Report - Standing Policy Committee on Property and Development – April 7, 2009

Item No. 2 Amendment to Servicing Agreement AG 8/2003 - River Park Terrace Inc.
(St. Vital Ward)
File DASZ 8/2003

STANDING COMMITTEE RECOMMENDATION:

On April 22, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Clause 1 of Schedule "B" of AG 8/03 be deleted in its entirety and replaced with the following:

"1. Surface Improvements in St. Anne's Road

A. The Developer shall, prior to the issuance of building permits for each phase of development, pay its share of the cost of surface improvements installed by the City in St. Anne's Road abutting the Planned Area, on an area percentage basis, and at rates therefore prevailing at the time payment is made. All as determined by the Director of Public Works. Based on the 2008 rates, the total cost share is calculated as follows:

i.	Concrete pavement	187.0' x $363.90/ft. =	$68,049.30
ii.	Ornamental street lighting	187.0' x $43.70/ft. =	8,171.90
iii.	Concrete sidewalk	187.0' x $41.80/ft. =	7,816.60
iv.	Boulevard improvements	187.0' x $32.05/ft. =	5,993.35
v.	G.S.T. (5%) on i) to iv) above		4,501.56
			$94,532.71

B. The amounts payable, including 5% G.S.T., on a proportionate area percentage basis, prior to the release of building permits, and based upon 2008 rates, are as follows;

i.	Parcel A,	0.83/3.40 x $94,532.71 = $23,077.10
ii.	Parcel C,	0.72/3.40 x $94,532.71 = $20,018.69
iii.	Parcel E,	0.72/3.40 x $94,532.71 = $20,018.69
iv.	Parcel G,	1.13/3.40 x $94,532.71 = $31,418.23

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STANDING COMMITTEE RECOMMENDATION (continued):

C. Further, the Developer shall pay to the City its proportionate share of the cost of Surface Improvements in St. Anne's Road for Parcel A immediately upon execution of this amended clause."

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:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 22, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 7, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 2, 2008, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: REQUEST TO AMEND SERVICING AGREEMENT AG 8/03 – RIVER PARK TERRACE INC.

FOR SUBMISSION TO THE RIEL COMMUNITY COMMITTEE

"original signed by R.R. Deighton"
R.R. Deighton, P. Eng.
Land Development Coordinator

February 10, 2009

RE: REQUEST TO AMEND SERVICING AGREEMENT AG 8/03 – RIVER PARK TERRACE INC.

River Park Terrace Inc. (Eugene Heinrichs) has requested that Servicing Agreement AG 8/03 be amended to allow for payment of surface improvements in St. Anne's Road to be made on a proportionate basis prior to the issuance of building permits, rather than payment upon demand. The Winnipeg Public Service has no objection to this request provided that the Developer makes the payment for Parcel A upon execution of this amendment.

The subject property contains four building Parcels A, C, E and G as shown in Appendix "B". Parcel A has a building constructed on it and therefore this proportionate payment is due immediately. The surface improvements in St. Anne's Road were started in 2007 and completed in 2008. On March 14, 2008 the Winnipeg Public Service demanded payment pursuant to Clause 1 of Schedule "B" of the Agreement. The Developer has responded with a request to amend the Agreement.

It is therefore recommended that Clause 1 of Schedule "B" of AG 8/03, as appended, be deleted in its entirety and replaced with a new Clause 1. as follows;

1. Surface Improvements in St. Anne's Road

   a. The Developer shall, prior to the issuance of building permits for each phase of development, pay its share of the cost of surface improvements installed by the City in St. Anne's Road abutting the Planned Area, on an area percentage basis, and at rates therefor prevailing at the time payment is made. All as determined by the Director of Public Works. Based on the 2008 rates, the total cost share is calculated as follows:

i)	Concrete pavement	187.0' x $363.90/ft. =	$68,049.30
ii)	Ornamental street lighting	187.0' x $43.70/ft. =	8,171.90
iii)	Concrete sidewalk	187.0' x $41.80/ft. =	7,816.60
iv)	Boulevard improvements	187.0' x $32.05/ft. =	5,993.35
v)	G.S.T. (5%) on i) to iv) above		4,501.56
			$ 94,532.71

   b. The amounts payable, including 5% G.S.T., on a proportionate area percentage basis, prior to the release of building permits, and based upon 2008 rates, are as follows;

i.	Parcel A,	0.83/3.40 x $94,532.71 = $23,077.10
ii.	Parcel C,	0.72/3.40 x $94,532.71 = $20,018.69
iii.	Parcel E,	0.72/3.40 x $94,532.71 = $20,018.69
iv.	Parcel G,	1.13/3.40 x $94,532.71 = $31,418.23

c. Further, the Developer shall pay to the City it's proportionate share of the cost of Surface Improvements in St. Anne's Road for Parcel A immediately upon execution of this amended clause.

THIS REPORT SUBMITTED BY:

Land Development Branch
File No. AG 8/03
February 10, 2009

"original signed by R.R. Deighton"
R.R. Deighton, P. Eng.,
Land Development Branch

"original signed by R.J. Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

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Appendix "A" – Request to Amend Servicing Agreement AG 8/03

January 13, 2009

City of Winnipeg
Planning, Property and Development Department
Attn: K.T. (Kim) Reban

Eugene Heinrichs of River Park Terrace would like to request that we split the city improvement costs between the four lots on 1151 St. Anne's Road.

Example as follows:

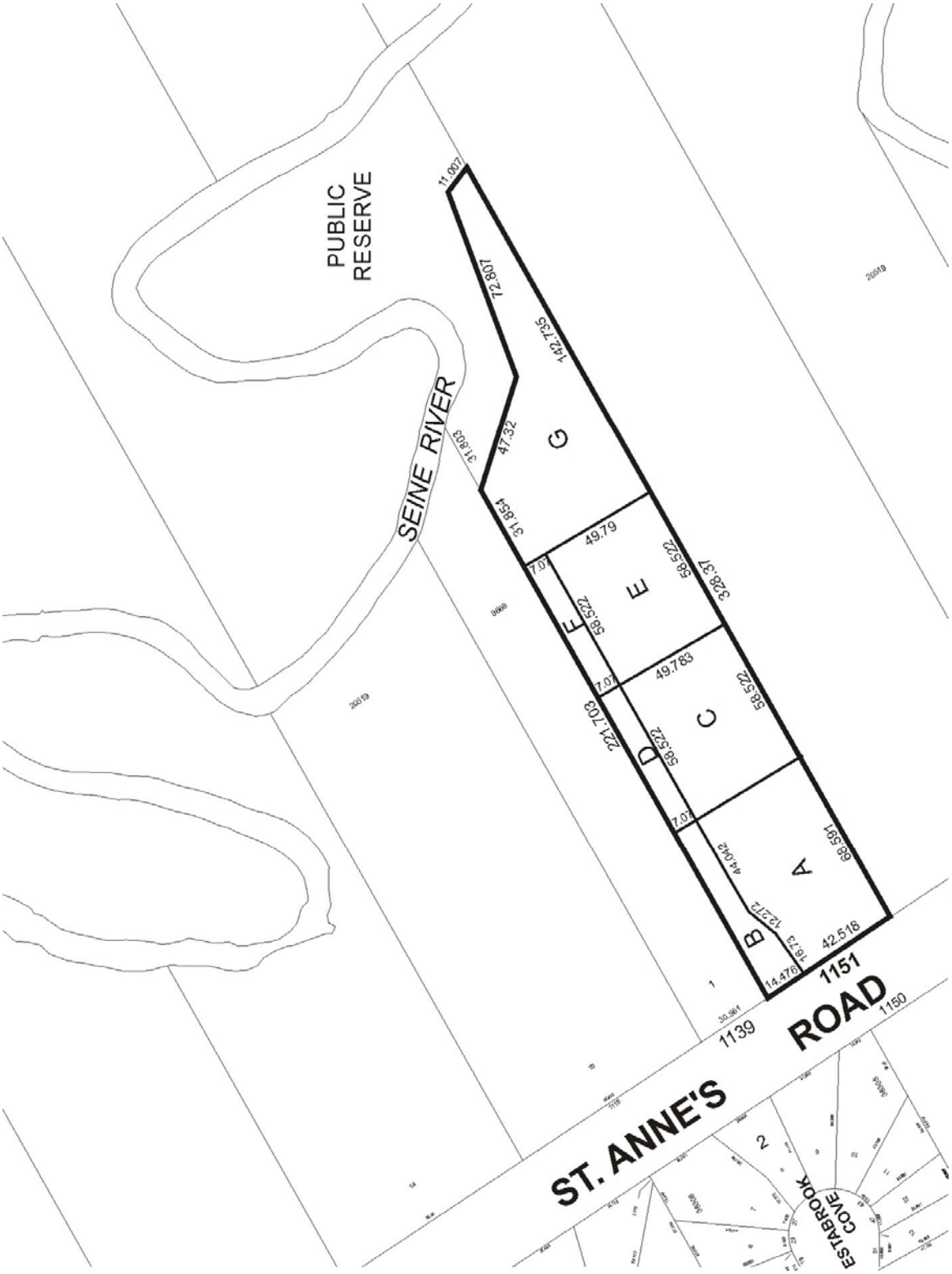
Total Cost:	$100,000	
Lots A & B:	0.83 Acre	24% = $24,000
Lots C & D:	0.72 Acre	21% = $21,000
Lots E & F:	0.72 Acre	21% = $21,000
Lot G:	1.13 Acre	34% = $34,000
TOTAL		$100,000

The reason for this request is that it will not be the same developer developing all of the above lots. We were hoping this would be a way to get the city paid while being fair that the user of each phase pays their share of improvement costs.

Eugene Heinrichs
Property Owner

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Appendix “B” - Planned Area, Request to amend AG 8/03



Appendix "C" – Original Clause 1 of AG 8/03

1. Surface improvements in St. Anne's Road

The Developer shall, upon demand, pay its share of the cost of surface improvements to be installed by the City in St. Anne's Road abutting the Planned Area on the basis of the rates therefor prevailing at the time payment is made as determined by the Director of Public Works. Based on the 2003 rates, that share is calculated as follows:

i)	Concrete pavement	187.0' x $186.00/ft. =	$34,782.00
ii)	Ornamental street lighting	187.0' x $33.10/ft. =	6,189.70
iii)	Concrete sidewalk	187.0' x $19.60/ft. =	3,665.20
iv)	Boulevard improvements	187.0' x $13.80/ft. =	2,580.60
v)	G.S.T. (7%) on i) to iv) above		3,305.23
			$ 50,522.73