

Special Conditions of Draft Plan of Condominium Approval for 25CDM-201619, 154 and 166 Mount Albion Road

That this approval for the Draft Plan of Condominium (Common Elements) 25CDM-201619, prepared by B.A. Jacobs Surveying Ltd. and certified by Bryan Jacobs O.L.S., dated August 9, 2016, showing a 6 metre wide private condominium road with sidewalks and visitor parking spaces, labelled as "Common Elements" be received and endorsed by City Council with the following special conditions:

1. That the Final Plan of Condominium shall comply with all of the applicable provisions of the City of Hamilton Zoning By-law No. 6593, as amended, or in the event the City of Hamilton has repealed and replaced the City of Hamilton Zoning By-law No. 6593 with By-law No. 05-200, the final Plan of Condominium shall comply with all the applicable provisions of the Zoning By-law in force and effect at the time of the registration of the Draft Plan of Condominium.
2. That the Final Plan of Condominium shall comply, in all respects, with the Final Approved Site Plan Control Application, to the satisfaction of the Manager of Development Planning, Heritage and Design.
3. That the Owner shall register Draft Plan of Subdivision 25T-201613, "Towns of Red Hill", to the satisfaction of the Director of Planning and Chief Planner.
4. That the Owner shall include the following warning clauses in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

To the satisfaction of the Director of Planning and Chief Planner:

- (a) Garages provided are intended for use as parking. It is the responsibility of the owner / tenant to ensure that their parking needs including those for visitors can be accommodated on site. Public, on-street parking is not permitted on Rymal Road East and existing public parking in the surrounding neighbourhood cannot be guaranteed in perpetuity.
- (b) Purchasers / Tenants are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.

To the satisfaction of Canada Post:

- (c) That the home / business mail delivery will be from a designated Centralized Mail Box.

- (d) That the developer / owner be responsible for officially notifying the purchasers of the exact Centralized Main Box locations prior to the closing of any home sale.

To the satisfaction of the Senior Director, Growth Management

- (e) Purchasers / Tenants are advised that there is a blanket easement in favour of the Condominium Corporation that covers any and all shared services on the development over the Storm Water Management facility.
- 5. That the Owner shall agree to choose a street name from the City of Hamilton pre-approved street names list or submit a name for approval, prior to registration, to the satisfaction of the Senior Director, Growth Management.
 - 6. That the Owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
 - 7. That the Owner establish a blanket easement in favour of the Condominium Corporation that covers any and all shared services on the development over the Storm Water Management facility.

The following easement is created upon registration of this Declaration and Description pursuant to section 20 of the Condominium Act, 1998 in order to comply with condition (5) attached to the City of Hamilton's final approval of this Declaration and Description:

Reserving unto the Condominium Corporation, it assigns, successors, servants, agents and employees, the right in the nature of an easement, to enter without charge in, over and along all of the Units and the Common Elements of the Condominium, for time to time, for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton.

To the satisfaction of the Senior Director, Growth Management.

- 8. That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

NOTE: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received before the draft approval lapses.