**Agenda - Executive Policy Committee - October 21, 2009**

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

**Item No. 10 Amendment to Development Agreement AG 20/04 – Headmaster Row Sidewalks (North Grassie Properties)**
**(North Kildonan Ward)**
**File DASZ 20/2004**

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 Clause 9 entitled Sidewalks of Schedule "C" of AG 20/04 be deleted in its entirety and replaced with a new clause as follows:

"9. Sidewalks

a) The Developer shall, at no expense to the City, construct Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm at the following locations:
   i) On both sides of Sunny Morning Road between Knowles Avenue and Headmaster Row, and
   ii) On the west side of Mitchelson Way from Bonner Avenue to Headmaster Row, and
   iii) On the north side of Headmaster Row from the west limit of the Planned Area to Tamarisk Cove and from Cindy Klassen Way to the east limit of the Planned Area, and
   iv) On the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13 Block 5, Plan 45497 (831 Headmaster Row), which sidewalk shall be located at the back of the street curb, and
   v) On the north side of Headmaster Row from Cindy Klassen Way to a point approximately 70 metres west, and
   vi) On the south side of Headmaster Row from Vintage Hills Court to the east limit of the Planned Area.

b) The Developer shall construct a 1.5 metre wide and 75mm thick asphaltic concrete temporary sidewalk on the north side of Headmaster Row between the sidewalks specified in the above items a iv) and a) v) for a length of approximately 110 metres. There will be no further requirement of the Developer to construct a permanent portland cement concrete sidewalk at this location in the future.

c) 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 on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court, 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.

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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.

Further, on October 8, 2009, John E. Wiebe, North Grassie Properties Inc., submitted to the Standing Policy Committee a communication dated October 1, 2009 with respect to the matter, which has been placed on file in the City Clerks Department.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 21, 2009, the East Kildonan-Transcona Community Committee recommends that Clause 9 entitled Sidewalks of Schedule "C" of AG 20/04 be deleted in its entirety and replaced with a new clause as follows:

"9. Sidewalks

a) The Developer shall, at no expense to the City, construct Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm at the following locations:
   i) On both sides of Sunny Morning Road between Knowles Avenue and Headmaster Row, and
   ii) On the west side of Mitchelson Way from Bonner Avenue to Headmaster Row, and
   iii) On the north side of Headmaster Row from the west limit of the Planned Area to Tamarisk Cove and from Cindy Klassen Way to the east limit of the Planned Area, and
   iv) On the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13 Block 5, Plan 45497 (831 Headmaster Row), which sidewalk shall be located at the back of the street curb, and
   v) On the north side of Headmaster Row from Cindy Klassen Way to a point approximately 70 metres west, and
   vi) On the south side of Headmaster Row from Vintage Hills Court to the east limit of the Planned Area.

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DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

b) The Developer shall construct a 1.5 metre wide and 75mm thick asphaltic concrete temporary sidewalk on the north side of Headmaster Row between the sidewalks specified in the above items a iv) and a) v) for a length of approximately 110 metres. There will be no further requirement of the Developer to construct a permanent portland cement concrete sidewalk at this location in the future.

c) 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 on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court, 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 west side of DeVries Avenue between Bonner and Knowles Avenues under File DASZ 20/2004 to an "R1-3.5" and a "R1-4" Single Family Residential District, a "RM-3" Multiple Family Residential District, a "C2" Commercial District, and an "PR-1" Parks and Recreation District, which contained the following.

8. Boulevards and Islands

a) The Developer shall, at no expense to the City, sod boulevards and plant trees on all streets within the Planned Area all in accordance with plans and specifications to be prepared by the Developer and submitted to and approved by the Director of Public Works.

b) The Developer shall, at no expense to the City, install interlocking paving stones, and sod on all cul-de-sac islands, as determined by and to the satisfaction of the Director of Public Works.

c) The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications approved by the Director of Public Works.

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DECISION MAKING HISTORY: (continued)

COUNCIL DECISION: (continued)

9. Sidewalks

The Developer shall, at no expense to the City, construct Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm at the following locations:

i) On both sides of Headmaster Row within the Planned Area;

ii) On both sides of Sunny Morning Road between Knowles Avenue and Headmaster Row, and

iii) On the west side of Mitchelson Way from Bonner Avenue to Headmaster Row.

10. Street Name Signs

The Developer shall, at no expense to the City, cause to be installed standard reflectorized street name signs at all street intersections within the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

**Submission from John E. Wiebe, North Grassie Properties Inc. to the Standing Policy Committee on Property and Development**

**From:** North Grassie Properties inc
**Sent:** Thursday, October 01, 2009 6:13 PM
**To:** Raban, Kim
**Cc:** Woroby, Bill; Browaty, Jeff
**Subject:** Headmaster Sidewalks

As you are aware we have been engaged in land development activities in Winnipeg since 1972. In most cases where sidewalks are a part of our development agreements, we have installed the sidewalks during or after house construction for the simple reason that the sidewalks would be damaged due to builder activities and then the damaged concrete would need to be hauled off site to City dumping sites at a huge cost and would result in having a negative impact on our environment.

I have received a copy of Bill Woroby's email dated September 30, 2009 and would respectfully request as follows:

1. Proof in writing under date of the request(s) of the Director as to the installation of the sidewalks,

2. Proof in writing under date that our Company refused to install the sidewalks,

3. Proof in writing under date that our Company has refused to install the sidewalks in Phase II

We maintain our position that the City should be responsible for the extra engineering fees as stated in an earlier email.

We ask that this email be read into the record at the Property Planning and Development meeting.

John E. Wiebe
North Grassie Properties inc.,