Minute No. 463
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 15 Amendment to Servicing Agreement AG 24/2003
(Old Kildonan Ward)
File DASZ 24/2003

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Property and Development and concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the Servicing Agreement AG 24/2003 be amended as follows, namely:

   "That under Phases 2 and 3, the Developer be required to provide ornamental street lighting at the City's same standard for all residential streets in new developments and landscape the swale between the service road and King Edward Street to a standard acceptable to the Director of Public Works, and that there be no additional charge to the Developer for future boulevards and street lighting."

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

Minutes - Executive Policy Committee - July 11, 2007

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development not be concurred in and the recommendation of the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

Bernard Goertzen, President, Global Homes Ltd. submitted a communication dated July 6, 2007, in opposition to the recommendation of the Standing Policy Committee on Property and Development.

STANDING COMMITTEE RECOMMENDATION:

On June 26, 2007, the Standing Policy Committee on Property and Development did not concur in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended as follows:

1. That Servicing Agreement AG 24/2000 not be amended to delete the requirement that the Developer prepay its share of the cost of the future ornamental street lighting and boulevard landscaping.

2. That should the twinning of King Edward Street not occur within five (5) years, the Developer be refunded its share of the cost of the future ornamental street lighting and boulevard landscaping.

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

and submitted the matter to the Executive Policy Committee and Council.

Report - Standing Policy Committee on Property and Development - June 26, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On June 19, 2007, the Lord Selkirk-West Kildonan Community Committee recommended as follows:

1. That Administrative Recommendation No. 1 not be concurred in and that the following amendment to Servicing Agreement AG 24/2003 be approved, namely:

   "That under Phases 2 and 3, the Developer be required to provide ornamental street lighting at the City's same standard for all residential streets in new developments and landscape the swale between the service road and King Edward Street to a standard acceptable to the Director of Public Works, and that there be no additional charge to the Developer for future boulevards and street lighting.",

   and forwarded to the Standing Policy Committee on Property and Development.

2. That Administrative Recommendation No. 2 be received as information.

3. That Administrative Recommendation No. 3 be concurred in and the Administration be authorized to advertise a local improvement for Land Drainage Sewer - Laterals, in King Edward Street from Chapman Avenue to Inkster Garden Drive, pursuant to Servicing Agreement AG 24/03 (Phase 3), as was done in Phase 2 .

4. That Administrative Recommendation No. 4 be received as information.

On May 22, 2007, the Lord Selkirk-West Kildonan Community Committee laid over the matter to its meeting on June 19, 2007, and in the interim, requested the Administration to meet with Global Homes to discuss the requested amendments to Development Agreement AG 24/2003 and see whether any compromises can be reached, and to come back to Community Committee with a recommendation thereon.

Re: Request for amendment to Servicing Agreement AG 24/03 Global Homes Ltd.

On May 22, 2007 The Lord Selkirk-West Kildonan Community Committee requested the Administration to meet with the applicant and report back to address the following items pursuant to a letter from Global Homes dated March 28, 2007.

1. That the Developer not be responsible for any cost of ornamental street lights and landscaping from Garton to Inkster Garden, and that any fees paid on ornamental street lights and landscaping be refunded.

2. That Global Homes be compensated for any over sizing on wastewater sewers and watermains that will benefit future developers as the City has done in the past.

3. That a local improvement by-law be enacted to current rate on all lots on the service roads and between Inkster and Inkster Garden and West of King Edward Road to recover the rest of the very high cost that City requested to benefit future West of King Edward Developments for catch basins in King Edward for future road construction.

4. That wastewater sewers be allowed to be put under the service road as on King Edward Phase 1 between Inkster and Garton.

The Land Development Administrator met with the applicant on June 1, 2007 to discuss the above items. It is recommended as follows;

Item 1

That the Developer's request be denied. This is the same request that the applicant put forward in a letter dated March 27, 2006. Community Committee subsequently concurred in the Administrative recommendation that the Servicing Agreement requirement for Phases 2 and 3 of DASZ 24/03 not be amended to accommodate this request.

The Committee is further reminded that 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.

Item 2

This item is acceptable and requires no action from the Committee. Compensation for oversizing will be done in accordance with the Development Agreement parameters.

Item 3

Should the Community Committee concur with this item, it is recommended that the Lord Selkirk-West Kildonan Community Committee request the Administration to advertise a Local Improvement in King Edward Street between Chapman Avenue and Inkster Garden Drive for land drainage recovery.

As information, Council at its meeting of January 24, 2007 recommended that the Local Improvement for the previous Phase of land drainage in King Edward Street from Chapman Avenue to Garton Avenue be proceeded with.

Item 4

It is recommended that this item be referred to the Water and Waste Department to be dealt with as an engineering matter pursuant to the Underground Structures drawing approval process.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 24/03
June 12, 2007

"Original signed by K.T. Raban"
Land Development Administrator

KTR/cm

4224

March 28, 2007

To: Lord Selkirk West Kildonan Community Committee

Dear Chairman and Councilors

An error has occurred on September 29th, 2004 in the Lord Selkirk West Kildonan Community Committee.

The error is as follows: Paragraph 6 states "previously installed" and as agreed and intended should have stated "**previous and future**". Also, clause 6 should be deleted completely and not just referred to as clause paragraph 6a. This would reflect the intent and make the cost similar to that of King Edward Phase 1 between Inkster and Garton, East along King Edward Road.

Global Homes is asking the Community Committee Meeting to amend the Development Agreement 24/03 to say that the Developer is not responsible for any cost of **ornamental street lights and landscaping** from Garton to Inkster Garden, and that any fees paid on **ornamental street lights and landscaping** be refunded.

In addition, we are also asking that Global Homes be **compensated** for any over sizing on WWS and MW that will benefit future developers as the City has done in the past. Cost of over sizing calculation provided by engineering invoices.

Also, that a local **improvement by-law be enacted to current rate** on all lots on the service roads and between Inkster and Inkster Garden and West of King Edward Road to recover the rest of the very high cost that city requested to benefit future West of King Edward Developments. Catch basin in King Edward road for future road construction but high cost to Global Homes.

In finishing, we ask that the WWS be allowed to be put under the service Road as on King Edward Phase 1 between Inkster and Garton.

Global Homes thanks the Lord Selkirk West Kildonan Community Committee in advance for its consideration.

Sincerely,
Bernhard Goertzen