Agenda – Council – May 24, 2006

Report - Standing Policy Committee on Property and Development - May 2, 2006

Item No. 10 Amendment to Servicing Agreement AG 24/2003 (Phases 2 and 3) - King Edward Street, east side north of Inkster Boulevard File DASZ 24/2003

STANDING COMMITTEE RECOMMENDATION:

On May 17, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits to Council that the Servicing Agreement requirement for Phases 2 and 3 of File DASZ 24/2003 not be amended.

Report - Standing Policy Committee on Property and Development - May 2, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 17, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 2, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2006, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: Requested amendment to Servicing Agreement AG 24/03 (Phases 2 and 3) - Global Homes Ltd.

Council at its meeting held on September 29, 2004 approved the above-referenced development application subject to a number of conditions including the execution of a Servicing Agreement.

The servicing agreement was to include the following clauses:

"1. The Developer shall pay to the City, in cash, on demand, its share of the cost of the following services to be installed in King Edward Street along the full length of the subject property abutting the east side of King Edward Street:

a) street lighting in the east boulevard,
b) landscaping in the east boulevard,
c) any necessary land drainage works

all as determined by the Director of Public Works.

2. The Developer shall pay its share of the cost of the regional land drainage system as determined by the Director of Water and Waste."

DASZ 24/03 covers land located on the east side of King Edward Street from a point just north of Inkster Boulevard to Inkster Garden Drive. The Developer decided to develop the land in three phases on a block-by-block basis. Subdivision/rezoning by-laws and the servicing agreements would also be prepared on the same phased basis.

The by-law and servicing agreement for the first phase from Inkster Boulevard to Garton Avenue were finalized in early 2005 and that phase was serviced and developed. Later in 2005 the by-law and servicing agreement for the second phase, covering the land between Garton Avenue and Chapman Avenue, were prepared with servicing and development of the land slated for 2006.

In a letter dated March 27, 2006, the Developer requests that the conditions of approval of DASZ 24/03 for Phases 2 and 3 be amended by deleting the following:

1. Prepayment of ornamental street lighting and boulevard landscaping in King Edward Street, and
2. Payment of a share of the cost of the regional land drainage system.

In his March 27, 2006 letter, the Developer also raises other issues dealing with location of and reimbursement for underground services i.e. watermain, wastewater sewer and land drainage sewer. These issues are being dealt with by the administration utilizing the provisions of the City's Local Improvement By-law procedures.

In its report to the Lord Selkirk – West Kildonan Community Committee dated April 27, 2004, the Administrative Co-ordinating Group had recommended that the Developer be required to pay its share of the cost of existing surface improvements and underground services in King Edward Street and prepay its share of the cost of future surface improvements in King Edward Street. At the public hearing following a presentation by the Developer, the Lord Selkirk – West Kildonan Community Committee deleted the requirement that the Developer pay for existing surface improvements and underground services and also deleted the requirement that the Developer prepay the cost of future concrete pavement. The requirement that the Developer prepay its share of the cost of the future ornamental street lighting and boulevard landscaping was not deleted.

With respect to payment for the regional land drainage system benefiting the Developer's land, that charge represents the Developer's fair share of municipal infrastructure that was oversized to accommodate land drainage runoff from his development area. If the Developer does not pay his fair share, then other landowners in the benefiting area would have to pay more to make up the difference. This is a standard development charge paid by all Developers within those systems' catchment areas and was in fact paid by the Developer of Phase 1.

It is therefore recommended that the Servicing Agreement requirement for Phases 2 and 3 of DASZ 24/03 not be amended.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 24/03
March 29, 2006

"Original signed by E. L. Carrière"
Land Development Engineer

"Original signed by K. T. Raban"
Water and Waste Department

"Original signed by R. J. Hartmann"
Public Works Department
Transportation Division