Minute No. 579
Report - Standing Policy Committee on Property and Development - June 26, 2007

Item No. 15 Amendment to Servicing Agreement AG 24/2003
File DASZ 24/2003

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

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.

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DECISION MAKING HISTORY:

Moved by Councillor Swandel,
That the recommendation of the Executive Policy Committee be adopted.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2007, 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 submitted 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.

Further on July 11, 2007, the Executive Policy Committee received from Bernard Goertzen, President, Global Homes Ltd. 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.

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DECISION MAKING HISTORY (continued)

STANDING COMMITTEE RECOMMENDATION (continued)

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.

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

Global Homes Ltd
230-1695 Henderson Hwy
Winnipeg, MB R2G 1P1
Ph: 204.339.2300
Fax: 204.339.8366

July 6, 2007

Dear Chairman and members of the Executive Policy Council;

Due to the very high cost of developing the King Edward property Global Homes Ltd. is asking that the following amendments be made to the Development Agreement for King Edward Street, Phase III file # DASSF 24/03, and Phase II # AG 24/03;

1. That the ornamental street lighting charge be deleted from the Development Agreement on Phase III file # DASSF 24/03, and money that was paid toward ornamental street lighting on Phase II file # AG 24/03 be refunded to Global Homes Ltd.
2. That the landscaping charge be deleted from the Development Agreement on Phase III file # DASSF 24/03, and money that was paid toward landscaping on Phase II file # AG 24/03 be refunded to Global Homes Ltd.
3. That Global Homes Ltd. be allowed to place topsoil along the ditch and have the upper part of the ditch seeded for the following reasons;

    a. No boulevard or approaches are allowed on the service road
    b. The ditch is only temporary until King Edward Street. is paved

4. That Global Homes Ltd. be allowed to install an approximately 18" retaining wall built to engineer specifications along the back property line of lots 1 to 22. This retaining wall is required to balance the back to front drainage in Phase III. In the alternative Global Homes Ltd. may install a system of catch basins along the back property line to deal with storm water run off. The final decision will be determined by engineering and cost considerations.
5. Global Homes Ltd. asks that the City of Winnipeg enact a Local Improvement By-law for east side of King Edward Street, Phase II lots 1 – 20 and Phase III lots 1 – 22.

Sincerely,

Bernhard Goertzen
President