Report of the Standing Policy Committee on Property and Development dated October 30 2001

Proposed Amendment to Dedication Requirements payable under the Plan of Subdivision and Rezoning for land located on the west side of McPhillips Street between Templeton Avenue and Court Avenue – Lord Selkirk-West Kildonan Community

File DASZ 4/2001

8. On June 20, 2001, Council passed the Subdivision and Rezoning By-law No. 7850/2001. Since that time, the Applicant has submitted a proposal to satisfy the requirement for the provision of dedication under File DASZ 4/2001. In order to accept the Applicant's proposal, Council must amend its instructions of June 20, 2001, to include the conveyance of land outlined on Schedule "B" along with the payment of $100,000.00 (plus G.S.T.).

As background history, on June 20, 2001, Council adopted Clause 4 of the Report of the Standing Policy Committee on Property and Development dated June 5, 2001, and approved a plan of subdivision and rezoning application under File DASZ 4/2001 to a "C4" Commercial District (outlined on Schedule "A") to allow for the creation of a proposed shopping center.

Recommendation IV. contained in the said Clause stipulated:

> IV. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

The original valuation for the ten percent (10%) cash dedication was calculated to be $239,770.00 plus G.S.T. The solicitor for the registered owner, Timothy Taylor of Deeley Fabri Sellen, 903 - 386 Broadway, Winnipeg, has been in negotiations and discussions with the Real Estate Division of the Planning, Property and Development Department to have the original valuation re-evaluated. The valuation was reviewed by the Planning, Property and Development Department and has been reduced to $193,100.00 plus G.S.T. on the basis of additional information that the applicant provided. The applicant now proposes to make a payment of $100,000.00 plus G.S.T. of the aforementioned amount in cash and provide the remainder of the dedication in land presently in his client's name, which will be transferred to the City. Council's original instructions dated June 20, 2001 would require an amendment in order to accept this proposal and to allow the subject rezoning and subdivision application to be completed.

The Planning, Property and Development Department has agreed to the above mentioned arrangement for satisfying the requirement for dedication as the City's interests remain secured and circumstances leading to the revised dedication amount are unchanged.

On October 9, 2001, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the report dated September 21, 2001, from the Subdivision Officer, Planning, Property and Development Department and recommended that the approval given by Council on June 20, 2001 for File DASZ 4/2001, be amended to replace Recommendation IV., as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends:

Report of the Standing Policy Committee on Property and Development dated October 30 2001

I. That Clause 4 of the Report of the Standing Policy Committee on Property and Development dated June 5, 2001 and adopted by Council on June 20, 2001, be amended to replace Recommendation IV. of the said Clause as follows:

IV. That the requirement for dedication be made as follows:

A. A cash payment of $100,000.00 (plus G.S.T.);

B. Dedication of approximately 4.14 acres of land valued at $22,500.00 an acre, as outlined on Schedule "B"; and,

C. All/any costs associated with subdividing of the parcel referred to in Recommendation IV.B. above and transferring it to the City of Winnipeg be borne by 429361 Manitoba Ltd.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.