stevens
Steve Schaefer
Julie Bottos
Shakir Rehmatullah
Gaetano Franco
Jim Kirk