Minute No. 454
Report – Standing Policy Committee on Property and Development – June 11, 2013

Item No. 5 **Amendment to Servicing Agreement AG 37/2008 – Seasons of Tuxedo (Charleswood-Tuxedo Ward) File DASZ 37/2008**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Clause 20 of Section I of Schedule "C" of Servicing Agreement AG 37/2008 be amended by deleting the words "along the full length of the Planned Area" and inserting the words "from the private approach to the Planned Area opposite Lowson Crescent to the north limit of the Planned Area plus an additional approximately 136 metres north of the north limit of the Planned Area to facilitate the pathway connection to Taylor Avenue, all" after the word Boulevard.

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

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DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 19, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 11, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2013, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in and forwarded to the Standing Policy Committee on Property and Development.

Paul McNeil, Vice-President, Planning and Development, MMM Group Limited, submitted an aerial photograph of the property related to the proposed amendment to Servicing Agreement AG 37/2008.

ADMINISTRATIVE REPORT

Title: **PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT AG 37/2008 (DASZ 37/2008) – SEASONS OF TUXEDO**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Barry Thorgrimson, Director	N/A	N/A

RECOMMENDATIONS

1. That Clause 20 of Section I of Schedule "C" of Servicing Agreement AG 37/2008 be amended by deleting the words "along the full length of the Planned Area" and inserting the words "from the private approach to the Planned Area opposite Lowson Crescent to the north limit of the Planned Area plus an additional approximately 136 metres north of the north limit of the Planned Area to facilitate the pathway connection to Taylor Avenue, all" after the word Boulevard,.

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

Council approval is required for an amendment to this agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

None

HISTORY

On September 14, 2009 the Developer, Tuxedo Yards Development Corp., entered into Development Agreement AG 37/2008 with the City establishing development conditions to serve the Planned Area as shown on attached Appendix "A" for their Seasons of Tuxedo Development.

Clause 20 of Section I of Schedule "C" of Servicing Agreement AG 37/2008 requires the developer to construct a 3.5 m wide asphalt pathway the full length of the Planned Area along the west side of Kenaston Boulevard.

The Developer has constructed an equivalent length of asphalt pathway along the west side of Kenaston Boulevard however approximately 136 metres of it is displaced to the north of the Planned Area to facilitate a linkage to the active transportation pathway in Taylor Avenue. In exchange, the City will construct the southerly approximately 136 metres in the future when the asphalt pathway is extended further south along Kenaston Boulevard. The Winnipeg Public Service concurs with this requested amendment.

It is therefore recommended that Clause 20 of Section I of Schedule "C" of Servicing Agreement AG 37/2008 be amended by deleting the words "along the full length of the Planned Area" and inserting the words "from the private approach to the Planned Area opposite Lowson Crescent to the north limit of the Planned Area plus an additional approximately 136 metres north of the north limit of the Planned Area to facilitate the pathway connection to Taylor Avenue, all" after the word Boulevard,. The resulting amended Clause will read as follows:

20. Asphalt Pathway in Kenaston Boulevard

The Developer shall, at no expense to the City, construct a 3.5-m-wide asphalt pathway on the west side of Kenaston Boulevard, from the private approach to the Planned Area opposite Lowson Crescent to the north limit of the Planned Area plus an additional approximately 136 metres north of the north limit of the Planned Area to facilitate the pathway connection to Taylor Avenue, all to the satisfaction of the Director of Public Works.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	Kim Raban, Land Development Branch
Date:	April 30, 2013
File No.	AG 37/2008 (DASZ 37/2008)

Appendix “A” – DASZ 37/2008 Planned Area
Appendix “B” – Request to Amend Servicing Agreement AG 37/2008

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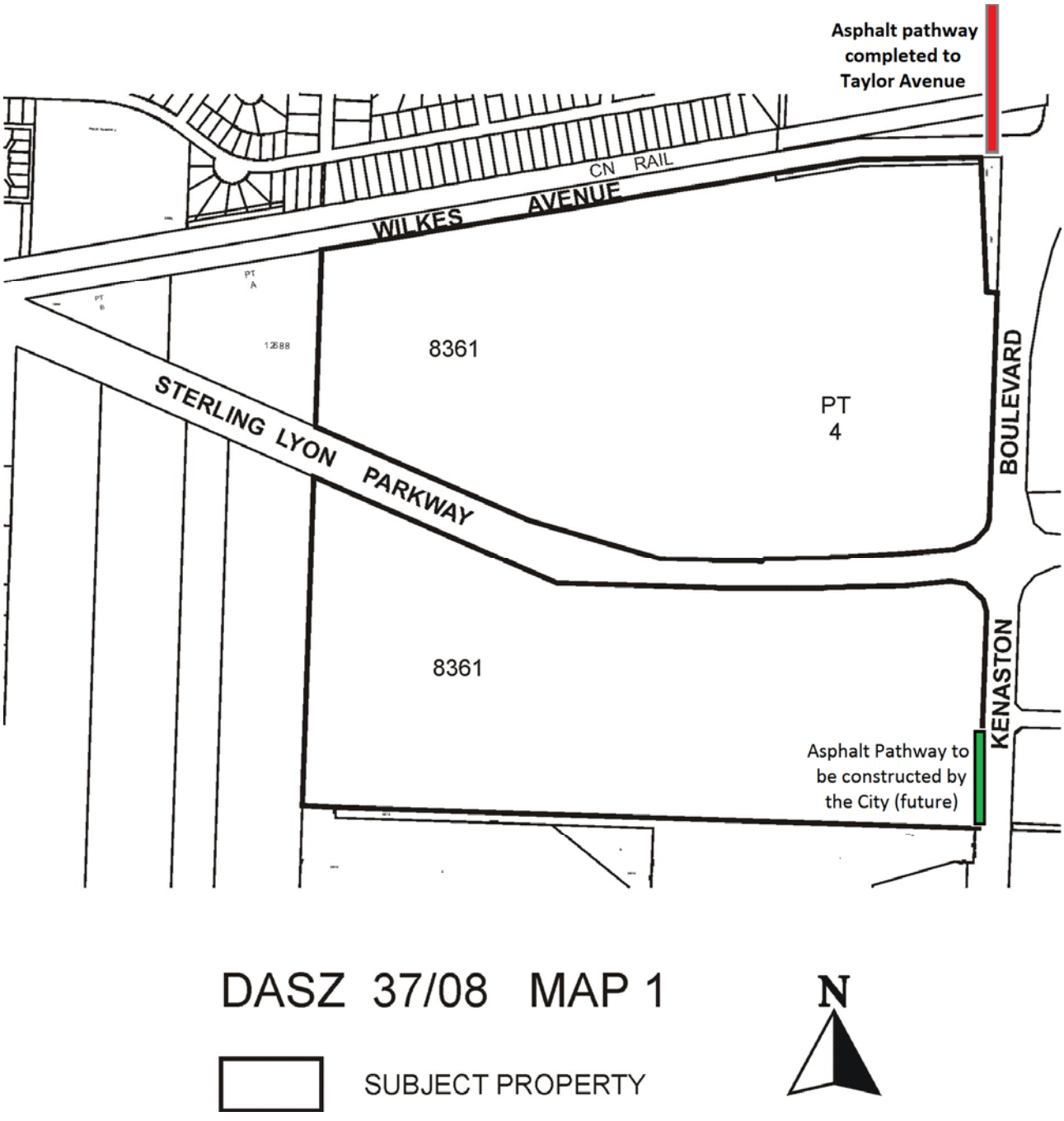
APPENDIX "A" – DASZ 37/2008 – map



APPENDIX "B" – Request to Amend Servicing Agreement AG 37/2008

Raban, Kim

Subject: FW: Seasons of Tuxedo Servicing Agreement Amendment

From: Brock Feenstra [mailto:FeenstraB@mmm.ca]
Sent: Wednesday, February 27, 2013 4:07 PM
To: Raban, Kim
Cc: Paul McNeil
Subject: Seasons of Tuxedo Servicing Agreement Amendment

Good afternoon Kim,

We would like to initiate an amendment to the Servicing Agreement AG 37/08 for the IKEA and Seasons of Tuxedo development. The amendment has been discussed with Public Works and agreed upon as follows:

1. Schedule "C", Section 1, Item 20 generally states that the developer shall construct a 3.5 m wide asphalt pathway the full length of the Planned Area along the west side of Kenaston Boulevard. Instead, as agreed upon by Public Works, the pathway will extend at an equal length as the original pathway along the west side of Kenaston from the private approach to the Planned Area opposite Lowson Crescent to the north of the northern boundary of the Planned Area and the City will make up the remaining gap to connect the pathway to the pathway along Taylor Avenue. The estimated distance to be deleted from the southern portion and added to the northern portion is about 136 m.

Please call if you have any questions or comments.

Thank you,

Brock

Brock Feenstra, MCP Candidate
Planner
Planning & Development
MMM Group Limited
111 - 93 Lombard Avenue
Winnipeg, Manitoba, Canada R3B 3B1
t: 204-947-6569 ext. 3867 | f: 204-943-4948 |
feenstrab@mmm.ca | www.mmm.ca

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