Agenda - Council – July 21, 2010

Report - Standing Policy Committee on Property and Development – July 6, 2010

Item No. 6 Amendment to Servicing Agreement – AG 42/2007 – Bison Drive (St. Norbert Ward)
File DASZ 42/2007

STANDING COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Clause 3. in Section 1 of Schedule "C" of AG 42/2007, as amended, be deleted in its entirety and replaced with new Clause 3. as follows:

   "3. Bison Drive Sidewalk
   The Developer shall pay to the City in cash, on demand, $30,849.00 inclusive of 5% GST, being the Developers apportioned cost of constructing sidewalk amenities on the south side of Bison Drive from the existing private approach serving the adjacent property (Superstore) to Barnes Street, as determined by the Director of Public Works."

2. 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 – July 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 6, 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 June 15, 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: **DASZ 42/07 AMEND SERVICING AGREEMENT AG 42/07 RIEL**

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	n/a	n/a	n/a

RECOMMENDATIONS

That Clause 3. in Section 1 of Schedule "C" of AG 42/07, as amended, be deleted in it's entirety and replaced with new Clause 3. as follows;

3. Bison Drive Sidewalk

The Developer shall, pay to the City in cash, on demand, $30,849.00 inclusive of 5% GST, being the Developers apportioned cost of constructing sidewalk amenities on the south side of Bison Drive from the existing private approach serving the adjacent property (Superstore) to Barnes Street, as determined by the Director of Public Works.

IMPLICATIONS OF THE RECOMMENDATIONS

An amendment to Servicing Agreement AG 42/07 is required to formalize a change to the agreement requested by Public Works with respect to the Developer obligations for Bison Drive pathway amenities now to be undertaken by the City as part of the Active Transportation facilities.

HISTORY

On March 19, 2008 the Developer, The Manitoba Public Insurance Corporation entered into Servicing Agreement AG 42/07 with the City establishing development conditions to serve the planned area for their proposed MPI Claims Centre on Bison Drive.

On October 28, 2009 Council approved an amendment to Clause 3 in Section 1 of Schedule “C” of Servicing Agreement AG 42/07. The Public Works Department has further consulted with the Developer regarding the City undertaking the construction of sidewalk/pathway amenities and the Developer contributing to same based upon their proportionate cost share and have advised that they have no objection to this request to revise the agreement in accordance with Appendix “A“, 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:	May 27, 2010
File No.	Servicing Agreement AG 42/07 (DASZ 42/07)

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

V:\Rob\Rob Agreement Amendment-reports\AG 42-07 Amendment Request2 - additional amendments - bison sidewalk-RIS.doc

APPENDIX "A" – LAND DEVELOPMENT BRANCH - AG 42/07 AMENDMENT REPORT

RE: REQUEST TO AMEND SERVICING AGREEMENT AG 42/07 – THE MANITOBA PUBLIC INSURANCE CORPORATION

FOR SUBMISSION TO THE RIEL COMMUNITY COMMITTEE

"original signed by R.Deighton"
R.R. Deighton, P. Eng.
Land Development Coordinator

May 27, 2010

RE: REQUEST TO AMEND SERVICING AGREEMENT AG 42/07 – THE MANITOBA PUBLIC INSURANCE CORPORATION

On March 19, 2008 the Developer, The Manitoba Public Insurance Corporation entered into Servicing Agreement AG 42/07 with the City establishing development conditions to serve the planned area for their proposed MPI Claims Centre on Bison Drive.

On October 28, 2009 Council approved an amendment to Clause 3 in Section 1 of Schedule "C" of Servicing Agreement AG 42/07 to accommodate a change in the sidewalk design to be constructed by the Developer. Pursuant to this approval a letter agreement dated November 17, 2009 was executed with the Developer. The Public Works Department has further consulted with the Developer (The Manitoba Public Insurance Corporation) regarding the City undertaking the construction of sidewalk/pathway amenities and the Developer contributing to same based upon their proportionate cost share and have advised that they have no objection to this request to revise the agreement.

Clause 3. in Section 1 of Schedule "C" of AG 42/07 as amended by Letter Agreement dated November 17, 2009 reads;

3. Bison Drive Sidewalk

The Developer shall construct a 3.5 m wide by 75 mm-thick Asphalt concrete multi-use pathway/sidewalk on the south side of Bison Drive from the existing private approach serving the adjacent property (Superstore) to Barnes Street, as determined by, and to the satisfaction of, the Director of Public Works.

The City shall reimburse the Developer for the actual final cost difference between constructing a 3.5-m-wide by 75-mm-thick Asphalt concrete multi-use pathway/sidewalk and a 1.5-m-wide by 100 mm thick Portland cement concrete sidewalk, in an amount estimated at $30,600 including Engineering, all in 2009 dollars, as determined by, and to the satisfaction of, the Director of Public Works.

It is therefore recommended that Clause 3. in Section 1 of Schedule "C" of AG 42/07, as amended, be deleted in it's entirety and replaced with new Clause 3. as follows;

3. Bison Drive Sidewalk

The Developer shall, pay to the City in cash, on demand, $30,849.00 inclusive of 5% GST, being the Developers apportioned cost of constructing sidewalk amenities on the south side of Bison Drive from the existing private approach serving the adjacent property (Superstore) to Barnes Street, as determined by the Director of Public Works.

Riel Community Committee
May 27, 2010
Request to amend AG 42/07

THIS REPORT SUBMITTED BY:

Land Development Branch
File No. AG 42/07
May 27, 2010

"original signed by R.Deighton"
R.R. Deighton, P. Eng.,
Land Development Branch

"original signed by R.Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

V:\Rob\Rob Agreement Amendment-reports\AG 42-07 Amendment Request - additional amendments - bison sidewalk - RD(o).doc