Agenda - Executive Policy Committee - February 14, 2007

Report - Standing Policy Committee on Property and Development - January 30, 2007

Item No. 4 Subdivision and Rezoning - 445-453 Ham Street
File DASZ 38/2006

STANDING COMMITTEE RECOMMENDATION:

On January 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 38/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2006 dated November 14, 2006, for registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 15, 2006, with the following amendment:

        i. That the sixth sentence in the first paragraph be deleted in its entirety and replaced with the following:

        "The applicant has requested that the watermain in Ham Street be installed by the City as a Local Improvement."

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 38/2006 dated November 14, 2006, to a "R1-3.5" Single Family Residential District and "R1-6" Single Family Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following condition:

    A. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum fifty (50) foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

Agenda - Executive Policy Committee - February 14, 2007

Report - Standing Policy Committee on Property and Development - January 30, 2007

4. That the by-law with respect to the Ham Street frontage not be enacted until the level of servicing in Ham Street has been determined and it has also been determined whether those services will be installed by the City as a Local Improvement or by the Developer. If the services are not installed as Local Improvements, then the Developer will be required to install the services at no expense to the City.

4.A. That the level of servicing along Ham Street be water and wastewater only.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That a ten (10%) percent 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 creation of additional sites.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

12. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda - Executive Policy Committee - February 14, 2007

Report - Standing Policy Committee on Property and Development - January 30, 2007

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 30, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

Report of the Administrative Coordinating Group

- That the sixth sentence in the first paragraph be deleted in its entirety and replaced with the following:

  "The applicant has requested that the watermain in Ham Street be installed by the City as a Local Improvement."

Report from the Planning and Land Use Division

- That Recommendation 4 be amended by deleting the word "full" after the words "not be enacted until the" and before the words "level of servicing".

- That a new Recommendation 4.A. be added as follows:

  "4.A. That the level of servicing along Ham Street be water and wastewater only."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 445 - 453 Ham Street**
File DASZ 38/2006

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Inga K. Skundberg, Clerk,**
East Kildonan-Transcona Community Committee

Report date: **January 24, 2007**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2007, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 38/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 38/2006 dated November 14, 2006, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 15, 2006, ***with the following amendment***:

        i. That the sixth sentence in the first paragraph be deleted in its entirety and replaced with the following:

        ~~***"The applicant has requested that the services in Ham Street be installed by the City as a Local Improvement."***~~
        "The applicant has requested that the watermain in Ham Street be installed by the City as a Local Improvement."

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 38/2006 dated November 14, 2006, to a "R1-3.5" Single Family Residential District and "R1-6" Single Family Residential District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

    A. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

4. That the by-law with respect to the Ham Street frontage not be enacted until the ~~***full***~~ level of servicing in Ham St. has been determined and it has also been determined whether those services will be installed by the City as a Local Improvement or by the Developer. If the services are not installed as Local Improvements then the Developer will be required to install the services at no expense to the City.

4.A. That the level of servicing along Ham Street be water and wastewater only.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That a ten (10%) percent 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 creation of additional sites.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

10. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

12. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. Plan Winnipeg ensures that developments are not created with different standards, however, the subject property is a small existing neighbourhood that has been developed around and therefore the costs to bear a full range of services on a dead-end roadway is redundant.

PUBLIC HEARING SUMMARY

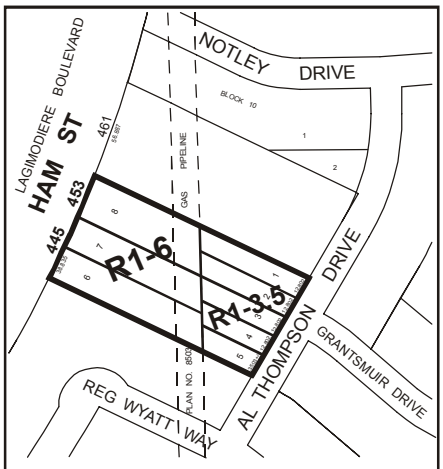
File: DASZ 38/2006

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: January 15, 2007
Community Committee Chambers, 755 Henderson Highway

Applicant: Myron Jaworsky

Subject:



N

EAST KILDONAN
TRANSCONA
COMMUNITY

APPLICANT : MYRON JAWORSKY
FILE : DASZ 38/06
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" and an "R1-6" RESIDENTIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: 445 - 453 Ham Street

Exhibits Filed:

1. Application dated October 13, 2006
2. Notification of Public Hearing dated December 7, 2006
3. Manitoba Status of Titles 1944118 and 1944123
4. Letter of authorization dated October 4, 2006, from Joseph, Angeline and Osyp Taras Jaworsky to Myron Jaworsky
5. Surveyor's Building Location Certificate and Sketch dated February 14, 2002
6. Plan
7. Report from the Planning and Land Use Division dated November 14, 2006
8. Report from the Administrative Coordinating Group dated December 15, 2006
9. Inspection Report

REPRESENTATIONS:

In Support:

J. Jaworsky
Myron Jaworsky
T. Jaworsky
Blaine Reimer

In Opposition

Nil

For the City:

Mr. E. Carriere, Land Development Engineer, Planning, Property and Development Department
Mr. J. Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Myron Jaworsky appeared in support of the application. He advised that the proposed subdivision on Ham Street is for personal use only and not for profit as he and his family are only interested in subdividing to a third lot on Ham Street. He further advised that his parents have lived at their home for 30 years and that his brother resides next to his parents' house on Ham Street. He indicated that his family cannot afford the full range of services such as water, land drainage, sewer, and, pavement, similar to services of surrounding areas.

Councillor Wyatt indicated that Ham Street will soon be a dead-end roadway due to surrounding development, such as Harbourview Phase 2, and that the Ham Street houses face onto a drainage swale and Lagimodiere Boulevard.

Myron Jaworsky advised that the existing two houses on Ham Street are already connected to sewer and that as Ham Street will become a dead-end roadway, he cannot see it being upgraded to a concrete roadway.

Councillor Wyatt commented that the outstanding issues are water, land drainage and pavement inasmuch as the 3rd lot would be connected to the waste water interceptor for the existing properties on Ham Street.

Councillor Wyatt questioned if a local improvement application for water had been made, to which Myron Jaworsky responded in the affirmative and indicated that it makes sense to have water even without subdividing to a 3rd lot. Councillor Wyatt advised the applicant that if the application is approved, it will be subject to the local improvement process.

Councillor Wyatt indicated that he will be recommending approval of the application and that it is his intent that the level of servicing along Ham Street be only water and wastewater, not pavement and land drainage. Accordingly, the water would be applied for through the local improvement process and the waste water would be facilitated though a connection to the existing interceptor servicing the other Ham Street properties.

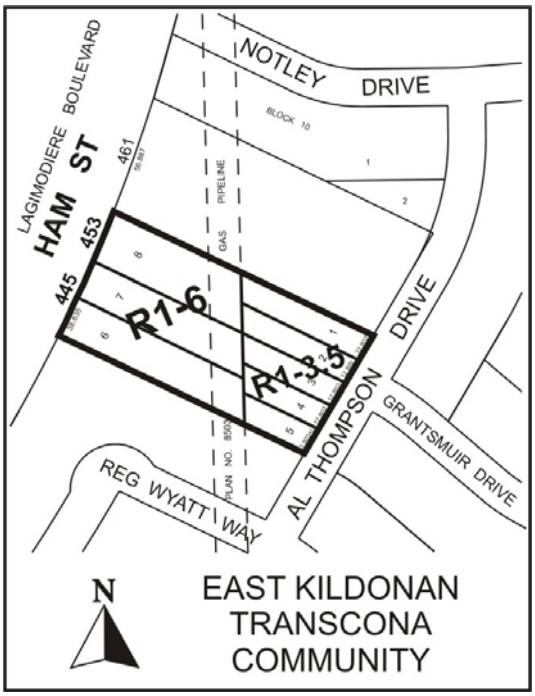
Exhibit "7" referred to in File DASZ 38/2006

Winnipeg

Planning, Property and Development Department Report

To the East Kildonan - Transcona Community Committee

Date: November 14, 2006
File: DASZ 38/06
Related Files: DASZ 50/04; DASZ 20/05
Subject: Rezone and subdivide property into residential lots.
Location: 445 - 453 Ham Street



Applicant: Myron Jaworsky
Owner: Joesph and Angeline Jaworsky
Osyp Taras Jaworksy

Recommendation: Approve in Part.

Report Summary:

- The applicant is proposing to develop **five (5)** single family residential lots fronting Al Thompson Drive, and one (1) additional lot along Ham Street.
- Plan Winnipeg requires a full range of municipal services for any subdivision and/or rezoning.
- The prevailing area is fully serviced to a high urban standard.
- The Division will only support the rezoning and subdivision of land along Ham Street when a full range of municipal services are provided, as in accordance with the policies of Plan Winnipeg.

Site Description

The subject properties are **213 feet by 450 feet** located on the east side of Ham Street, south of Williamson Cres in the Grassie neighbourhood of the Transcona Ward. The site is zoned "A-5" Agricultural and is occupied by two single family residences, which are not fully serviced. Adjacent properties include residential dwellings to the north zoned "A-5" Rural and "R1-3.5". Surrounding lands to the north and east include the recently approved Harbourview Phase II: single family dwellings zoned "R1-3.5", which has a full range of municipal services.

Background

Previous applications for the subdivision and rezoning of lands on the east side of Al Thompson Drive include **DASZ 50/04 (Harbourview Phase II),** which was approved by Council on June 29, 2005.

DAV 852/89

The applicant was previously granted a variance from the East Kildonan – Transcona Community Committee to vary the 'AR-5' District Regulations of Zoning By-law No.4440 to permit the construction of a second single family dwelling on a 0.841 hectare/2.98 acre site (one dwelling only being permitted), and to provide a separation space of 18 feet between the dwellings instead of 42.684 feet as required.

The Division's position on DAV 852/89 was the variance for a second dwelling should not be granted. This variance was adjourned several times from November 1989 to November 1990 to be heard in conjunction with File DASZ 44/85 (Harbourview South). Once DASZ 44/85 was granted, the EKT Community Committee granted DAV 852/89 for the following reasons:

1) *There is a conceptual plan in place which illustrates single family development will take place adjacent to these holdings and these are the long term objectives of Plan Winnipeg.*

2) *This application and the lands in question are a continuation of development in the community.*

The Community Committee and the applicant both anticipated that full municipal services would be provided imminently with the development of the adjacent vacant lands.

Description of the Proposed Development

The applicant has applied to rezone and subdivide a 'through lot' that is between Ham Street and Al Thompson Drive. The lot is currently zoned "Agricultural". The applicant would like to develop five residential lots fronting Al Thompson Drive; and one residential lot fronting Ham Street.

The proposed lots fronting Al Thompson Drive will be **42 to 44 feet** in width. The residential lots fronting Ham Street will be **85.0 feet** and **127.6** feet in width.

Analysis

PLAN WINNIPEG
Plan Winnipeg Policy 3B-02 requires a FULL range of municipal services: piped water, piped sewer, piped land drainage, and a paved ROW especially considering the prevailing area is fully serviced to a high urban standard (neighbourhoods on both sides of Lagimodiere are characterized by piped water, piped sewer, piped land drainage, paved ROW's, ornamentally street lights, and sidewalks).

The land fronting Ham Street must remain Agricultural if a full range of municipal services are not provided: land can not be rezoned or subdivided until a **full range** of municipal services are extended down Ham Street.

Clarification of Plan Winnipeg Policy interpretations, such as the level of servicing that is considered ***full municipal services***, are made by the Executive Policy Committee (EPC), which is the hearing body for Plan Winnipeg as per the City of Winnipeg Charter.

SECONDARY PLAN
The Planning and Land-Use Division has recently initiated a Secondary Plan planning process for the **'Transcona West Area'** whose northern boundary is the Cordite Ditch. The proposed subdivision is consistent with the previous approved developments in the area and the land-use concepts envisioned for this neighbourhood provided a full range of municipal services are provided.

ZONING
- The **"R1-6" Single Family Residential District** requires a minimum lot size of 6,000 square feet and minimum lot width of 60 feet.
- The **"R1-3.5" Single Family Residential District** requires a minimum lot size of 3,500 square feet and a minimum lot width of 40 feet. A side yard of 4 feet is required.

TRANSPORTATION AND SITE ACCESS
Ham Street will be removed south of the property identified as 445 Ham Street and north of 535 Ham Street, severing the connection to Grassie Blvd just north of Williamson Crescent. The remaining street ends will terminate in new cul-de-sacs and be connected to Rutledge Crescent via Notley Drive.

SITE DESIGN ISSUES
The proposed site design is consistent with DASZ 50/04, that was approved by Council. Lands on the east side of Al Thompson Drive will have single family dwellings fronting this street. The adjacent property owner to the north has all ready made a similar application to subdivide and rezone the rear of his property to allow lots fronting Al Thompson Drive.

INFRASTRUCTURE IMPACTS
Manitoba Hydro has indicated in a letter dated February 10, 2006 to Qualico for the development of Harbourview Phase II that a 15 metre (50 foot) easement is required on both sides of the gas pipeline, as measured from the pipeline.

LOCAL IMPROVEMENT
A local improvement application for water only along Ham Street has been received by the City of Winnipeg. The Administration must process the LI as per the Charter, and can make comments to provide information to the Community Committee and the SPC Infrastructure Renewal and Public Works. The SPCPW, and Council have the authority to reject a Local Improvement.

If Local Improvements are required for Ham Street, the preliminary cost estimates would be as follows, with the COW having the ability to recover perhaps 20% of it:

Water:
The requirement would be for the installation of approximately 305 meters of watermain from Notley Drive looped to the watermain crossing from the extension of Crozier Avenue at an estimated cost of ***$176,000****. Without this looping, there would not be sufficient pressure to satisfy fire protection criteria.*

Land Drainage:
The requirement would be for catch basins, catch basin leads and approximately 40 meters of LDS pipe to discharge into the Lagimodiere ditch. This is assuming that pavement can be installed preserving the ditch system along Lagimodiere similar to that done on Sterling Lyon. The estimated cost would be ***$73,000****.*

Wastewater:
WWD would not require the installation of a sewer main along Ham Street, but would allow a special connection to the existing interceptor on the basis that precedent has been set for the three existing properties.

The Division is of the opinion that the Local Improvement, in considering the preliminary estimated costs, the number of lots being created by the DASZ (one lot), and the amount the City of Winnipeg can recover, ***is NOT consistent with the Policies of Plan Winnipeg:***

3b-02 states that a full range of municipal services need to provided in an *economical manner,* and

3d-02 states the City shall invest strategically in new infrastructure by demonstrating that any proposed investment in new infrastructure will result in a *positive return* for the city.

Recommendation

The Planning and Land-Use Division supports rezoning the rear of the property from "A-5" to "R1-3.5". The new zoning designation will complement the existing zoning to the north and east along Al Thompson Drive that will have a "R1-3.5" designation.

A 50 foot buffer will need to be established along the Gas Pipeline, which runs through the middle of the property, to ensure public safety.

The Division is recommending the portion of the application detailing the front properties along Ham Street not be enacted as a by-law until the full range of municipal services have been provided in accordance to the policies of Plan Winnipeg.

Recommended Conditions of Approval

1. That the plan of subdivision proposed under File No. **DASZ 38/06** be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. **DASZ 38/06,** attached hereto and dated **November 14, 2006**, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated **December 15, 2006**;

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. **DASZ 38/06** attached hereto and dated **November 14, 2006** to a **"R1-3.5" Single Family Residential District** and **"R1-6" Single Family Residential District** subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

A. That residential lots abutting the existing high pressure gas pipeline shall provide a minimum 50 foot (15.24 metre) setback between the high pressure gas pipeline and any principal dwellings.

4. That the by-law with respect to the Ham Street frontage not be enacted until the full level of servicing in Ham St. has been determined and it has also been determined whether those services will be installed by the City as a Local Improvement or by the Developer. If the services are not installed as Local Improvements then the Developer will be required to install the services at no expense to the City.

5. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

6. That a ten (10) percent 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 creation of additional sites.

7. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Servicing Agreement.

9. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council**.

10. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

11. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

12. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # DASZ 38/2006

Schedule "A"

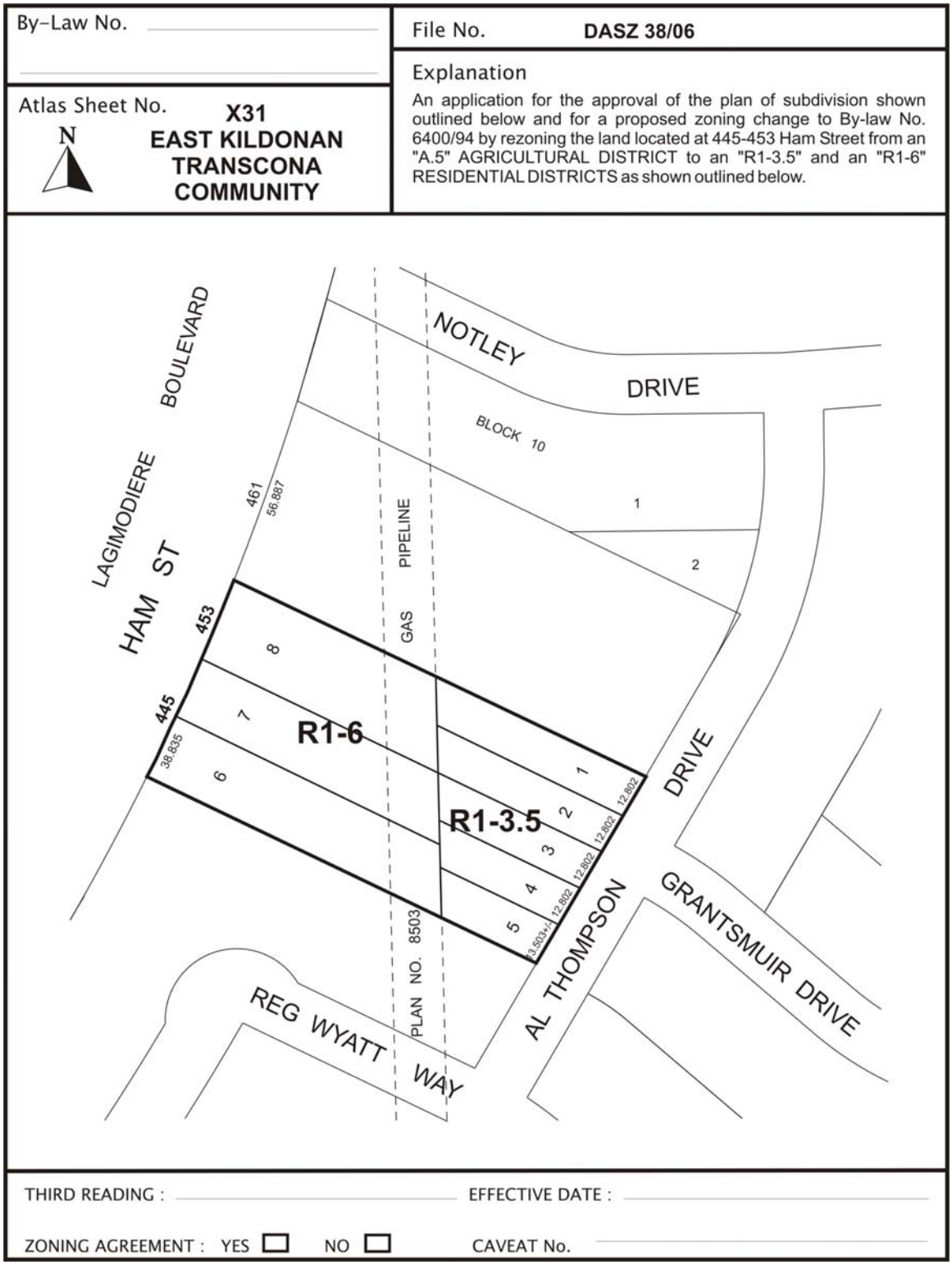


Figure 1: Schedule "A" to the report to the East Kildonan - Transcona Community Committee for File No. DASZ 38/06, dated November 14, 2006.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

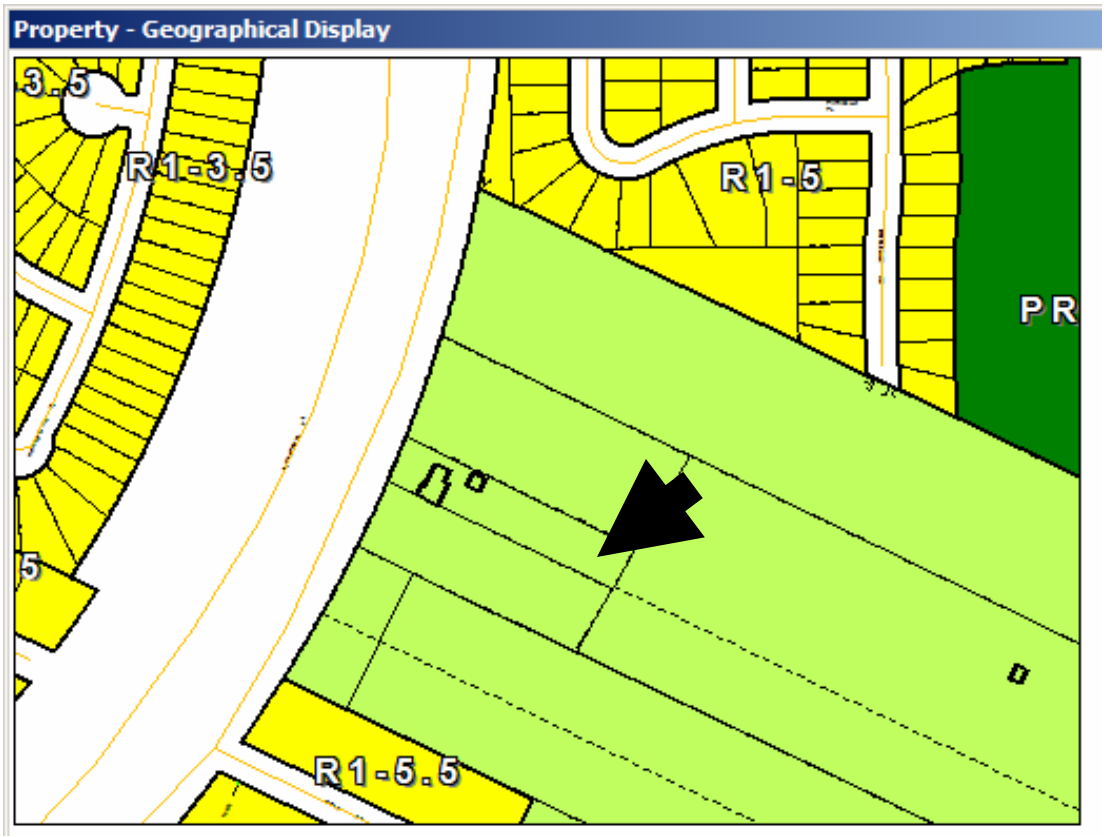


Figure 3: Existing Zoning for subject property and Surrounding Area.

Exhibit “8” referred to in File DASZ 38/2006

Re: Proposed Subdivision and Rezoning of Land located at 445 - 453 Ham Street – DASZ 38/06

An application has been submitted by Myron Jaworsky to subdivide and rezone land located at 445-453 Ham Street. The proposal is to create five (5) new lots fronting on Al Thompson Drive which street is within Harbourview Phase 2 and is fully serviced. The proposal would also create one (1) additional lot fronting on Ham Street which street contains the gravel roadway formerly providing the connection between Grassie Boulevard and Peguis Street. Ham Street however is not serviced with watermains, wastewater sewers, land drainage sewers, ornamental street lighting or concrete pavement. The two (2) existing homes within proposed Lots 7 and 8 are connected directly to the 1800mm Interceptor Sewer which traverses the subject property. The applicant has requested that the services in Ham Street be installed by the City as Local Improvements. This issue is currently being dealt with by the City Administration. Until this matter is dealt with by your Committee and by the Standing Policy Committee on Infrastructure Renewal and Public Works and ultimately by Council, it is recommended that the subdivision/rezoning by-law affecting the three (3) lots on Ham Street not be enacted. If it is the City’s decision that the services in Ham Street not be installed by the City as Local Improvements, the Developer shall at no expense to the City install the services.

It is recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. The Developer shall pay its share of the cost of service installed or to be installed by others in Al Thompson Drive on the basis of the Local Improvement rates prevailing at the time payment is received.

2. The Developer shall pay its share of the cost of the existing oversized watermain in Eaglemere which benefits this property as determined by the Director of Water and Waste.

3. The Developer shall pay its share of the cost of the regional land drainage system benefiting the proposed subdivision as determined by the Director of Water and Waste.

4. The Developer shall provide a lot grading plan prepared by a municipal engineer and shall grant easements and, if required, construct catch basins and leads as may be necessitated by the grading design.

5. The Developer shall install separate water and wastewater lot line connections to serve each lot within the proposed subdivision.

6. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

   a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the existing Lagimodiere/Concordia interchange and the east limit of the existing Peguis Street, including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street north of Concordia Avenue East;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East;
   c) Street lighting in the north boulevard of Concordia Avenue East;
   d) Landscaping in the north boulevard of Concordia Avenue East;
   e) Modifications to the existing Lagimodiere/Concordia interchange to accommodate the connection of Concordia Avenue East to the interchange, including, but not necessarily limited to through lanes, turning lanes, channelization, medians, asphalt transitions, land drainage works, street lighting, boulevard landscaping, sidewalks, median hazard markers and all related works.

7. The Developer shall pay its share of the cost of the following improvements in Peguis Street on an area basis, for the area as illustrated on the attached Figure 1, as determined by the Director of Public Works:

   a) two 8.0m in width by 200mm in thickness portland cement concrete lanes of pavement and all related works in Peguis Street, between Concordia Avenue East and the CPR Molson Subdivision including a temporary asphaltic concrete transition section to the existing gravel roadway in Peguis Street south of the CPR Molson Subdivision;
   b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the east and west boulevards of Peguis Street;
   c) Street lighting in both the east and west boulevards of Peguis Street;
   d) Landscaping in both the east and west boulevards of Peguis Street;
   e) Modifications to the existing railway crossing and the existing crossing protection at Peguis Street and the CPR Molson Subdivision as may be required by Transport Canada and/or Canadian Pacific Railways.

8. The Developer shall pay its share of the cost of the following improvements in Concordia Avenue East on an area basis, for the areas included under this application, AG 50/04 and DASZ 30/05, as determined by the Director of Public Works:

a) an 8.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works in Concordia Avenue East between the works to be constructed under Clause 5.) above and the limit of the existing Concordia Avenue East, immediately south of Whittington Road,
b) 1.5m in width by 100mm in thickness portland cement concrete sidewalks in both the north and south boulevards of Concordia Avenue East;
c) Street lighting in the north boulevard of Concordia Avenue East;
d) Landscaping in the north boulevard of Concordia Avenue East;
e) All related works.

This payment is intended as a cost recovery to the Developers of the lands included in AG 50/04 and DASZ 30/05.

9. The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.

10. The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

11. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

12. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

13. The Developer shall pay $1,650.00 in lieu of the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

14. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of lot line connections required to serve the proposed development.

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 38/06
December 15, 2006

Enclosure
ELC/dt

["Original signed by E.L. Carriere"]
Land Development Engineer

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

["Original signed by T.S. Josephson"]
Water and Waste Department

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