Agenda – Council – January 28, 2015

Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 10 Assignment of Servicing Agreement AG 400/2010 Northeast Corner of Wilkes Avenue and Kenaston Boulevard (Charleswood - Tuxedo Ward) File AG 400/2010 [c/r DAZ 201/2014]

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the City consent to the assignment of Servicing Agreement AG 400/2010 from 5185603 Manitoba Limited to Long Holdings Inc.

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 13, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2015, 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 400/2010 NORTHEAST CORNER OF WILKES AVENUE AND KENASTON BOULEVARD**

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 A/CAO

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 400/2010 from 5185603 Manitoba Limited to Long Holdings Inc.

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 Long Holdings Inc. to complete the development of this property pursuant to the terms and conditions of Servicing Agreement AG 400/2010.

HISTORY

On September 26, 2007, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the then City-owned property be declared surplus and made available for sale.

On July 21, 2010, Council concurred in the recommendation of the Standing Policy Committee on Property and Development that the property be sold to 5185603 Manitoba Ltd. The sale was subject to the purchaser being responsible to pay costs to fully service the lands pursuant to Servicing Agreement AG 400/2010.

5185603 Manitoba Ltd. is now offering the property for sale to Long Holdings Inc., who applied to the City to rezone the property, and, on April 30, 2014, Council concurred in the recommendation of the Executive Policy Committee that the property be rezoned from an M2 General Manufacturing District to an M1 Manufacturing Light District to allow for the establishment of proposed warehouse, office and retail uses. The rezoning is subject to the new owner:

1. Providing satisfactory evidence that 5185603 Manitoba Limited will fulfill all conditions contained in Servicing Agreement AG 400/2010 on behalf of the developer, or, by;
2. Accepting an assignment of Servicing Agreement AG 400/2010 from 5185603 MANITOBA LTD. and subsequently satisfying all conditions contained therein; or, in the event that items 1. or 2. above do not proceed, by;
3. Entering into a new Servicing Agreement with the City addressing the servicing requirements;

5185603 Manitoba Limited and Long Holdings Inc. are requesting that Option 2 be exercised by Council consenting to the assignment of Servicing Agreement AG 400/2010 from 5185603 Manitoba Ltd. to Long Holdings Inc.

Attached as Appendix “B” is a document, signed by both 5185603 Manitoba Limited and Long Holdings Inc. consenting to the assignment of Servicing Agreement AG 400/2010.

The Winnipeg Public Service has no objections to this request.

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

FINANCIAL IMPACT

Financial Impact Statement Date: December 1, 2014

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 400/2010

COMMENTS:

The recommendations contained in this report include that the City consent to the assignment of Servicing Agreement AG 400/2010 by 5185603 Manitoba Limited to Long Holdings Inc.

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

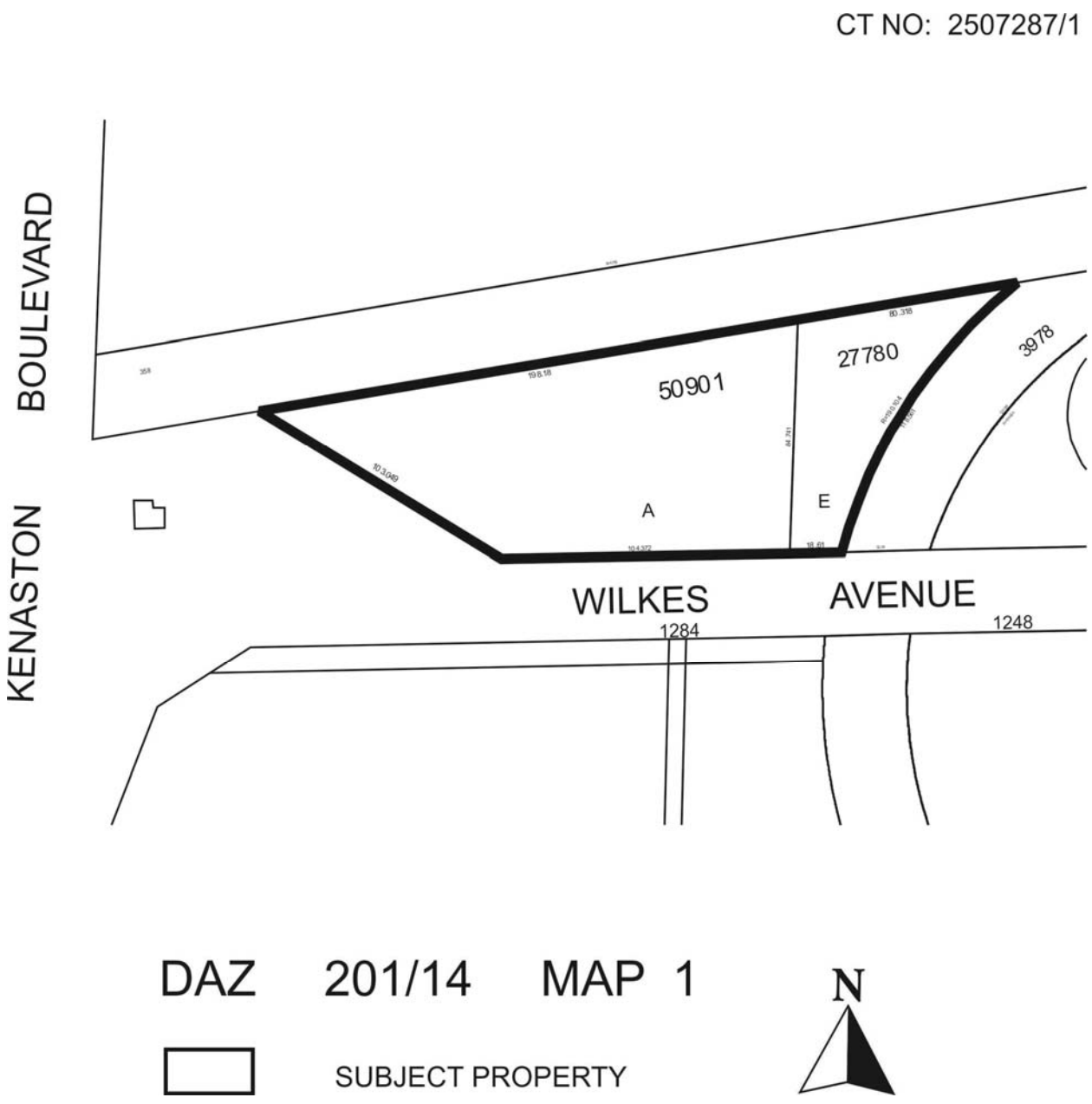
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	K.T. Raban, P.Eng.
Date:	November 28, 2014
File No.	AG 400/2010 c/r DAZ 201/2014

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

Filename: O:\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\AG 400_2010 Assignment - RIS Rpt.doc

APPENDIX "A"


CT NO: 2507287/1
BOULEVARD
KENASTON
50901
27780
3978
A
E
WILKES
AVENUE
1284
1248
DAZ 201/14 MAP 1
N
SUBJECT PROPERTY

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

IN CONSIDERATION of one dollar ($1.00) and other good and valuable consideration,

5185603 Manitoba LTD. hereby assigns, transfers, and conveys to

Long Holdings Inc.

all the entitlements and rights in the Servicing Agreement AG 400/2010 made on July 21, 2010 in respect of Parcel A Plan 50901 and Parcel E Plan 27780 [CT# 2507287/1], Winnipeg, Manitoba between **5185603 Manitoba LTD.** and the City of Winnipeg.

DATED this 14th day of July, 2014.

5185603 Manitoba LTD.

PER: _____
Printed Name, Title

PER: _____
Printed Name, Title

I, *Stephan Leenheer, Vice President* of *Long Holdings Inc.* hereby acknowledge and consent to the assignment to it by **5185603 Manitoba LTD.** of its entitlements and rights in that certain servicing agreement AG 400/2010 made on July 21, 2010 between **5185603 Manitoba LTD.** and the City of Winnipeg in respect to the property situated at Parcel A Plan 50901 and Parcel E Plan 27780 [CT# 2507287/1], 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 400/2010.

DATED this 14th day of July, 2014.

Long Holdings Inc.

WITNESS

PER: _____
Stephan Leenheer, Vice President