Minute No. 698
Report - Standing Policy Committee on Property and Development – July 4, 2006

Item No. 4 **Amendment to Development Agreement AG 50/2004 – Harbourview Phase 2**
File DASZ 50/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Development Agreement AG 50/2004 be amended as follows:

   A. That Condition a) in the second paragraph of No. 7 be amended by deleting the words "just south of" in the fifth line thereof.

   B. That Condition No. 10 be amended by deleting the words "until such time as Concordia Avenue East is constructed through the adjacent privately owned lands thereby connecting" in the first, second, and third lines thereof, and adding the following words at the end, namely, "until two years after house building activities are complete".

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 19, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 4, 2006, 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 June 13, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendments, namely:

1. That Development Agreement AG 50/2004 be amended as follows:

    A. That Condition a) in the second paragraph of No. 7 be amended by deleting the words “just south of” in the fifth line thereof.

    B. That Condition No. 10 be amended by deleting the words “until such time as Concordia Avenue East is constructed through the adjacent privately owned lands thereby connecting” in the first, second, and third lines thereof, and adding the following words at the end, namely, “until two years after house building activities are complete”,

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

Re: Proposed amendment to Development Agreement AG 50/04 - Harbourview Phase 2

Under the terms of Development Agreement AG 50/04 dated June 29, 2005, between the City and Qualico Developments Ltd., the Developer is required to:

1. Construct an asphaltic concrete transition section in Peguis Street from approximately 30m north of the CPR Molson Subdivision to a point just south of the CPR Molson Subdivision, and

2. Construct and maintain, until such time as Concordia Avenue East is constructed through the adjacent privately owned lands (the Perfanick land) thereby connection the two sections of Concordia Avenue East, a temporary asphaltic concrete roadway surface in Peguis Street and in Perfanick Drive.

In a letter dated April 4, 2006, a copy of which is attached, the Developer requested that:

1. The asphaltic concrete transition section in Peguis Street not extend south of the CPR Molson Subdivision, and

2. The Developer's responsibility to maintain the temporary asphaltic concrete roadway connecting the two sections of Concordia Avenue East terminate when house building activities are complete.

The Developer's request for amendments to the agreement were reviewed by the administration and there was concurrence with the change to the limits of the asphaltic concrete transition section in Peguis Street. However with respect to the maintenance of the temporary roadway connections for Concordia Avenue West, there was no concurrence.

Past practice has been for developers to maintain temporary connections such as this for as long as they are in use. Typically these temporary roadways are not designed or constructed with a design life beyond the absolute minimum required and thereafter they can require significant maintenance to remain in an acceptable condition. The Developer should be responsible for maintaining the temporary connection for as long as necessary.

It is therefore recommended that Development Agreement AG 50/04 be amended to stipulate that the asphaltic concrete transition section in Peguis Street be constructed from the CPR Molson Subdivision to a point located approximately 30m north thereof.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 50/04
May 29, 2006

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

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