Minute No. 805
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 3 **Amendment to Development Agreement AG 45/2004 – southeast corner Knowles Avenue and Gateway Road**
File DASZ 45/2004

COUNCIL DECISION:

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

1. That Development Agreement 45/2004 be amended by deleting Condition No. 5 in its entirety and replacing same with the following new Condition Nos. 5. A. and 5. B.:

   "5. A. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along both sides of Headmaster Row as determined by and to the satisfaction of the Director of Public Works.

   B. The Developer shall prepay its share of the cost of a concrete sidewalk to be constructed by the City on the east side of Gateway Road abutting the proposed subdivision on the basis of the Local Improvement rate therefore at the time payment is made."

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

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 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 September 5, 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 July 18, 2006, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation with the following amendment, namely:

- Delete the words “Condition No. 9, 9a) and 9b)” wherever same appear and replace with the words “Condition No. 5, 5a) and 5b)”

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

Re: Proposed amendment to Development Agreement AG 45/04 - Laurence Kostynyk

On May 18, 2005, Council approved DASZ 45/04 being an application by Doug Henne Planning Services on behalf of the owner, Laurence Kostynyk, to subdivide and rezone land located at the southeast corner of Knowles Avenue and Gateway Road. Council's approval of DASZ 45/04 was subject to a number of conditions including that the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Group dated March 24, 2005. Condition 9 of the Administrative Coordinating Group's report reads as follows:

"The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along both sides of Headmaster Row **and along the east side of Gateway Road between Bonner Avenue and Knowles Avenue** as determined by and to the satisfaction of the Director of Public Works.

In connection with the construction of the sidewalk in Gateway Road, the Public Works Department has conducted a field inspection and has determined that it isn't possible to construct that sidewalk without backfilling the existing ditch on the east side of Gateway Road. It would then be necessary to install land drainage sewers in Gateway Road to accommodate the drainage from the existing concrete pavement in Gateway Road and to intercept the existing ditch drainage in Knowles Avenue.

The above described works are fairly significant in scope and cost and were not contemplated when it was recommended that the Developer construct a sidewalk on the east side of Gateway Road. It would therefore be appropriate that the works be undertaken by the City as Local Improvements and that the Developer prepay his share of the cost of the sidewalk. Based on the 2006 Local Improvement high rate for sidewalks, the Developer's share of the cost of the subject sidewalk would be approximately $9500.00 ie. 597' x $15.89 / ft.

It is therefore recommended that Condition 9 of the Administrative Coordinating Group's report dated March 24, 2005 which forms part of Council's approval of DASZ 45/04 on May 18, 2005 be amended by deleting Condition 9 in its entirety and replacing same with the following new Conditions 9. a) and 9. b):

"9. a) The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along both sides of Headmaster Row as determined by and to the satisfaction of the Director of Public Works.

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b) The Developer shall prepay its share of the cost of a concrete sidewalk to be constructed by the City on the east side of Gateway Road abutting the proposed subdivision on the basis of the Local Improvement rate therefor at the time payment is made."

Original Signed by E.L. Carriere
Land Development Engineer

Original Signed by R.J. Hartmann
Public Works Department

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Water and Waste Department