



THE CORPORATION OF THE TOWN OF LINCOLN
APPLICATION TO REQUEST THE PREPARATION OF SUBDIVISION AGREEMENT

FOR OFFICE USE ONLY
CN: 3-5-02-05
Application:
Roll No.:

APPLICATION IS HEREBY MADE TO: The Town of Lincoln
4800 South Service Road
Beamsville ON L0R 1B1
Tel: (905)-563-8205
Fax: (905)-563-6566
Email: info@lincoln.ca

The undersigned hereby requests the Planning and Development Department of the Corporation of the Town of Lincoln to prepare a subdivision agreement for the draft plan of subdivision known as hereinafter described to the extent and upon the terms and conditions set forth in this application, including Appendices hereto.

Note: REFER TO APPENDIX "A" GUIDE TO APPLICANTS AND FEES AND CHARGES, FOUND ON THE TOWN'S WEBSITE.

1. FEE

In accordance with the Fees and Charges, found on the Town's website, the required Application Fee of \$ is enclosed.

2. OWNER, APPLICANT, AGENT AND/OR SOLICITOR

- (a) Owner's Name (Please Print)
Mailing Address
Postal Code Tel: () Fax: ()
Email
(b) Applicant's Name (Please Print)
MailingAddress
Postal Code Tel: () Fax: ()
Email
(c) Agent's Name (Please Print)
MailingAddress
Postal Code Tel: () Fax: ()
Email
(d) Solicitor's Name (Please Print)
MailingAddress
Postal Code Tel: () Fax: ()
Email

Note: ALL CORRESPONDANCE WILL BE SENT TO THE APPLICANT EXCEPT WHERE AN AGENT IS EMPLOYED, IN WHICH CASE IT WILL BE SENT TO THE AGENT.

3. OWNER'S ACKNOWLEDGEMENT

If the applicant is other than the registered owner of the lands subject to this application, the owner must complete the following affidavit.

I/We, (Please Print) being the registered owner (s) of the lands described herein, am (are) aware of this application and have no objection to it being submitted.

Date: Signature

Date: Signature

Note: If application involves two or more separate properties under separate ownership, separate authorization must be provided from each registered owner and be attached hereto. The application must include original signatures.

4. MORTGAGEES, RESTRICTIONS AND COVENANTS

(a) Names and addresses of all mortgages, holders of charges or other encumbrancer with respect to the subject lands:

Name (Please Print) _____

Mailing Address _____

Postal Code _____

Note: If more space is required, attach a separate sheet hereto.

(b) Are there any easements, rights-of-way, restrictions, or other covenants applicable to the subject lands? Yes [] No [] If yes, describe what they are below:

5. REQUIRED PLANS AND RELATED RELEVANT INFORMATION

(a) The following information shall be submitted with the application:

- Copy of deed to property;
- Four copies of draft 30M Plan;
- Four copies of draft Easement Plan(s);
- Three copies of Engineering Drawings, including supporting design calculations (to be prepared in accordance with the Town’s Municipal Design Standards;
- Four copies of Technical Studies relating to the conditions of draft approval (These studies may include Stormwater Management, Servicing Design Brief, Geotechnical, Traffic, Noise, Environmental Impact, etc.);
- Two copies of the estimated costs of all works (servicing costs)
- Draft easement documents;
- Draft documents for any lands to be conveyed to the Town.

Before the Planning and Development Department commences the preparation of the Subdivision Agreement, all construction drawings and specifications must be approved by the Director of Public Works and Certificates of Approval must be obtained from the Ministry of the Environment

(b) The following financial requirements shall be submitted prior to the registration of the subdivision agreement:

- Payment of the Water Meters;
- Payment of the Administration Fees;
- Payment of any Cash Payments to the Town; and
- Letters of Credit.

IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE THAT ALL OF THE REQUIRED INFORMATION IS PROVIDED TO THE TOWN. FAILURE TO PROVIDE ALL OF THE REQUIRED INFORMATION WILL RESULT IN THE DELAY IN THE PREPARATION OF THE AGREEMENT.

THE APPLICATION FEE OUTLINED ON THE TOWN'S [WEBSITE](#) INCLUDES THE REVIEW OF UP TO TWO ENGINEERING SUBMISSIONS AND REVIEW OF THE FINAL MYLARS OF THE ENGINEERING SUBMISSION. IF THE PUBLIC WORKS DEPARTMENT IS REQUIRED TO REVIEW MORE THAN TWO ENGINEERING SUBMISSIONS, THE APPLICANT WILL BE INVOICED BY THE TOWN FOR THE ADDITIONAL STAFF TIME INVOLVED IN THE REVIEW OF THE APPLICATION.

APPENDIX "A"
GUIDE TO APPLICANT
TOWN OF LINCOLN
APPLICATION TO REQUEST THE PREPARATION OF SUBDIVISION AGREEMENT

1. Preliminary Discussion

Prior to submission of an application, the Applicant should contact the Planning and Development Department to review the conditions of draft approval and the matters to be addressed in the subdivision agreement. This will allow the Department the opportunity to answer any questions the Applicant may have and ensure that all of the required information is submitted to prepare the subdivision agreement.

2. Submission of Application

It is the responsibility of the Applicant (or duly authorized agent) to complete, sign and submit an application to the Planning and Development Department. Applications must include the required information and the applicable fee. Any submission lacking the required information or fee shall not be considered further.

3. Preparation of Agreement and Circulation for Comments

Upon the receipt of the application and all of the required information and fee, and approval of the engineering drawings by the Director of Public Works, a draft subdivision agreement is prepared by the Planning and Development Department. A review of the draft of the subdivision agreement is undertaken by Town Departments (Public Works, Sport, Recreation, and Culture, Fire, Building and By-law Departments, etc.), depending on the conditions of draft approval. The draft agreement is then forwarded to the Applicant, the Town's Solicitor and applicable government agencies (depending on the conditions of draft approval) for review. That review may result in revisions to the subdivision agreement, which will in turn require that the agreement again be forwarded to the Applicant, the Town's Solicitor and applicable government agencies for review.

4. Council Decision

Once the subdivision agreement has been finalized and the Director of Public Works has approved the engineering drawings, the Public Works staff prepares a report and makes a recommendation regarding the agreement, to the Infrastructure Committee who, in turn, makes a recommendation to the Town Council. If Council approves the recommendation of the Infrastructure Committee, a by-law is prepared to authorize the execution of the agreement and adopted by Council. Upon adoption by Council, the agreement is forwarded to the Town's Solicitor, who then registers the agreement on title. The agreement will not be forwarded to the Town's Solicitor until such time as the Planning and Development Department is in receipt of all required Letters of Credit, Cash Payments, Administration Fees, and Documents for the Conveyances of any Easements or Dedications.

5. Clearance of Conditions

Although the subdivision agreement generally addresses the majority of the conditions of draft approval, the Applicant should contact all of the agencies that have requested conditions of draft approval to ensure that their conditions have been addressed. The agencies affected by the conditions must indicate in writing, that their conditions have been fulfilled. In some cases, agencies may require that a copy of the complete subdivision agreement be forwarded to them prior to notifying the Planning and Development Department that the conditions have been fulfilled. It is the Applicant's responsibility to ensure that the affected agencies clear their conditions of draft approval. The conditions of draft approval must be fulfilled prior to the approval of the plan for registration.

6. Approval of the Plan for Registration

Final approval of the plan will be granted by the Town when:

- (i) The Town's Planning and Development Department has been informed, by agencies requiring conditions and/or amendments, that their respective conditions have been met;
- (ii) The Town's Planning and Development Department has received the following plans:
 - The original 'Mylar';
 - Five Mylar copies; and
 - Five paper prints.
- (iii) The Town's Planning and Development Department has received payment of the final approval-processing fee.

APPENDIX "C"
LETTER OF CREDIT FORM
TOWN OF LINCOLN

Standard Form Letter of Credit to be supplied by the owner to the Town of Lincoln satisfying the requirements of a Site Plan or Subdivision Agreement.

BANK LETTERHEAD

Letter of Credit No: _____

Total Amount: _____

Date: _____

Branch: _____

TO: THE CORPORATION OF THE TOWN OF LINCOLN
IRREVOCABLE STANDBY LETTER OF CREDIT

We hereby authorize you to draw on _____,
(Financial Institution)

(Address)

for account of our customer, _____
(Name)

up to an aggregate amount of _____ dollars (\$ _____)

available by drafts at sight for 100% value as follows:

Pursuant to the request of our customer, the said _____
(Name)

we, the _____ hereby establish and give to you this Irrevocable Standby Letter of Credit in your

favour in the total amount of _____ dollars (\$ _____)

which may be drawn on by you at any time, from time to time upon written demand for payment made upon us by you which demand we shall honour without enquiring whether you have a right as between yourself and our said customer to make such demand and without recognizing any claim of our said customer.

Provided, however, that you are to deliver to the _____
(Financial Institution)

at such time as a written demand for payment is made upon us, a certificate signed by your Treasurer, or designate, confirming that monies drawn pursuant to this Letter of Credit are to be used to perform any outstanding obligations of our said customer to you or to ensure that any outstanding obligations of our said customer to you are performed.

It is understood and agreed that the obligation of the undersigned under this Letter of Credit is an obligation to pay money only and that in no circumstances shall the undersigned be obliged to perform or cause to perform any of our customer's obligations to you.

The amount of this Letter of Credit shall be reduced from time to time as advised by notice in writing given to us by you from time to time. This Letter of Credit will continue up to _____,
(Date)

and will expire at the close of business on that date and you may call for payment of the full amount outstanding under this Letter of Credit at any time prior to the close of business on that date should this Letter of Credit not be renewed.

We agree to notify you, in writing, on or before _____ if
(One month prior to expiry date set out above)

this Letter of Credit will not be renewed by us. If we fail to so notify you, then this Letter of Credit shall be deemed to be automatically renewed for a further year and so on from year to year thereafter.

Partial drawings hereunder are permitted.

Drafts must be drawn and negotiated not later than close of business on the expiry date or renewal expiry date hereunder as the case may be. The Drafts drawn under this Letter of Credit are to be endorsed hereon and shall state on their face that they are drawn under the _____

(Financial Institution)

(Address)

Letter of Credit No. _____, Dated: _____

For: _____
