Agenda - Council – September 22, 2010

Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 6 Amendment to Development Agreement – South Pointe Subdivision (St. Norbert Ward) File DASZ 22/2007

STANDING COMMITTEE RECOMMENDATION:

On September 15, 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 7 b) of Schedule "C" of Development Agreement AG 22/07 be amended by deleting the words "prior to the commencement of construction within Phase II of the Development as identified in the Waverley West Southeast Neighbourhood Area Structure Plan" and replacing same with the words "by the end of the 2012 construction season".

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 – September 14, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 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 September 14, 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 July 12, 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 AMENDMENT TO DEVELOPMENT AGREEMENT AG 22/07 (DASZ 22/07) – SOUTH POINTE SUBDIVISION**

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

1. That Clause 7 b) of Schedule "C" of Development Agreement AG 22/07 be amended by deleting the words "prior to the commencement of construction within Phase II of the Development as identified in the Waverley West Southeast Neighbourhood Area Structure Plan" and replacing same with the words "by the end of the 2012 construction season".

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

REASON FOR THE REPORT

An amendment to Development Agreement AG 22/07 has been requested by the Developer to allow the continued development into the Phase II area of the South Pointe subdivision prior to construction of required twinning of Waverley Street as set out under terms and conditions of the agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Winnipeg Public Service are concurred in, an amendment to Development Agreement AG 22/07 can be executed to formalize changes to the scheduling of the Waverley Street twinning as currently set out in the agreement.

HISTORY

On November 21, 2007 the Developer, Ladco Company Limited entered into Development Agreement AG 22/07 with the City establishing development conditions to serve the planned area for their South Pointe subdivision.

The Developer has requested an amendment to the agreement, see attached letter dated June 21, 2010 (Appendix “A”).

The Winnipeg Public Service concurs with the Developers request to amend the Development Agreement subject to the time extension being limited to the end of construction season in 2012 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:	June 29, 2010
File No.	Development Agreement AG 22/07 (DASZ 22/07)

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

V:\Rob\Rob Agreement Amendment-reports\AG 22-07 Amendment Request - Clause 7b) to 2012- Ladco -RIS.doc

APPENDIX "A" – LETTER FROM DEVELOPER

LADCO COMPANY LIMITED
200 - 40 LAKEWOOD BOULEVARD, WINNIPEG, MANITOBA R2J 2M6
TELEPHONE (204) 982-5900 FAX (204) 255-3652

June 21, 2010

Kim Raban
Land Development Administrator
Planning Property and Development Department
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, Manitoba
R3C 4K4

Dear Mr. Raban:

RE: South Pointe Development (AG 22/2007)

Further to our discussions, Ladco Company Limited is applying to amend Clause 7 b) of Schedule "C" for AG 22/2007, by removing the following wording:

"...prior to the commencement of construction within Phase 2 of the Development as identified in the Waverley West Southeast Neighbourhood Area Structure Plan..."

Ladco and the City of Winnipeg Public Works Department are working diligently and cooperatively on the twinning of Waverley Street north of the South Pointe development to Bison Drive. Construction was to commence in 2010, however the twinning of Waverley Street has been included in the Waverley West Arterial Roads Project with the Province of Manitoba and the Government of Canada. Construction cannot proceed until agreements are in place with the three levels of government.

Phase 2 of South Pointe is to commence in 2011. This amendment is necessary to enable the timely servicing and delivery of residential lots to the housing market.

... /2

Find enclosed the payment of $666.75 ($635.00 plus $31.75 GST) for the administration of this application.

Please contact me at anytime should there be any comments or questions pertaining to this request.

Sincerely,

LADCO COMPANY LIMITED

Per:

Michael Carruthers, MCIP
Development Officer

cc: R. Hartmann

APPENDIX "B" – REPORT FROM LAND DEVELOPMENT BRANCH DATED JUNE 29, 2010

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 22/07 – LADCO COMPANY LIMITED

FOR SUBMISSION TO THE RIEL COMMUNITY COMMITTEE

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

June 29, 2010

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 22/07 – LADCO COMPANY LIMITED

On November 21, 2007 the Developer, Ladco Company Limited entered into Development Agreement AG 22/07 with the City establishing development conditions to serve the planned area for their South Pointe subdivision.

The Developer has requested an amendment to the agreement to allow the removal of development restrictions which required a portion of Waverley Street to be twinned prior to Phase II development. The Developer advises that Phase II development is expected to commence in 2011. The Public Works Department and Developer have been working cooperatively regarding the resolution of construction and scheduling details following terms of a pending governmental tripartite agreement. The Public Works Department advise that they have no objections to extending the scheduling of the required works.

It is therefore recommended that Development Agreement AG 22/07 be amended by deleting the words "prior to the commencement of construction within Phase II of the Development as identified in the Waverley West Southeast Neighbourhood Area Structure Plan" in Clause 7 b) of Schedule "C", Special Clauses and replacing same with the words "by the end of the 2012 construction season".

THIS REPORT SUBMITTED BY:

Land Development Branch
File No. AG 22/07
June 29, 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 22-07 Amendment Request -Clause 7b) to 2012- RD (o).doc