Minute No. 490
Report - Standing Policy Committee on Property and Development – June 30, 2009

Item No. 3 **Amendment to Development Agreement AG 53/2004 - Sidewalk installation on Swailes Avenue (Old Kildonan Ward) File DASZ 53/2004**

COUNCIL DECISION:

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

1. That Clause 14 of Development Agreement AG 53/2004 be amended to delete the requirement for the installation of a sidewalk along the west side of the east leg of Swailes Avenue, except adjacent to the proposed tot lot at the northwest corner of Beecher and Swailes Avenues, or that such other action be taken that would negate the installation of said sidewalk.

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

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

DECISION MAKING HISTORY:

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

Carried

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2009, the Lord Selkirk-West Kildonan Community Committee recommended that Clause 14 of Development Agreement AG 53/2004 be amended to delete the requirement for the installation of a sidewalk along the west side of the east leg of Swailes Avenue, except adjacent to the proposed tot lot at the northwest corner of Beecher and Swailes Avenues, or that such other action be taken that would negate the installation of said sidewalk, and forwarded to the Standing Policy Committee on Property and Development.

On June 16, 2009, the Lord Selkirk-West Kildonan Community Committee received from Andre Peters, on behalf of the residents of 418 Swailes Avenue to 486 Swailes Avenue, a petition (9 pages) in support of amending Development Agreement AG 53/2004 to delete the requirement for the installation of a sidewalk on the west side of Swailes Avenue.

14. Sidewalks

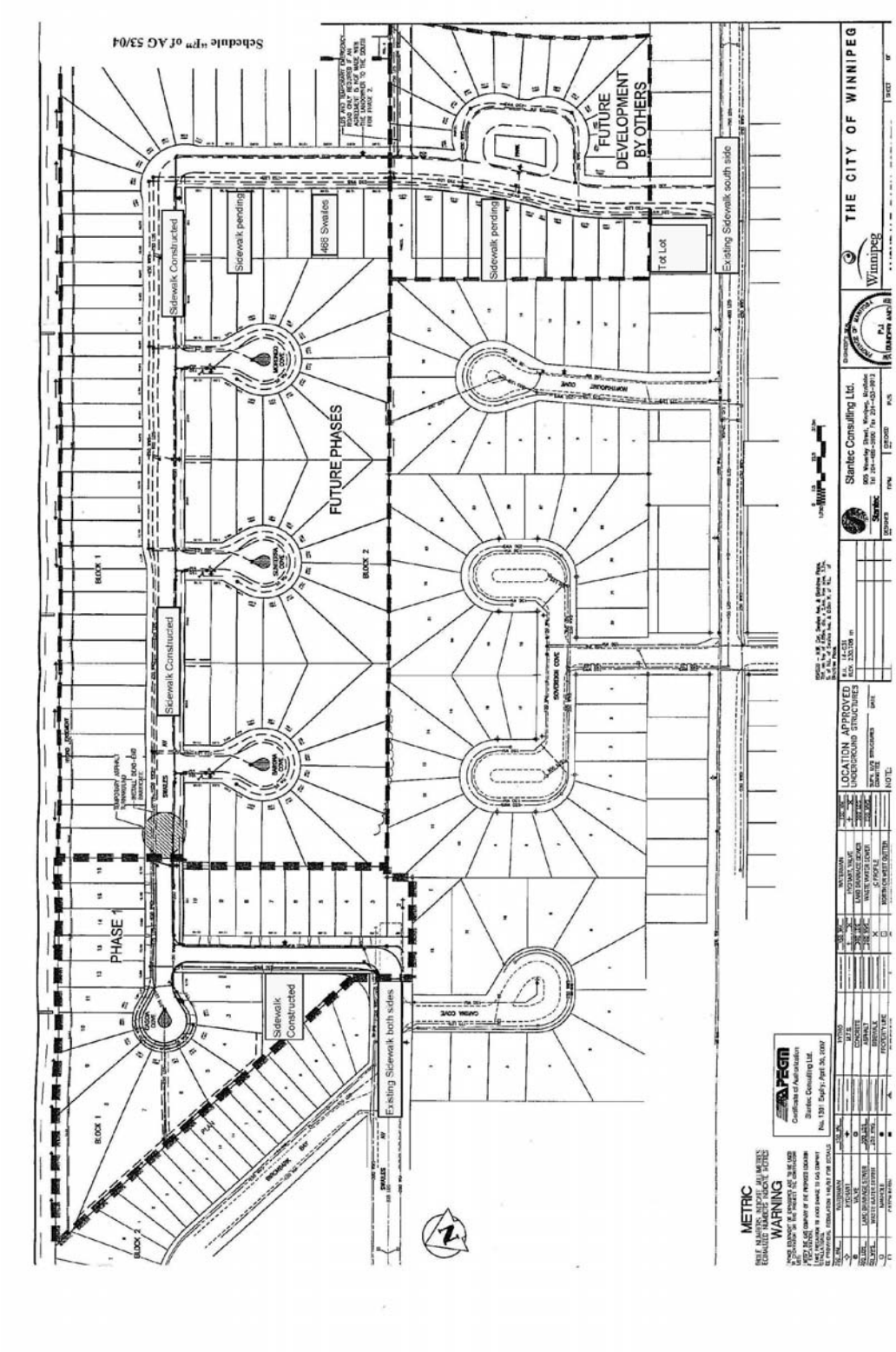
The Developer shall, at no expense to the City, construct a portland cement concrete sidewalk to a width of 1.5m by 100mm in thickness on the west side of the west leg of Swailes Avenue, on the south side of Swailes Avenue and along the west side of the east leg of Swailes Avenue as determined by and to the satisfaction of the Director of Public Works.

15. Phasing

a) The Developer shall ensure that two paved means of vehicular access are available at all times through all stages of development of the proposed subdivision to the satisfaction of the Director of Public Works. This may require the construction of temporary roadways and the provision of easements or right-of-way therefor. Development in the proposed subdivision shall be limited to the proposed street extending northerly from Swailes Avenue up to and including the proposed cul-de-sac to the west thereof until such time as a second paved means of access is provided.

b) In the event the Developer installs the temporary land drainage facilities to serve Phase 1 as shown on Schedule "F", the Developer shall maintain those facilities until Phase 2 proceeds and shall remove the temporary piping and basin including flushing the system to remove any accumulated sediment when Phase 2 proceeds, all to the satisfaction of the Director of Water and Waste.

c) The Developer may prior to the east end of Swailes Avenue being connected to Beecher Avenue by others, construct the following temporary and permanent works at no expense to the City:


Schedule "F" of AG 53/04
FUTURE DEVELOPMENT BY OTHERS
FUTURE PHASES
PHASE 1
Sidewalk Constructed
Sidewalk pending
486 Swales
Tot Lot
Existing Sidewalk south side
Existing Sidewalk both sides
BLOCK 1
BLOCK 2
METRIC
WARNING
THE CITY OF WINNIPEG
Winnipeg
Stantec Consulting Ltd.
LOCATION APPROVED
UNDERGROUND STRUCTURES

From: Raban, Kim
Sent: Monday, June 01, 2009 2:39 PM
To: Timmins, Diane
Cc: Titchkosky, Colin; Doney, Glen; Matile, Shirley
Subject: FW: Emailing: PDGeomaticsPublicStreetsLanesWalkways1

Diane;

As requested, the Development Agreement Clause and Agreement Drawing related to the sidewalk installation on Swailes Avenue are attached.

As information;

- This sidewalk provides a pedestrian link between the existing sidewalk on Swailes Avenue and Beecher Avenue
- This sidewalk provides pedestrian access to the new tot lot being developed at the north west corner of Swailes Avenue and Beecher Avenue.
- The sidewalk construction requirement under Development Agreement AG 53/04 is 83.5% complete.
- The sidewalk on the west side of the east leg of Swailes Avenue is the only segment not constructed yet. The developer has suspended constructing this last 16.5% pending consideration to amend the Development Agreement as may be recommended by Community Committee and ultimately considered by Council.

Kim Raban
Land Development Administrator

Ostrove, Zach

From: ANDRE.PETERS07
Sent: May 25, 2009 3:08 AM
To: O'Shaughnessy, Mike
Subject: Request For Information

Sent: Monday, May 25, 2009 3:07:38 AM
URL: http://www.winnipeg.ca/council/old_kildonan.stm
First name: ANDRE
Last name: PETERS
Address:
City: WINNIPEG
Province: MANITOBA
Postal Code:
Phone number:
Email Address
Message:
REQUEST FOR ASSISTANCE/RESOLUTION !!

This is an urgent matter and as the homeowners representative, I will attend Mike O'Shaughnessy's office Monday. May 25, 2009 @ 9:30am requesting assistance/resolution to this matter !!

My name is Andre Peters ;)and I live reside at 466 Swailes Avenue; with my wife Rosa and 2 teenage daughters. We purchased this home; which was a show-home for Kensington Homes June 15, 2008... and the real estate agent working out of the 466 Swailes Avenue show-home was named Mark Kogan. I represent the homeowners on the west side of Swailes Avenue; which can be located with the FILE NUMBER: DASZ 53/2004 ZONE R1-4

I am furious regarding an immediate issue which happened on Saturday, May 23, 2009. There were city crews at 10am CST making horizontal lines on the frontage of my property and the houses on the same side as me to place a sidewalk. The secondary crew was around the corner of our street already digging to make way for the sidewalk which is slated to be installed Wednesday, May 25, 2009. The neighbors and I are furious and we contacted our city councilor and the mayor to have this stopped.

** BELOW IS THE LETTER THAT EACH HOMEOWNER SIGNED.. THIS WILL BE DELIVERED TO OUR CITY COUNCILOR'S OFFICE MONDAY, MAY 25/09 @ 9:30AM. **

Date: _____ ZONE R1-4
Resident: ___originals will be delivered to Mike O'Shaughnessy's office May 25/09 @ 9:30am by Andre Peters of _____ Signature: _____
Signature: _____
Address: __ _____

We are residents in the new development of OLD KILDONAN WARD on Swailes Avenue. Mike O'Shaughnessy is my councilor. The other residents of Swailes Avenue and I are calling you to help put a stop on the city trying to dig up our properties to put a side-walk on it. On Saturday, May 23, 2009 at 10am, a worker from BITUMINEX PAVING (phone number 237-5253) starting measuring and then used a pink spray-can to make horizontal lines on all of the west side properties of Swailes Avenue. He then spoke to the homeowner of 462 Swailes and asked what he thought about having a side-walk on his visual property. The man said that he wanted to spray this area to give the residents notice of the sidewalk before it was getting "dug up". The crew was ALREADY starting to dig up the ground on the north side of SWAILES that same moment. The residents of 466 Swailes and 462 Swailes were able to talk with Wayne the engineer from STANTECH; (phone 981-2828) Wayne then drove to 466 Swailes Ave to PREVENT THE CREW from digging the sidewalk from 418 SWAILES AVE to 486 SWAILES AVENUE. We were told that the sidewalk will be slated for construction on Wednesday, May 27, 2009.

All of the even numbered residents of 418 SWAILES to 486 SWAILES object to having a side-walk placed our "visual property". We are coming together to fight this. We have asked resident ANDRE PETERS of 466 SWAILES to act as our contact between our city councilor and the mayor. ANDRE'S phone number is 880-4935.

Please contact ANDRE PETERS immediately to discuss further. We are asking for your immediate help and power to prevent this from happening. Had we been advised of the plan to put a side-walk on the visual property, prior to purchasing the home, WE WOULD NOT HAVE PURCHASED THE HOME!!

Old Kildonan Ward - Councillor Mike O'Shaughnessy

Ward Information
Mike O'Shaughnessy
Ward: Old Kildonan
Address: Council Building
510 Main Street
Phone: 204-986-5264
Fax: 204-986-7806

Mayor Sam Katz
Phone: 204.986.5665 Fax: 204.949.0566
Mailing Address: Mayor's Office / 510 Main Street / Winnipeg, Manitoba / R3B 1B9

Date: May 23, 2009 **ZONE R1-4**
Resident: MR. REEMP LACSON Resident: _____
Signature: _ ___ Signature: _____
Address: __ _____

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Old Kildonan Ward - Councillor Mike O'Shaughnessy



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Mike O'Shaughnessy

Ward:	Old Kildonan
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	510 Main Street
Phone:	**204-986-5264**
Fax:	204-986-7806



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