**Agenda - Executive Policy Committee – December 8, 2010**

Moved by Councillor

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

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

**Item No. 7 Servicing Agreement –Subdivision and Rezoning - 40 Paulley Drive - DASZ 6/2010**
**(Transcona Ward)**

STANDING COMMITTEE RECOMMENDATION:

On December 6, 2010, 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 the applicant enter into a Servicing Agreement with the City containing the conditions outlined in the report of the Administrative Co-ordinating Group - Appendix "A" to the report from the Winnipeg Public Service dated November 9, 2010.

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

**Agenda - Executive Policy Committee – December 8, 2010**

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

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On December 6, 2010, 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.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 16, 2010, the East Kildonan-Transcona 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

**Title:** **PROPOSED SERVICING AGREEMENT - Proposed Subdivision and rezoning on land located at 40 Paulley Drive - DASZ 6/2010**

**Critical Path:** **East Kildonan Transcona Community Committee → Standing Policy Committee on Property and Development**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| Kim Raban, P. Eng., Land Development Administrator | Deepak Joshi, Director | N/A | N/A |

## RECOMMENDATIONS

1. That the applicant enter into a Servicing Agreement with the City containing the conditions outlined in the report of the Administrative Co-ordinating Group attached as Appendix “A”.

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

The approval of the Standing Policy Committee on Property and Development is required for the City to enter into Servicing Agreements.

## IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable the applicant to service the property by extending a wastewater sewer in Paulley Drive pursuant to Clause 9. (1) of the Offer to Purchase.

## HISTORY

The subject property was declared surplus by Council on July 22, 2009. The Manager of Real Estate accepted an Offer to Purchase on March 8, 2010. The Offer was subject to a successful subdivision and rezoning and, amongst other things, contained the following clause;

> *"9. (1) The Purchaser shall be required to retain the services of a qualified municipal engineer to design and administer the construction of a wastewater sewer extension by a licensed sewer and water contractor as determined by and to the satisfaction of the City. This will be at the sole cost and expense of the Purchaser including any cost incurred for services rendered by Professionals."*

The subdivision and rezoning of 40 Paulley Drive - DASZ 6/2010 was approved by Council on July 21/10.

It is therefore recommended that the applicant enter into a Servicing Agreement with the City containing the conditions outlined in the report of the Administrative Co-ordinating Group attached as Appendix "A".

## FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

## CONSULTATION

### In preparing this Report there was consultation with:

n/a

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Development and Inspections |
| Prepared by: | K.T. Raban, P.Eng. Land Development Administrator, Land Development Branch |
| Date: | November 9, 2010 |
| File No. | DASZ 6/2010 |

Appendix "A" – ACG report
Appendix "B" – Sketch of Planned Area

## APPENDIX "A"

**REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP**

**RE: PROPOSED SERVICING AGREEMENT – Proposed Subdivision and rezoning on land located at 40 Paulley Drive - DASZ 6/2010**

It is recommended that the Applicant enter into a **Servicing Agreement** with the City of Winnipeg, containing the following conditions:

1. The Developer shall, at no expense to the City, install a wastewater sewer and manhole in Paulley Drive as required to serve the Planned Area as determined by and to the satisfaction of the Director of Water and Waste.

2. The Developer shall retain the services of a qualified municipal engineer to design and coordinate the construction of the wastewater sewer and all associated works, and shall pay the full cost of engineering and supervision provided by or on behalf of the City for design services, approvals, field inspection, preparation of Progress Estimates, as-built drawings and all other engineering consulting services related to the installation and acceptance of the works.

3. The Developer shall provide the City with as-built drawings by March 31 of the year following substantial performance of the work showing, the services required to serve the Planned Area.

4. The Developer shall;

    a. at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

    b. ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected and hereby indemnifies the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

    c. replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

d. submit video inspection reports and CD's in a timely manner and to the satisfaction of, the Director of Water and Waste.

5. The Developer shall, at no expense to the City, provide a lot grading plan, prepared by a municipal engineer, for the Planned Area, and construct all drainage works necessitated by the design.

6. The Developer shall post Letters of Credit in amounts as determined by the City in a form satisfactory to the City to cover performance and Builders' Liens liability in accordance with the City's current servicing agreement practices.

7. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 per acre of Planned Area (minimum $1,650.00) plus GST to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 6/2010

*"original signed by K.T. Raban, P. Eng."*
K.T Raban, P. Eng.,
Land Development Branch

*"original signed by F.C. Mazur, P. Eng."*
F. C. Mazur, P. Eng.
Water & Waste Department

/ktr

## APPENDIX "B"

By-Law No. _____

File No. **DASZ 6/10**

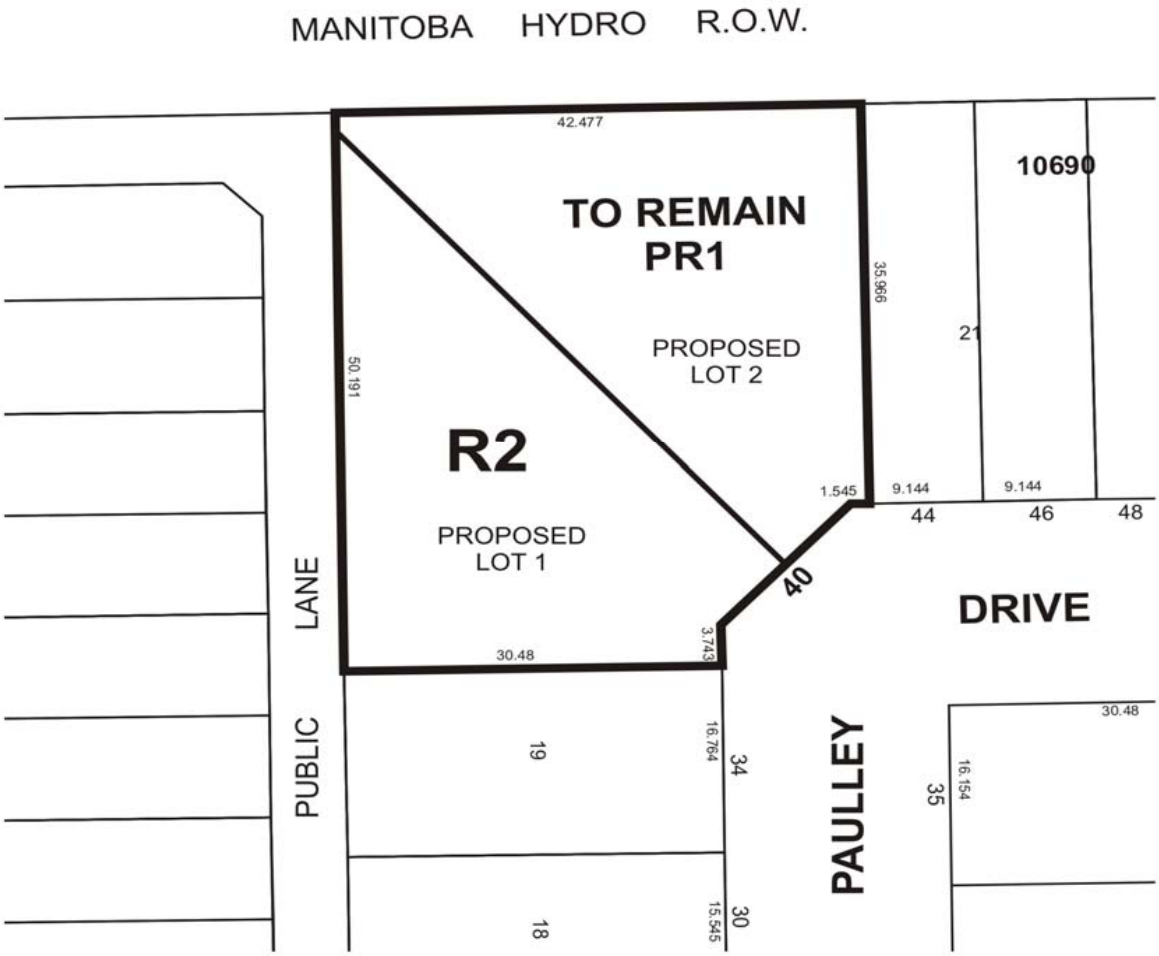
Atlas Sheet No. **Y36**

N

**EAST KILDONAN TRANSCONA COMMUNITY**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 40 Paulley Drive from a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT (affecting Lot 1 only) to allow for the future residential development as shown outlined below.




THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____