Agenda – Council – December 12, 2012

Report – Standing Policy Committee on Property and Development – November 30, 2012

Item No. 5 Assignment of Servicing Agreement AG 4/2011
(St. Norbert Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 5, 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 4/2011 by 6088113 Manitoba Ltd. to 6574166 Manitoba Ltd.

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

Report – Standing Policy Committee on Property and Development – November 30, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 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 November 30, 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 4/2011**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	D. Joshi, COO

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 4/2011 by 6088113 Manitoba Ltd. to 6574166 Manitoba 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 6574166 Manitoba Ltd. to complete the development of this property pursuant to the terms and conditions of Servicing Agreement AG 4/2011.

HISTORY

The parties are asking the City's consent to allow 6574166 Manitoba Ltd. to legally assume responsibility for Servicing Agreement AG 4/2011.

The City entered into Servicing Agreement AG 4/2011 with 6088113 Manitoba Ltd. effective June 22, 2011 (executed on September 7, 2012). The subdivision mylars and related documents were released to the Developer on October 26, 2012 for registration in the Winnipeg Land Titles Office. The Planned Area is shown in Appendix “A”.

Servicing requirements include the construction of a northbound left turn storage lane in Pembina Highway and fencing to ensure that “pedestrian trespass” to the railway tracks does not become a consequence of the subject development. The Developer (6088113 Manitoba Ltd.) has provided the City with a cash deposit in the amount of $78,000 to guarantee the servicing requirements. 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 6088113 Manitoba Ltd. may choose to authorize the City to refund any deposits forthcoming to 6574166 Manitoba Ltd.

Attached as Appendix “B” is a document, signed by both 6088113 Manitoba Ltd. and 6574166 Manitoba Ltd. consenting to the assignment of Servicing Agreement AG 4/2011.

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:

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 4/2011

COMMENTS:

The recommendations contained in this report include that the City consent to the assignment of Servicing Agreement AG 4/2011 by 6088113 Manitoba Ltd. to 6574166 Manitoba 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

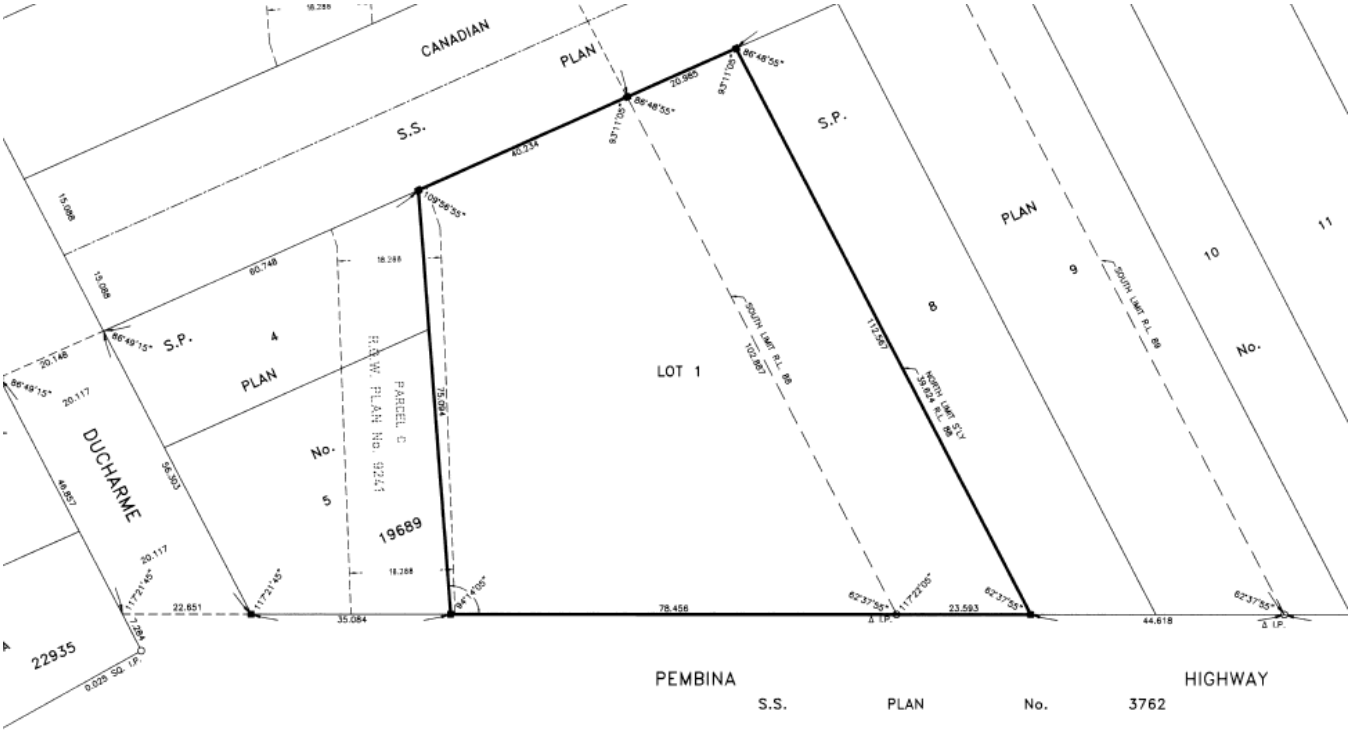
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R.R. Deighton, P.Eng.
Date:	November 13, 2012
File No.	DASZ 4/2011 (AG 4/2011)

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

O:\Reports Directive\Development and Inspections\Land Development\AG 4 2011 Assignment - RIS Rpt.doc

APPENDIX “A”



Planned Area for DASZ 4/2011

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

IN CONSIDERATION of one dollar ($ 1.00) and other good and valuable consideration, 6088113 MANITOBA LTD. hereby assigns, transfers and conveys to 6574166 MANITOBA LTD. all of its entitlements and rights in the Servicing Agreement AG 4/11 made JUNE 22, 2011 in respect to 3411 PEMBINA HIGHWAY, Winnipeg, Manitoba, between 6088113 MANITOBA LTD. and the CITY OF WINNIPEG.

DATED this 15TH day of OCT, 2012.

6088113 MANITOBA LTD.

Witness

Per: _____, President
(SAM CHANG)
IN YOUNG CHANG

Witness

Per: _____, Secretary
HANK PENNER

6574166 MANITOBA LTD. hereby acknowledges and consents to the assignment to it of Servicing Agreement AG 4/11 made JUNE 22, 2011 in respect to the property situated at 3411 PEMBINA HIGHWAY, Winnipeg, Manitoba, between 6088113 MANITOBA LTD. and the CITY OF WINNIPEG, and further, 6574166 MANITOBA LTD. agrees to assume all obligations and to be bound by all obligations and all of the terms and provisions of said Servicing Agreement AG 4/11.

DATED this 10TH day of October, 2012.

6574166 MANITOBA LTD.

X
Witness

Per: _____, President

Witness

Per: _____, Secretary