Agenda – Council – July 18, 2012

Report – Standing Policy Committee on Property and Development – July 3, 2012

Item No. 4 Assignment of Servicing Agreement AG 13/2010

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the City consent to the assignment of Servicing Agreement AG 13/2010 by Johanna Cornelia Viehweg to AWC Group Ltd.

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

Agenda – Council – July 18, 2012

Report – Standing Policy Committee on Property and Development – July 3, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 11, 2012, 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 3, 2012, 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

Title: **ASSIGNMENT OF SERVICING AGREEMENT AG 13/2010**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
S. Dueck	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 13/2010 by Johanna Cornelia Viehweg to AWC Group Ltd.

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

REASON FOR THE REPORT

The assignment of a Servicing Agreement requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable AWC Group Ltd. to complete the development of this property pursuant to the terms and conditions of Servicing Agreement AG 13/2010.

HISTORY

The parties are asking the City's consent to allow AWC Group Ltd. to legally assume responsibility for Servicing Agreement AG 13/2010.

The City entered into Servicing Agreement AG 13/2010 with Johanna Cornelia Viehweg (Mrs. Viehweg) effective December 15, 2010. The subdivision mylars and related documents were registered in the Winnipeg Land Titles Office on February 29, 2012 . The Planned Area is shown in Appendix “A”.

Remaining servicing obligations include the construction of swales, the installation of a catch-basin, and servicing Lots 1 – 3 with City water and wastewater sewer service connections to lot line. Mrs. Viehweg has provided the City with a cash deposit in the amount of $23,500 to guarantee satisfactory installation of the catch-basin and for re-certification of survey monuments. The City will refund the deposit upon satisfactory completion of the above-noted works, or sooner, if a satisfactory replacement cash security or letter of Credit is provided by the new proponent. As an alternative Mrs. Viehweg may choose to authorize the City to refund any deposits forthcoming, to AWC Group Ltd.

Attached as Appendix “B” is a document, signed by both Johanna Cornelia Viehweg and the president of AWC Group Ltd. consenting to the assignment of Servicing Agreement AG 13/2010.

The Winnipeg Public Service has no objection to this request.

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

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 15, 2012

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 13/2010

COMMENTS:

The recommendations contained in this report include that the City consent to the assignment of Servicing Agreement AG 13/2010 by Johanna Cornelia Viehweg to AWC Group Ltd.
There are no financial implications associated with the recommendations.

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

CONSULTATION

In preparing this Report there was consultation with:

n/a

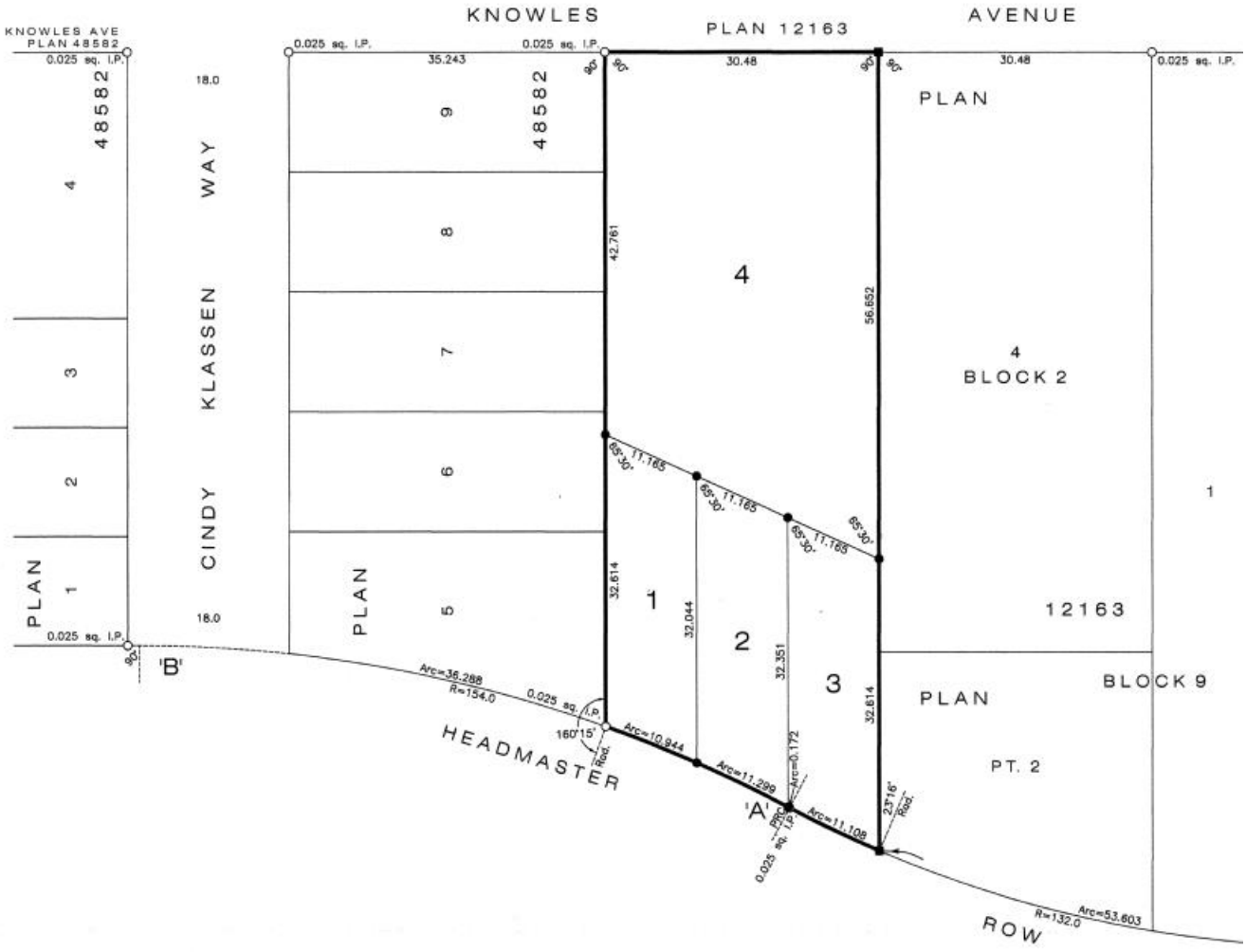
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	K.T. Raban, P.Eng.
Date:	June 18, 2012
File No.	DASZ 13/2010

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

O:\Reports Directive\Development and Inspections\Land Development\AG 13 2010 Assignment - RIS Rpt.doc

APPENDIX "A"



Planned Area for DASZ 13/2010

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

IN CONSIDERATION of one dollar (1.00) and other good and valuable consideration, I, JOHANNA CORNELIA VIEHWEG hereby assigns, transfers and conveys to AWC GROUP LTD. all my entitlements and rights in the Servicing Agreement AG 13/10 made on December 15, 2010 in respect to 830 Knowles Avenue, Winnipeg, Manitoba between JOHANNA CORNELIA VIEHWEG and The City of Winnipeg.

Dated this 30 day of May 2012

Witness

JOHANNA CORNELIA VIEHWEG

I, undersigned President of AWC GROUP LTD. hereby acknowledge and consent to the assignment to it by JOHANNA CORNELIA VIEHWEG, of her entitlements and rights in that certain servicing agreement AG 13/10 made on December 15th, 2010 between JOHANNA CORNELIA VIEHWEG and The City of Winnipeg in respect to the property situated at 830 Knowles Avenue, Winnipeg, Manitoba and further agrees to assume all obligations and to be bound by all obligations and all the terms and provisions of said servicing agreement AG 13/10

Dated is 4th day of June ~~2010~~ 2012

witness

Per: Vice-President

AWC GROUP LTD.