**Minute No. 535**
**Report - Standing Policy Committee on Property and Development – July 6, 2010**

**Item No. 17** **Amendment to Development Agreement AG 20/2004 – Headmaster Row Sidewalks (North Grassie Properties)**
**(North Kildonan Ward)**
**File DASZ 20/2004**

COUNCIL DECISION:

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

1. That the sidewalk clauses of Development Agreement AG 20/04 be amended by deleting Clause 9. Sidewalks of Schedule "C", Special Clauses in its entirety and replacing with new clause 9 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 the east limit of Lot 13, Block 5 (i.e. 831 Headmaster Row) to the east limit of the Planned Area, and
      iv) On the south side of Headmaster Row from Vintage Hills Court to the east limit of the Planned Area.

   b) The Developer shall, pay to the City in cash, its apportioned share of constructing Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court and on the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13, Block 5 (i.e.; 831 Headmaster Row), as certified by and to the satisfaction of 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.

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

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 14, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development 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 Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

# ADMINISTRATIVE REPORT

**ISSUE:** **Amendment to Development Agreement AG 20/04 – Headmaster Row Sidewalks (North Grassie Properties) DASZ 20/04, Report to SPCPD**

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| G. Solkoski<br>A/Manager of Development and Inspections | D. Joshi | n/a | Alex Robinson<br>Deputy CAO |

## RECOMMENDATIONS

It is recommended that the sidewalk clauses of Development Agreement AG 20/04 be amended as follows;

1. By deleting Clause 9. Sidewalks of Schedule "C", Special Clauses in it's entirety and replacing with new clause 9 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 the east limit of Lot 13, Block 5 (i.e; 831 Headmaster Row) to the east limit of the Planned Area, and

iv) On the south side of Headmaster Row from Vintage Hills Court to the east limit of the Planned Area.

b) The Developer shall, pay to the City in cash, its apportioned share of constructing Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court and on the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13, Block 5 (i.e.; 831 Headmaster Row), as certified by and to the satisfaction of 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.

## IMPLICATIONS OF THE RECOMMENDATIONS

Development Agreement AG 20/04 requires the Developer to construct sidewalks on both sides of Headmaster Row within the limits of the planned area. If the recommendations contained in this report are adopted, the agreement will be amended to allow the Developer to pay cash to the City in lieu of constructing certain portions of the sidewalks.

## HISTORY

On November 3, 2009 the Standing Policy Committee on Property and Development requested the Winnipeg Public Service to report back on the matter of proposed amendments to Development Agreement AG 20/04 with respect to sidewalk amenities;

The Public Works Department and Ward Councillor have consulted with the Community and the Developer regarding completion of sidewalk requirements for this subdivision which would provide for contiguous sidewalk amenities. At this time, sidewalks adjoining all existing frontage lots on Headmaster Row will not be constructed by the Developer; rather, the City would accept responsibility to undertake any future sidewalk construction affecting these lots, if and when required for this developing community. The Developers apportioned cost savings however, will be collected in fulfillment of the associated Development obligations. The Winnipeg Public Service therefore recommend amendments to Development Agreement AG 20/04 in accordance with Appendix “A“, report to the Standing Policy Committee on Property and Development, attached for additional information and background. Appendix “B” provides a sketch of the area for reference.

On October 21, 2009, the Executive Policy Committee referred the matter back to the Standing Policy Committee on Property and Development.

Conversely on October 19, 2009, the East-Kildonan-Transcona Community Committee heard representation in opposition of the proposed amendments and rescinded their September 21, 2009 motion.

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.

On September 21, 2009 the East-Kildonan-Transcona Community Committee made recommendations to the Standing Policy Committee on Property and Development to amend Clause 9 "Sidewalks" to facilitate changes to the agreement that would have provided for construction of a concrete sidewalk at the back of the curb for existing residential lots fronting the north side of Headmaster Row, deletion of sidewalk adjacent to existing residential lots fronting the south side of Headmaster Row including associated reallocation of the Developers cost savings realized by the deletion of the sidewalk and construction of temporary asphaltic concrete sidewalks along future Headmaster Row north side frontage lots over a length of approximately 110 metres.

On May 18, 2005 the Developer, North Grassie "Properties Inc. entered into Development Agreement AG 20/04 with the City establishing development conditions to serve the planned area for their proposed Arrowwood Subdivision.

## FINANCIAL IMPACT

### Financial Impact Statement Date: June 17, 2010

### Project Name:

**Amendment to Development Agreement AG 20/04 – Headmaster Row Sidewalks (North Grassie Properties) DASZ 20/04**

**COMMENTS:**

The recommendations contained in this report include that the sidewalk clauses of Development Agreement AG 20/04 be amended as follows;
1. By deleting Clause 9. Sidewalks of Schedule "C", Special Clauses in it's entirety and replacing with new clause 9 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 the east limit of Lot 13, Block 5 (i.e; 831 Headmaster Row) to the east limit of the Planned Area, and
iv) On the south side of Headmaster Row from Vintage Hills Court to the east limit of the Planned Area.
b) The Developer shall, pay to the City in cash, its apportioned share of constructing Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court and on the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13, Block 5 (i.e.; 831 Headmaster Row), as certified by and to the satisfaction of the Director of Public Works.

Cash payments received in this regard will be credited to the Developer Deposit - Local Improvements account, which the Public Works Department would identify as a funding source for a future capital project involving the construction of the sidewalks in question, should one be undertaken.

*"Original Signed By"*
Mike McGinn, CA
Manager of Finance

## 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<br>Kim Raban, Land Development Administrator |
| Date: | June 18, 2010 |
| File No. | Development Agreement AG 20/04 (DASZ 20/04) |

Appendix A – Report to Standing Policy Committee on Property and Development from the Land Development Branch

Appendix B – Sketch of Subject Area

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## APPENDIX "A" – LAND DEVELOPMENT BRANCH - AG 20/04 AMENDMENT REPORT

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 20/04 – NORTH GRASSIE PROPERTIES INC.

FOR SUBMISSION TO THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

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

June 15, 2010

Standing Policy Committee on Property and Development
June 15, 2010
Request to amend AG 20/04 – sidewalks

**RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 20/04 – NORTH GRASSIE PROPERTIES INC.**

On May 18, 2005 the Developer, North Grassie Properties Inc. entered into Development Agreement AG 20/04 with the City establishing development conditions to serve the planned area for their proposed Arrowwood Subdivision.

Under terms of the original agreement the Developer was required to construct sidewalks along both sides of Headmaster Row, both sides of Sunny Morning Road and on the west side of Mitchelson Way; all within the planned area under DASZ 20/04. The Developer and the City wish to amend the agreement to alter the terms with respect to sidewalk obligations for Headmaster Row. As part of the sidewalk obligations the Developer has constructed various sections of sidewalk along Mitchelson Way and Headmaster Row. The Developer has been instructed by the Public Works Department to construct remaining sidewalks, this construction season, however some sidewalks along Headmaster Row will not be constructed at this time and this proposed amendment to the agreement will allow for the Developer to fulfill his sidewalk obligations by payment of the associated apportioned cost.

Under terms of the original Development Agreement AG 20/04, Section I, Schedule "C", Special Clauses, Clause 9 states;

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.

It is therefore recommended that Development Agreement AG 20/04 be amended as follows;

1. By deleting Clause 9. Sidewalks of Schedule "C", Special Clauses in it's entirety and replacing with new clause 9 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

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b) The Developer shall, pay to the City in cash, its apportioned share of constructing Portland cement concrete sidewalks to a width of 1.5m and to a thickness of 100mm on the south side of Headmaster Row from the west limit of the Planned Area to Vintage Hills Court and on the north side of Headmaster Row from Tamarisk Cove to the east limit of Lot 13, Block 5 (i.e.; 831 Headmaster Row), as certified by and to the satisfaction of the Director of Public Works.

**THIS REPORT SUBMITTED BY:**

Land Development Branch
File No. AG 20/04
June 1, 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

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## APPENDIX "B" – SKETCH OF SUBJECT AREA

