**Agenda - Council - July 22, 2009**

**Report - Standing Policy Committee on Property and Development - June 30, 2009**

**Item No. 2 Assigning Developer Payment - Qualico Addendum AG 44/2004 (Charleswood-Tuxedo Ward) File DASZ 44/2004**

STANDING COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submits the following to Council:

1. That the City consent to the assignment by Qualico Developments (Winnipeg) Ltd. to the Roman Catholic Archiepiscopal Corp. of Winnipeg of the Developer's requirement under Clause 4 of Development Agreement 44/2004 to pay cash in lieu of open space dedication for Block 4, Plan 44088, prior to the issuance of building permits for Block 4.

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

**Agenda - Council - July 22, 2009**

**Report - Standing Policy Committee on Property and Development - June 30, 2009**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2009, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On May 19, 2009, the Assiniboia Community Committee laid the matter over to its meeting on June 16, 2009.

# ADMINISTRATIVE REPORT

**RE: ASSIGNING DEVELOPER PAYMENT – QUALICO ADDENDUM AG 44/04**

**REPORT DATE: MAY 7, 2009**

**FOR SUBMISSION TO: ASSINIBOIA COMMUNITY COMMITTEE**

## AUTHORIZATION

| Author | Department Head | CAO |
|---|---|---|
| Shirley Matile | Deepak Joshi | n/a |

## RECOMMENDATION

That the City consent to the assignment, by Qualico Developments (Winnipeg) Ltd., to the Roman Catholic Archiepiscopal Corp. of Winnipeg, of the Developer's requirement, under Clause 4 of Development Agreement 44/04, to pay cash in lieu of open space dedication for Block 4, Plan 44088 prior to the issuance of building permits for Block 4.

## REASON FOR THE REPORT

The assignment of a Development Agreement, or part of a Development Agreement, requires Council approval.

## KEY ISSUES

The Winnipeg Public Service has no objection to this request.

When AG 44/04 was prepared (as an addendum to AG 58/85), Block 4, Plan 44088 (see Appendix "A") was separated from the rest of the Planned Area in terms of cash-in-lieu-of-dedication charges and administration fees, because Qualico had committed to selling Block 4 to the Roman Catholic Archiepiscopal Corp. of Winnipeg, The Archiepiscopal Corp., in turn, had committed to paying the cash-in-lieu-of-dedication charges for Block 4 to Qualico, when it ultimately developed Block 4. Qualico recently learned that the Archiepiscopal Corp. has no intention of developing Block 4 within at least the next two years (see Appendix "B").

Qualico, anxious to complete its obligations under Development Agreement AG 44/04, has requested this assignment so that the Archiepiscopal Corp. will become directly responsible to the City for paying the $46,657.79 cash-in-lieu-of-dedication charge prior to the issuance of building permits for Block 4. The Archiepiscopal Corp. has agreed to this request (see Appendix "C").

Qualico is prepared to pay the outstanding administration fee for Block 4 ($6,615.00) upon demand, thereby concluding all of its obligations.

The City has consented to the assignment of Development Agreements in the past.

## IMPACT OF THE RECOMMENDATIONS

| IMPACT | YES | NO | COMMENTS |
|---|---|---|---|
| **Policy** | | **x** | |
| **Regulatory** | | **x** | |
| **Environmental** | | **x** | |
| **Human Resources** | | **x** | |
| **Financial** | | **x** | |
| **Legal (Contracts)** | **x** | | **An Addendum Agreement between the City and the proponents will be required.** |
| **Communications** | | | |
| **Council Priorities Direction** | | | |
| **Other, e.g. Organizational, community, etc. (Specify)** | | | |

## FINANCIAL IMPACT

# Financial Impact Statement

**Date:**

**Project Name:**

**First Year of Program**

| | 0 | 1 | 2 | 3 | 4 |
|---|---|---|---|---|---|
| **Capital** | | | | | |
| Capital Expenditures Required | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budgeted Costs | - | - | - | - | - |
| Additional Capital Budget Required | $ - | $ - | $ - | $ - | $ - |
| **Funding Sources:** | | | | | |
| Debt - Internal | $ - | $ - | $ - | $ - | $ - |
| Debt - External | - | - | - | - | - |
| Grants (Enter Description Here) | - | - | - | - | - |
| Reserves, Equity, Surplus | - | - | - | - | - |
| Other - Enter Description Here | - | - | - | - | - |
| Total Funding | $ - | $ - | $ - | $ - | $ - |
| Total Additional Capital Budget Required | $ - | | | | |
| Total Additional Debt Required | $ - | | | | |
| **Current Expenditures/Revenues** | | | | | |
| Direct Costs | $ - | $ - | $ - | $ - | $ - |
| Less: Incremental Revenue/Recovery | - | - | - | - | - |
| Net Cost/(Benefit) | $ - | $ - | $ - | $ - | $ - |
| Less: Existing Budget Amounts | - | - | - | - | - |
| Net Budget Adjustment Required | $ - | $ - | $ - | $ - | $ - |

**Additional Comments:**

original signed by
Chief Financial Officer

## CONSULTATION

**In preparing this Report there was consultation with:**

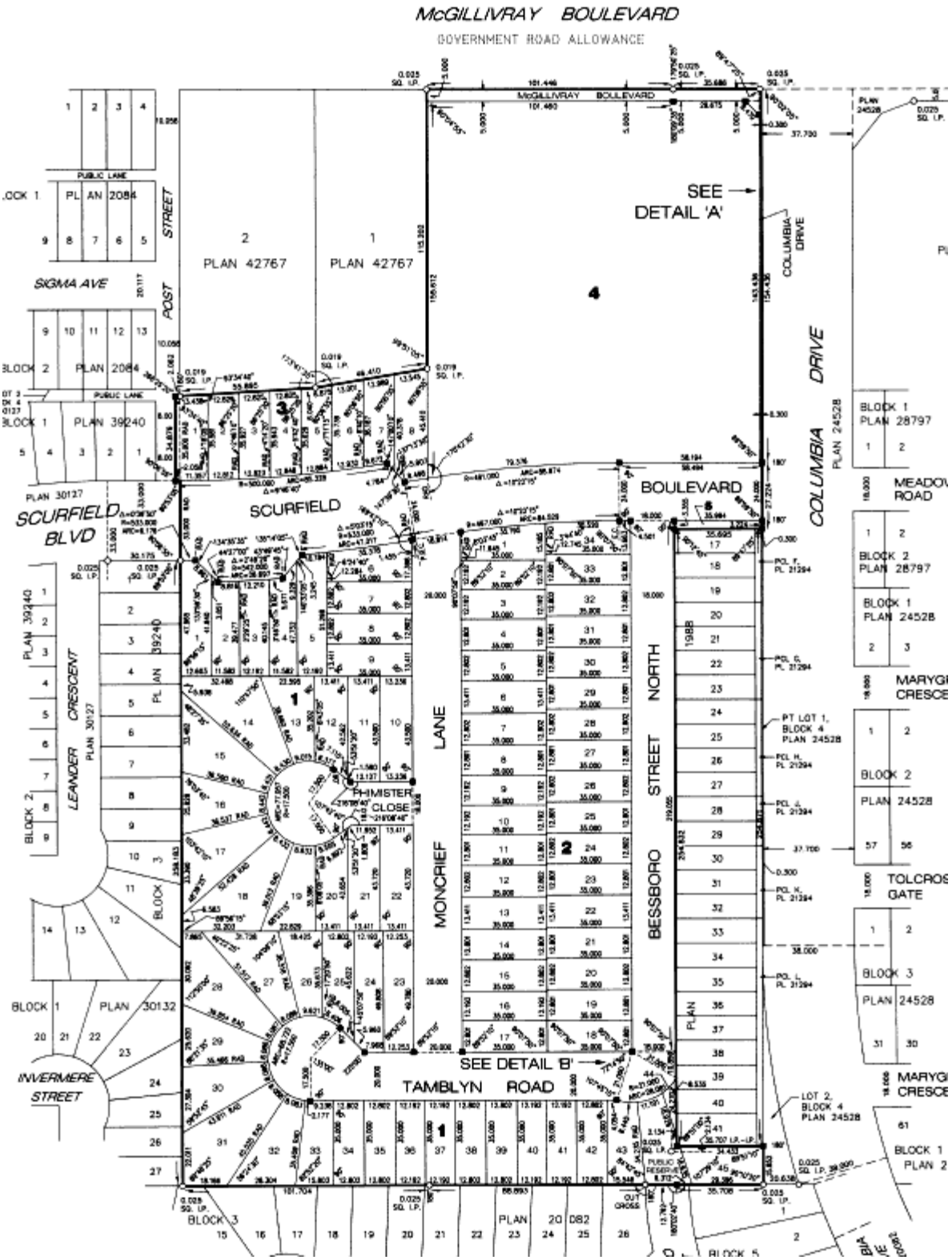
City of Winnipeg Legal Services Division

## SUBMITTED BY

Department: Planning, Property, and Development
Division: Development and Inspections, Land Development Branch
Prepared by: Shirley Matile, P. Eng., Land Development Engineer
File No. V:\7-ACG Reports & others\2009\AG 44 04 (Qualico) Payment Assignment Request.doc

Attach.

**Appendix "A"**


McGILLIVRAY BOULEVARD
GOVERNMENT ROAD ALLOWANCE
SEE DETAIL 'A'
SEE DETAIL 'B'
TAMBLYN ROAD
SCURFIELD BLVD
SCURFIELD BOULEVARD
SIGMA AVE
POST STREET
LEANDER CRESCENT
PHIMISTER CLOSE
MONCRIEF LANE
BESSBORO STREET NORTH
COLUMBIA DRIVE
INVERMERE STREET
PLAN 42767
PLAN 20864
PLAN 39240
PLAN 30127
PLAN 30132
PLAN 20082
PLAN 24528
PLAN 28797

**Appendix "B"**

QUALICO®

March 26, 2009

The City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Shirley Matile, P. Eng., Land Development Engineer

## RE: AG 44/04 – REQUEST TO ASSIGN PAYMENT OF CASH IN LIEU OF DEDICATION

When Qualico entered into the subject development agreement in 2004, the Land Development Branch separated the requirement for the payment of the cash in lieu of dedication and administration costs for Block 4 from the payment of the cash in lieu of dedication and administration costs for the rest of the subdivision. This was done because Qualico had committed to sell Block 4 to the Roman Catholic Archiepiscopal Corporation of Winnipeg and the Archiepiscopal Corporation had agreed to pay the cash in lieu of dedication costs. The intent in 2004 was that Qualico would pay the cash in lieu of dedication for Block 4 when the Archiepiscopal Corporation was ready to build a church on the site and the Archiepiscopal Corporation would reimburse Qualico. The Church had no intention to build on the site in 2004 and separating Block 4 from the rest of the subdivision allowed Qualico to complete the balance of the development.

The Church has advised me that they have no intention of building for at least a couple of years. We have completed all requirements in this subdivision except the payment of the administrative fees for Block 4 and would request the final acceptance certificate if not for the matter of the cash in lieu of dedication costs. Would the Land Development Branch consider the formal assignment to the Roman Catholic Archiepiscopal Corporation of Winnipeg of the obligation to pay the cash in lieu of dedication costs for Block 4 so that the Corporation, instead of Qualico, becomes responsible for the costs?

Glenn Halldorson,
Project Supervisor
Qualico Communities

RECEIVED
MAR 3 1 2009
LAND DEVELOPMENT BRANCH

30 Speers Road, Winnipeg, Manitoba, R2J 1L9, Telephone (204) 233-2451, Facsimile (204) [illegible]
www.qualicowinnipeg.com

**Appendix "C"**

**ARCHDIOCESE OF WINNIPEG**
**Catholic Centre**
1495 Pembina Highway
Winnipeg, Manitoba R3T 2C6

May 6, 2009

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

**Attention: Ms. Shirley Matile**

Dear Ms. Matile:

**Re: Dedication Fee – BLOCK 4 PLAN 44088 WLTO IN OTM LOTS 31 TO 35 PARISH OF ST. VITAL (Title No. 2097837)**

We wish to confirm that, as part of an August 2004 purchase agreement with Qualico Developments (Winnipeg) Ltd. for the referenced property, the Roman Catholic Archiepiscopal Corporation of Winnipeg assumed responsibility for certain cash-in-lieu-of-dedication charges.

Therefore, as discussed, we accept the assignment by the City of Winnipeg of such charges otherwise payable by Qualico, in the amount of $47,546.51 including GST. We understand that this amount will become payable when building permits are issued.

Please call if anything else is required at this time.

Yours truly,

ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF WINNIPEG

Rene Bouchard
Chief Financial Officer

RB/gd

Tel: (204) 452-2227 Fax: (204) 475-4409
www.archwinnipeg.ca