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October 9, 2018

Mr. Gary Scandlan
Managing Partner and Director, Municipal Finance
Watson & Associates Economists Ltd.
Plaza Three
101-2000 Argentia Road
Mississauga, Ontario
L5N 1V9

Dear Mr. Scandlan:

GUELPH 2018 DC – SILVERCREEK PARKWAY/CN GRADE SEPARATION RELATED

We are writing to you on behalf of Silvercreek Guelph Developments Limited (Silvercreek) with respect to matters identified in the Minutes of Settlement (PL070533) and in the context of the draft Guelph 2018 Development Charges Background Study (2018 DCBS).

Of particular interest are paragraphs 8 through 11 of the Minutes of Settlement (extract below).

8. Silvercreek and the City acknowledge and agree that the following undertakings (collectively the "EA Undertakings") will be subject to approval of class environmental assessments under the *Environmental Assessment Act*, R.S.O. 1990, c.E.18:
 - (i) the construction of a grade separation crossing at the intersection of Silvercreek Parkway South and the Canadian National Railway rail line at the north lot line of the Lands (the "Underpass");
 - (ii) within the Lands, the realignment, reconstruction and improvement of Silvercreek Parkway South within a 30 metre right of way including construction of a two lane road with two parking lanes, bike lanes, lighting, sidewalks, landscaping and any required intersection improvement ("Silvercreek Improvements"); and
 - (iii) the construction of a new public highway on the Lands to the east of Silvercreek Parkway South with a right of way of 18 metres, as depicted on the Concept Plan ("New Internal Road").
9. Silvercreek shall be responsible for 100% of the approval and construction costs with respect to:
 - (i) the Silvercreek Improvements;
 - (ii) the New Internal Road; and
 - (iii) any required off-site road improvements.
10. Notwithstanding section 9, Silvercreek has no obligations under these Minutes of Settlement or otherwise to pay costs with respect to:
 - (i) any additional travel lanes on Silvercreek Parkway South within the Lands which are required for the reconstruction and realignment of Silvercreek Parkway South in excess of two travelled lanes which form part of the Silvercreek Improvements,

and
 - (ii) the oversizing of the water and wastewater services along Silvercreek Parkway South within the Lands in excess of 300 millimetres in diameter,

as such services are a benefit to the community as a whole.
11. Notwithstanding section 9, with respect to the Underpass, in the event the Underpass set out in the Development Charge Background Study dated October 29, 2008, including revisions, is included in the City's 2009 Development Charge By-law after completion of the statutory public process under the *Development Charges Act, 1997*, S.O. 1997, c. 27 and any appeals or challenges to the OMB or court:
 - (i) the gross cost of the Underpass, which includes approval, engineering and final construction costs, as determined to be required for the completion of the

Mr. Gary Scandlan – October 9, 2018

undertaking through the Class EA process, less all amounts from contributions received by the City specifically designated by the contributor for the Underpass other than development charges, shall be borne by the City and Silvercreek in equal shares;

- (ii) forthwith upon the approval of the Official Plan Amendment and the Zoning By-law Amendment as well as the entering into of a Financial Agreement in accordance with section 13, the City as Proponent will commence and diligently pursue to completion, the applications for approval of the EA Undertakings; and
- (iii) if, as a result of the completion of the approval and construction of the EA Undertakings, additional costs in relation to the Underpass, including but not limited to land acquisition, are identified which have not been included in the City's Development Charge By-law No. 2009-18729, these costs will be considered for inclusion in the City's subsequent by-laws under the *Development Charges Act, 1997*, subject to the statutory public process.

We have the following questions regarding the Silvercreek Parkway/CN Grade Separation and other infrastructure, as referenced in the Minutes of Settlement.

1. Please advise if the City is pursuing grants or subsidies from upper levels of government or possibly CNR.
2. Please advise as to the source/basis of the capital cost for Silvercreek Parkway/CN Grade Separation.
3. Please also advise as to the details underpinning the calculation of growth related debt interest for Silvercreek Parkway/CN Grade Separation.
4. The Minutes of Settlement speak to Silvercreek's obligations for Silvercreek Parkway South as being limited to two travelled lanes. Please advise as to the mechanisms to provide compensation for Silvercreek's oversizing expenditure or alternatively DC credits associated with Silvercreek Parkway South.
5. Please advise as to how much money has been collected to date for each of the Silvercreek Parkway South road project and the CN Grade Separation.
6. Similarly, please advise as the mechanisms to allow Silvercreek to recoup the oversizing costs associated with oversized water and wastewater services greater than 300 mm along Silvercreek Parkway.
7. The 2018 DCBS indicates project timing of 2023-2025. Please advise as to the source of this timing.
8. Please confirm with the City that the draft plan of subdivision can move forward/proceed without the proposed Silvercreek Parkway/CN grade separation.

Mr. Gary Scandlan – October 9, 2018

We look forward to receiving your response prior to the finalization of the 2018 DCBS and its presentation to Council.

Yours truly,

IBI GROUP PROFESSIONAL SERVICES (CANADA) INC.

A handwritten signature in cursive script that reads "Audrey Jacob".

Audrey Jacob MCIP RPP PLE
Deputy Regional Director, Canada East

AHJ/dd

cc: Christel Gregson, City of Guelph
Tara Baker, City of Guelph
Katherine Hughes, City of Guelph
Terry Gayman, City of Guelph
Astrid Clos, Planning Consultant
Carlo Stefanutti, Fieldgate Developments
Tom Halinski, Aird & Berlis