Agenda – Council – September 25, 2013

Report – Standing Policy Committee on Property and Development – September 10, 2013

Item No. 4 Request to Amend Servicing Agreement Palliser Furniture Ltd. (North Kildonan Ward) File AG 222/96 [c/r DAZ 222/96]

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the following to Council:

1. That Servicing Agreement AG 222/96 be amended to apportion the balance of outstanding servicing payments so they become due and payable prior to the release of subdivision mylars as development progresses in stages, according to the proposed Major Redevelopment Site Area Master Plan.

2. That the October 19, 2011 Council decision which extended the date by which outstanding payments become due and payable to December 31, 2013, be rescinded.

3. 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 – September 10, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2013, 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 July 16, 2013, the East Kildonan-Transcona Committee concurred in the recommendation of the Winnipeg Public Service Committee and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **REQUEST TO AMEND SERVICING AGREEMENT AG 222/96 PALLISER FURNITURE LTD. (DAZ 222/96)**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M.Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That Servicing Agreement AG 222/96 be amended to apportion the balance of outstanding servicing payments so they become due and payable prior to the release of subdivision mylars as development progresses in stages, according to the proposed Major Redevelopment Site Area Master Plan.

2. That Council rescinds its October 19, 2011 decision which extended the date by which outstanding payments become due and payable to December 31, 2013.

3. 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 to amend the terms of the subject Servicing Agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

The Developer will be allowed to stage payments for existing services under terms of Servicing Agreement AG 222/96 based upon cost proportioning outstanding balances as development progresses rather than make this payment by December 31, 2013 as currently approved by Council.

HISTORY

On July 2, 1997 the Developer, Palliser Furniture Ltd. entered into Servicing Agreement AG 222/96 with the City establishing development conditions to serve the planned area for their development located in the south-east corner of Gateway Road and Springfield Road.

On January 23, 2008 Council approved the Developers request to amend Servicing Agreement AG 222/96 by including a provision that outstanding payments (Land Drainage Trunk Sewer and existing services in Gateway Road and Springfield Road) be satisfied on an area basis as vacant land is developed and also extending the date by which outstanding payments are to be made, to December 31, 2011.

On October 19, 2011 Council approved the Developers request to amend Servicing Agreement AG 222/96 to extend the date by which outstanding payments can be made to December 31, 2013.

The Developer has proposed a Major Redevelopment Site Area Master Plan which will guide future development of the lands, and has requested consideration to further amend Servicing Agreement AG 222/96 to provide for payment of the outstanding servicing costs on a staged basis according to those future development stages. See Appendix “A” attached.

Development application DASZ 21/2013, to develop approximately 6.21 acres of a future approximately 41.79 acres, represents Phase 1 development of the proposed Major Redevelopment Site Area Master Plan.. See Appendix “B” attached.

The Winnipeg Public Service has no objection to the Developer’s request.

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:	Land Development, Geomatics and Land Information Systems
Prepared by:	Rob Deighton, Land Development Branch
Date:	July 4, 2013
File No.	AG 222/96 (DAZ 222/96)

Appendix “A” – Request Correspondence
Appendix “B” – Sketch of Phase 1 development of the proposed Major Redevelopment Site Area Master Plan

Filename: V:\11-ACG Reports & others\1974-1999\AG 222-96 Request to amend Servicing Agreement - outstanding payments following Palliser MRS - RD report.doc

APPENDIX "A" –Request Correspondence

McGOWAN·RUSSELL

March 11, 2013

City of Winnipeg
Planning, Property and Development Department
Land Development, Geomatics & Land Information Services Division
Land Development Branch
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Raban

RE: AMENDMENT TO SERVICING AGREEMENT AG222/96

On behalf of Palliser, we respectfully request an amendment to Servicing Agreement AG 222/96. The Palliser site is the subject of a Major Redevelopment Site Area Master Plan and will be redeveloped in approximately five stages. Consistent with these redevelopment plans, we request deletion of the date by which outstanding payments become due and payable in Servicing Agreement AG 222/96 and, in lieu of this date, addition of a clause that requires payment prior to the release of subdivision mylars for each stage of development.

Yours truly

MCGOWAN RUSSELL GROUP INC.

S. Russell

Susan Russell, M.A.L.A., C.S.L.A.
President

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APPENDIX "B" – Sketch of Phase 1 (DASZ 21/2013) application and future Phase areas

