Agenda - Executive Policy Committee - October 21, 2009

Report - Standing Policy Committee on Property and Development - October 8, 2009

Item No. 9 Amendment to Development Agreement – Headmaster Row Sidewalks (Laurence Kostynyk)
(North Kildonan Ward)
File DASZ 45/2004

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That Condition No. 1. a) of the Letter of Agreement to AG 45/04, dated October 23, 2007, be deleted in its entirety and replaced with a new clause 1. a) as follows:

   "1. a) i) The Developer shall, at no expense to the City, construct a 1.5 m in width by 100mm in thickness Portland cement concrete sidewalk along the north side of Headmaster Row as determined by and to the satisfaction of the Director of Public Works.

   ii) The Developer shall pay its share of the cost of the sidewalk to be constructed by the City on the east side of Gateway Road from Bonner Avenue to the south limit of Lot 1, Block 2, Plan 45463 (640 Headmaster Row) based on the determination of cost savings achieved by deleting the Developer's obligation to construct a sidewalk along the south side of Headmaster Row, as certified by the Director of Public Works."

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

Agenda - Executive Policy Committee - October 21, 2009

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DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On October 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2009, the East Kildonan-Transcona Community Committee recommends that Condition No. 1. a) of the Letter of Agreement to AG 45/04, dated October 23, 2007, be deleted in its entirety and replaced with a new clause 1. a) as follows:

"1. a) i) The Developer shall, at no expense to the City, construct a 1.5 m in width by 100mm in thickness Portland cement concrete sidewalk along the north side of Headmaster Row as determined by and to the satisfaction of the Director of Public Works.

ii) The Developer shall pay its share of the cost of the sidewalk to be constructed by the City on the east side of Gateway Road from Bonner Avenue to the south limit of Lot 1, Block 2, Plan 45463 (640 Headmaster Row) based on the determination of cost savings achieved by deleting the Developer's obligation to construct a sidewalk along the south side of Headmaster Row, as certified by the Director of Public Works."

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

COUNCIL DECISION:

On May 18, 2005, Council approved the subdivision and rezoning of land at the southeast corner of Knowles Avenue and Gateway Road under File DASZ 45/2004 to an "R1-4" and a "R1-5" Single Family Residential District.

In reply please refer to / Référence à rappeler :

E.L. Carrière
(204) 986-5114
Fax / Téléc. : (204) 942-3820

****LETTER AGREEMENT****

October 23, 2007

Mr. Lawrence Kostynyk and Mrs. Marlene Kostynyk
626 Knowles Avenue
Winnipeg, MB
R2G 2K2

Dear Sir and Madam:

Re: Amendment to Development Agreement AG 45/04
FILE: AG 45/04 (PLEASE QUOTE WHEN REPLYING)

At its meeting held on September 27, 2006, City Council approved that Development Agreement AG 45/04 be amended by deleting the requirement that the Developer construct a sidewalk on the east side of Gateway Road.

It is hereby understood and agreed that Development Agreement AG 45/04 is amended by deleting Clause 8 in Section I of Schedule "C" in its entirety and replacing same with a new Clause 8 as follows:

"1. a) The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along both sides of Headmaster Row as determined by and to the satisfaction of the Director of Public Works.

b) The Developer shall, upon execution of this agreement, pay its share of the cost of a concrete sidewalk to be constructed by the City on the east side of Gateway Road from Knowles Avenue to the south limit of the Planned Area on the basis of the Local Improvement rate therefor at the time payment is made. Based on the 2007 rate, that share is calculated as follows:

i)	596.6' x $15.89/ft =	$ 9,479.97
ii)	G.S.T. (6%) on i) above	568.80
		$10,048.77 "

Please return both copies of this Letter Agreement executed in the spaces provided after which a copy executed by the City will be returned to you. It is understood and agreed that such execution will operate to amend Development Agreement AG 45/04 and no further documentation will be required.

Understood and Agreed by:

THE CITY OF WINNIPEG

_____
Director of Planning, Property and Development Department

_____
Witness
Name: _____
(Please Print)
Adress: _____
_____

_____
Lawrence Henry Kostynyk

_____
Witness
Name: _____
(Please Print)
Address: _____
_____

_____
Marlene Rose Kostynyk

CERTIFIED as to Engineering Details:

"original signed by C.L. Carriere, P. Eng."
Land Development Engineer

CERTIFIED as to Engineering Details:

_____
Public Works Department
Transportation Division

CERTIFIED as to form:

_____
for City Solicitor/Manager of
Legal Services

ELC/dt

v:\6-agreements\2004\04ag45-letter agreement.doc