Agenda - Council – May 19, 2010

Report - Standing Policy Committee on Property and Development – May 4, 2010

Item No. 5 Amendments to Development Agreements AG 12A/82 and AG 53/86 – Traffic Signals – Warde Avenue (St. Norbert/St. Vital Wards) Files DASZ 12A/82 and DASZ 53/86

STANDING COMMITTEE RECOMMENDATION:

On May 12, 2010, 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 12. Traffic Signals in Section I of Schedule "C" of Development Agreement AG 12A/82 be amended by deleting the following;

   "Warde Avenue and John Forsyth Road;
   Warde Avenue and Paddington Road,"

2. That Clause 10. Traffic Signals in Section I of Schedule "C" of Development Agreement AG 53/86 be amended by deleting;

   "ii) Warde Avenue and Ashworth Street; (full cost)" and renaming item iii) to ii).

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

Report - Standing Policy Committee on Property and Development – May 4, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2010, 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 May 4, 2010, 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 April 13, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

SUBJECT: **PROPOSED AMENDMENTS TO DEVELOPMENT AGREEMENTS AG 12A/82 (DASZ 12A/82) AND AG 53/86 (DASZ 53/86) – TRAFFIC SIGNALS – WARDE AVENUE**

Critical Path: **Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Raban Land Development Administrator	D. Joshi		

RECOMMENDATIONS

1. That Clause 12. Traffic Signals in Section I of Schedule "C" of Development Agreement AG 12A/82 be amended by deleting the following;

   "Warde Avenue and John Forsyth Road;
   Warde Avenue and Paddington Road,"

2. That Clause 10. Traffic Signals in Section I of Schedule "C" of Development Agreement AG 53/86 be amended by deleting;

   "ii) Warde Avenue and Ashworth Street; (full cost)" and renaming item iii) to ii).

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

IMPLICATIONS OF THE RECOMMENDATIONS

The signals are not required and the Public Works Department supports the Developers requested amendment. If the recommendations of the Winnipeg Public Service are concurred in, the Developers request to amendment Development Agreements AG 12A/82 and AG 53/86 can be executed to formalize the elimination of these signalization obligations by the Developer.

HISTORY

On February 8, 1984 and May 6, 1987 the Developer, Qualico Developments Ltd. entered into Development Agreements AG 12A/82 and AG 53/86 respectively with the City establishing development conditions for their associated subdivision and rezoning applications in the River Park South area. As part of the conditions of approval the Developer was required to pay for the costs of signalized intersections at various locations along Warde Avenue necessitated by and benefiting their subdivision.

The Public Works Department have undertaken traffic studies including signalization requirements along Warde Avenue and have determined that signals are not required at three (3) locations; namely John Forsyth Road, Paddington Road and Ashworth Street.

We have received a request dated February 3, 2010 from Qualico requesting that appropriate amendments be undertaken to formalize the removal of traffic signal obligations at the three (3) respective locations on Warde Avenue, noted above, and also the location of a fourth traffic signal on Dakota Street approximately 120 metres south of Warde Avenue , see Appendix “A”.

With respect to the signalization requirements along Dakota Street south of Warde Avenue, the Land Development Branch has confirmed that a Letter Agreement dated July 25, 2001 removed the Developers responsibility associated with the installation at this traffic signal location.

The Winnipeg Public Service has reviewed the Developers request to amend the Development Agreement and supports the Developers request in accordance with Appendix “B“, report to the Riel Community Committee, attached for additional information and background.

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
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Rob Deighton, Land Development Coordinator
Date:	March 30, 2010
File No.	Development Agreements AG 12A/82 (DASZ 12A/82) Development Agreement AG 53/86 (DASZ 53/86)

Appendix A – Letter from Qualico dated February 3, 2010

Appendix B – Report to Riel Community Committee from the Land Development Branch

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APPENDIX "A" – LETTER FROM QUALICO DATED FEBRUARY 3, 2010

QUALICO®

February 3, 2010

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

Attention: Kim Raban, Land Development Administrator

RE: REQUEST FOR A DEVELOPMENT AGREEMENT AMENDMENT – RIVER PARK SOUTH SUBDIVISION

In recent security reviews for AG 12A/82 and 53/86, the Public Works Department has indicated that traffic signals are no longer required at the intersections in the River Park South subdivision indicated in the table below. I believe it would be appropriate to amend or eliminate the clauses in the development agreements referring to these requirements by way of a DAA application.

AG	CLAUSE	LOCATION
12A/82	"C"-I- 12	WARDE & JOHN FORSYTH
12A/82	"C"-I- 12	WARDE & PADDINGTON
53/86	"C"-I-10	WARDE & ASHWORTH

ZAA 5/91 amends Clause 12 of Section I of Schedule "C" of AG 12A/82 by adding a clause that refers to Qualico's responsibility to pay for the installation of traffic signals on Dakota opposite the shopping centre at the southwest corner of Dakota and Warde. I would request that this requirement also be reviewed as part of this application, if for no other reason than to provide an explanation of why the Public Works Department requires another set of traffic signals 120m south of the existing signals at Dakota and Warde.

RECEIVED
FEB 0 4 2010

One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8, Telephone (204) 233-2451, Facsimile (204) 233-2965
www.qualicowinnipeg.com

QUALICO®

The fees required for this application may be taken from the Qualico Land Development account number 04 116919 TR.

Glenn Halldorson,
Project Supervisor
Qualico Communities
ghalldorson@qualico.com
204 255 9780

APPENDIX "B" – REPORT FROM LAND DEVELOPMENT BRANCH DATED MARCH 28, 2010

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENTS AG 12A/82
AND AG 53/86 – RIVER PARK SOUTH SUBDIVISION
- QUALICO DEVELOPMENTS (WINNIPEG) LTD.

FOR SUBMISSION TO THE RIEL COMMUNITY COMMITTEE

R.R. Deighton, P. Eng.
Land Development Coordinator

March 28, 2010

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENTS AG 12A/82 AND AG 53/86 – RIVER PARK SOUTH SUBDIVISION – QUALICO DEVELOPMENTS (WINNIPEG) LTD.

Development Agreement AG 12A/82

On February 8, 1984 the Developer, Qualico Developments Ltd., entered into Development Agreement AG 12A/82 with the City establishing development conditions to serve the planned area in the River Park South Subdivision.

Under provisions of the agreement the Developer was responsible to pay for the installation of three (3) traffic control signals along Warde Avenue at the intersections of Dakota Street, John Forsyth Road and Paddington Road. The Developer wishes to amend the agreement to formalize the elimination of payment obligations for traffic control signals at two (2) of the noted intersections, namely; Warde Avenue at John Forsyth Road and Warde Avenue at Paddington Road pursuant to Schedule C, Section I, Clause 12. The Public Works Department advise that they have no objections to the deletion of the developer payment obligations for the two (2) traffic control signals and support the Developer requested amendment.

It is therefore recommended that Clause 12 in Section I of Schedule "C" of AG 12A/82, be amended by deleting the payment obligations for traffic control signals on Warde Avenue at John Forsyth Road and Warde Avenue at Paddington Road.

Development Agreement AG 53/86

On May 6, 1987 the Developer, Qualico Developments (Winnipeg) Ltd., entered into Development Agreement AG 53/86 with the City establishing development conditions to serve the planned area in the River Park South Subdivision.

Under provisions of the agreement the Developer was responsible to pay for the installation and/or modifications to three (3) traffic control signals along Warde Avenue at the intersections of Dakota Street, Ashworth Street and St.Anne's Road. The Developer wishes to amend the agreement to formalize the elimination of payment obligations for traffic control signals at one (1) intersection, namely; Warde Avenue at Ashworth Street pursuant to Schedule C, Section I, Clause 10. The Public Works Department advise that they have no objections to the deletion of the Developer's obligation for a traffic control signal for Warde Avenue at Ashworth Street and support the Developer requested amendment.

It is therefore recommended that Clause 10 in Section I of Schedule "C" of AG 53/86, be amended by deleting the payment obligations for traffic control signals under item ii) Warde Avenue at Ashworth Street.

THIS REPORT SUBMITTED BY:

Land Development Branch
File No. AG 12A/82 and AG 53/86
March 28, 2010

R.R. Deighton, P. Eng.,
Land Development Branch

2010-03-28

R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

/rd

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