Agenda - Council – January 26, 2011

Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 3 Assignment of Servicing Agreement (Old Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the City consent to the assignment of Servicing Agreement AG 566/05 by 5268045 Manitoba Ltd. (Joe Martens, President) to 6086498 Manitoba Ltd (Sikander Pandher, President).

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 – January 11, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2011, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 11, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 14, 2010, the Lord Selkirk - West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On November 23, 2010, the Lord Selkirk - West Kildonan Community Committee laid over the matter to its meeting on December 14, 2010.

ADMINISTRATIVE REPORT

Title: **ASSIGNMENT OF SERVICING AGREEMENT AG 566/05**

Critical Path: **Lord Selkirk/West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

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

RECOMMENDATION

That the City consent to the assignment of Servicing Agreement AG 566/05 by 5268045 Manitoba Ltd. (Joe Martens, President) to 6086498 Manitoba Ltd (Sikander Pandher, President).

REASON FOR THE REPORT

The assignment of a Servicing Agreement requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable the purchaser of 1007 Sinclair Street/645 Kingsbury Avenue (please see Appendix “A”, attached) to proceed with the development of this property and ensure that the two lots created will be serviced in accordance with City Policy.

HISTORY

The City entered into Servicing Agreement AG 566/05 with 5268045 Manitoba Ltd. effective April 4, 2006. 5268045 Manitoba Ltd. paid the administration fee associated with the Servicing Agreement on November 2, 2006, and satisfied all of the requirements for the release of, and received, the subdivision mylars on February 7, 2007. 5268045 Manitoba Ltd. did not proceed with the development of this site, which includes the easterly extension of the wastewater sewer and watermain from their current termini in Sinclair Street to service the site.

Attached (please see Appendix “B”) is a document, signed by the presidents of both 5268045 Manitoba Ltd. and 6086498 Manitoba Ltd., consenting to the assignment of AG 566/05.

The Winnipeg Public Service has no objection to this request.

The City has consented to the assignment of Development Agreements in the past.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**x**	
Regulatory		**x**	
Environmental		**x**	
Human Resources		**x**	
Financial		**x**	
Legal (Contracts)	**x**		**An Addendum Agreement between the City and the proponents will be required.**
Communications			
Council Priorities Direction			
Other, e.g. Organizational, community, etc. (Specify)			

CONSULTATION

In preparing this Report there was consultation with:

n/a

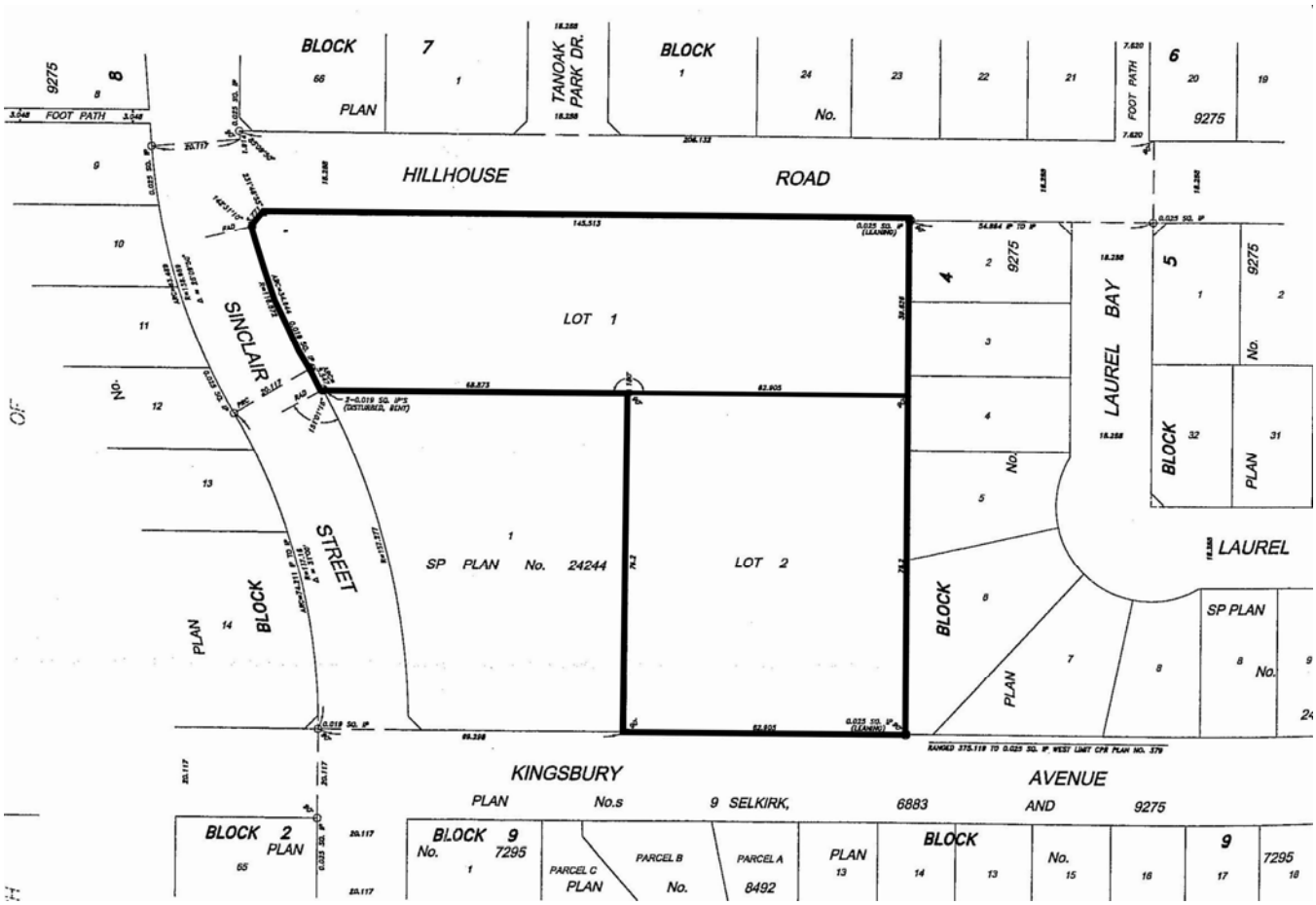
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Shirley Matile, P.Eng. Land Development Engineer, Land Development Branch
Date:	August 13, 2010
File No.	DASSF 566/05

Appendix “A” – Sketch of Planned Area
Appendix “B” – Consent of Both Parties to Assignment

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APPENDIX "A"



Planned Area for DASSF 566/05

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

IN CONSIDERATION, for one dollar (1.00) and other good and valuable consideration, I, undersigned President of 5268045 Manitoba Ltd., hereby assign, transfer and convey to 6086498 Manitoba Ltd. all of my entitlements and rights in the Servicing Agreement AG 566/05 made on April 4, 2006 in respect to 645 Kingsbury Avenue, Winnipeg, Manitoba between 5268045 Manitoba Ltd. and The City of Winnipeg.

Dated this 21 day of September 2010.

Per: President

5268045 Manitoba Ltd.

I, undersigned President of 6086498 Manitoba Ltd. hereby acknowledge and consent to the assignment to it by 5268045 Manitoba Ltd.'s entitlement and rights in that certain servicing agreement AG 566/05 made on April 4, 2006 between 5268045 Manitoba Ltd. and The City of Winnipeg in respect to the property situated at 645 Kingsbury Avenue, Winnipeg, Manitoba and further agrees to assume all obligations and to bound by all obligations and to bound by all the terms and provisions of said servicing agreement AG 566/05

Dated this 21 day of September 2010.

Per: President

6086498 Manitoba Ltd.