Agenda – Council – May 27, 2015

Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 15 Assignment of Servicing Agreement AG 566/2005
1007 Sinclair Street
(Old Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On May 20, 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 566/2005 from 6086498 Manitoba Ltd. to Kingsbury Court 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 – May 12, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2015, 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 May 12, 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 566/2005**
1007 SINCLAIR STREET

Critical Path: **STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT → EXECUTIVE POLICY COMMITTEE → COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K.Raban	M. Pittet	N/A	M. Jack A/COO

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 566/2005 from 6086498 Manitoba Ltd. to Kingsbury Court 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.

EXECUTIVE SUMMARY

Pursuant to Servicing Agreement AG 566/2005, the Developer is required to install a wastewater sewer and watermain within the Public right-of-way to provide service to the Planned Area.

6086498 Manitoba Ltd. and Kingsbury Court Inc. have requested the City's consent to the assignment by 6086498 Manitoba Ltd. of all its rights, entitlements, interests and obligations as Developer under Servicing Agreement AG 566/2005 to Kingsbury Court Inc. The Winnipeg

Public Service has no objection to this request. Council has consented to the assignment of Servicing Agreements in the past.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable Kingsbury Court Inc. to complete the required servicing obligations for Lot 2 under DASSF 566/2005 pursuant to the terms and conditions of Servicing Agreement AG 566/2005.

HISTORY

The City entered into Servicing Agreement AG 566/2005 with 5268045 Manitoba Ltd. effective April 4, 2006. The subdivision mylars and related documents under related subdivision application DASSF 566/2005 were released on February 7, 2007 by the City to the Developer and registered in the Winnipeg Land Titles Office on February 23, 2007 under Plan No. 45884. The Planned Area is shown in Appendix “A”.

On January 26, 2011, Council approved a consent request for the assignment of Servicing Agreement AG 566/05 by 5268045 Manitoba Ltd. to 6086498 Manitoba Ltd. and on March 1, 2011 an Addendum Agreement was executed with 6086498 Manitoba Ltd. to effect the legal transfer of the Agreement.

On April 24, 2015, 6086498 Manitoba Ltd. and a new proponent Kingsbury Court Inc., requested the City’s consent to allow Kingsbury Court Inc. to legally assume responsibility for Servicing Agreement AG 566/2005. Attached as Appendix “B” is a document, signed by both 6086498 Manitoba Ltd. and Kingsbury Court Inc. agreeing to the assignment of Servicing Agreement AG 566/2005.

Servicing requirements under AG 566/2005 include the installation and construction of wastewater sewers and watermains to serve the Planned Area. The Developer (6086498 Manitoba Ltd.) had provided the City with a Letter of Credit to guarantee the servicing requirements under the Agreement. The new proponent, Kingsbury Court Inc. is in the process of making arrangements for a new Letter of Credit at current estimated construction costs to be provided to the City as part of the required Agreement security. Upon receipt and acceptance of the new Letter of Credit, the Letter of Credit provided by 6086498 Manitoba Ltd. will be returned.

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: April 29, 2015

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 566/2005 1007 SINCLAIR STREET

COMMENTS:

There are no financial implications associated with this report.

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

CONSULTATION

In preparing this Report there was consultation with:

n/a

OURWINNIPEG POLICY ALIGNMENT

In accordance with OurWinnipeg policies, intensification of land-uses through the development application process is supported when a full range of municipal services is provided. Installation of services pursuant to AG 566/2005 is necessary to align with those policies. The assignment of AG 566/2005 is supported in fulfillment to those development requirements.

Reference: Subsection **01-1a OURWINNIPEG 'S APPROACH TO CITY BUILDING**
Direction 3: Promote compact urban form and manage the extension of municipal services for new growth.

Enabling Strategies:
> Define 'full range of municipal services' as piped water, piped wastewater, piped land drainage, and an urban standard roadway.
> Enable the intensification of land-uses through the development application process only when a full range of municipal services is provided.

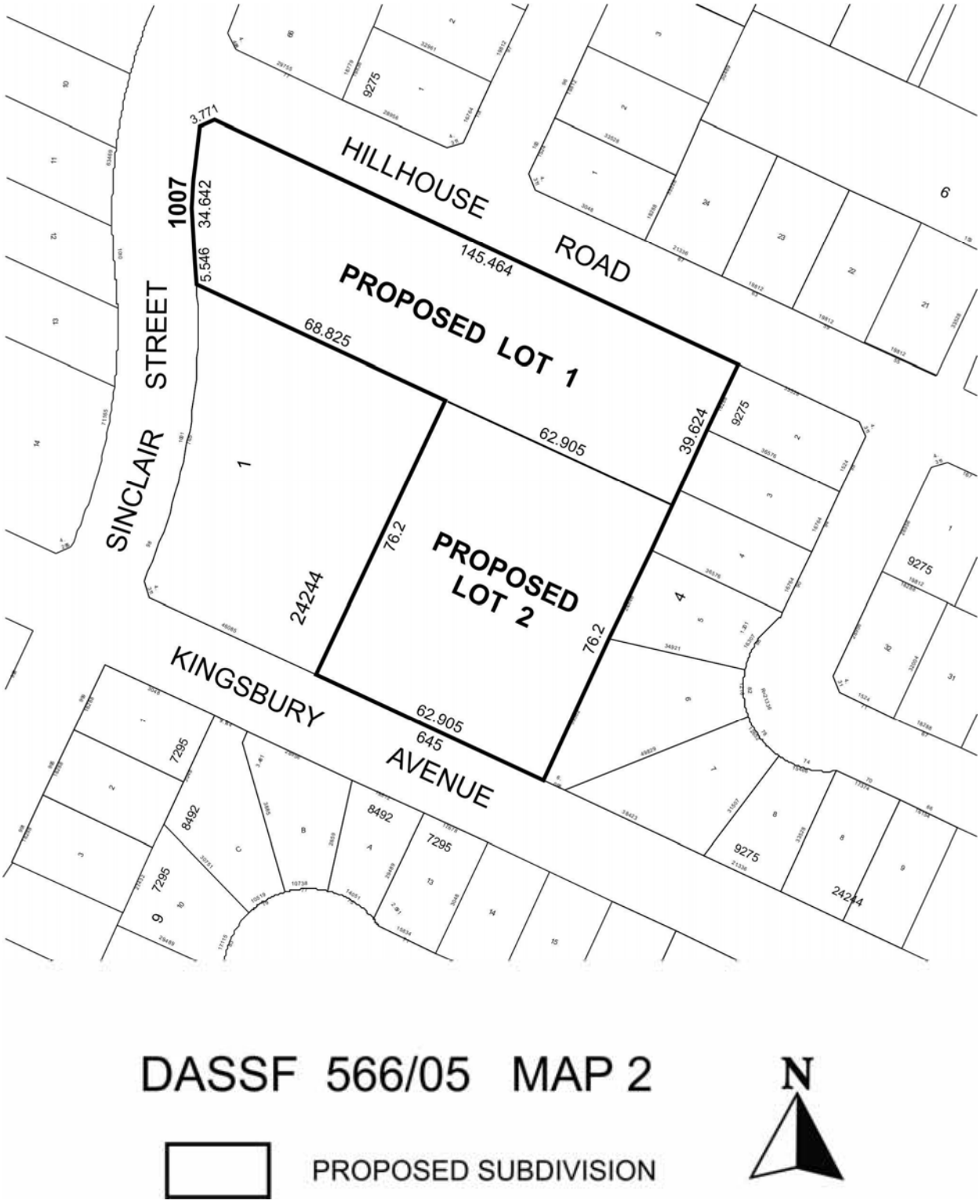
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R.R. Deighton, P.Eng.
Date:	April 28, 2015
File No.	AG 566/2005 c/r DASSF 566/2005

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 566-2005 Assignment - RIS -rd Rpt.doc

APPENDIX "A"


HILLHOUSE ROAD
SINCLAIR STREET
KINGSBURY AVENUE
1007
3.771
34.642
5.546
145.464
68.825
62.905
39.624
76.2
62.905
76.2
645
PROPOSED LOT 1
PROPOSED LOT 2
24244
9275
7295
8492
DASSF 566/05 MAP 2
N
PROPOSED SUBDIVISION

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

WHEREAS

1. 5268045 Manitoba Ltd. ("5268045") and The City of Winnipeg ("City") entered into Development Agreement No. AG 566/05 dated April 4, 2006 respecting land located at 1007 Sinclair Street in the city of Winnipeg, Province of Manitoba ("AG 566/05");

2. On January 26, 2011 the City consented to 5268045 assigning AG 566/05 and all of 5268045's rights, entitlements, interests and obligations as the Developer under AG 566/05 to 6086498 Manitoba Ltd. ("6086498"); and

3. 6086498 and Kingsbury Court Inc. ("Kingsbury") are requesting the City's consent to 6086498 assigning AG 566/05 and all of 6086498's rights, entitlements, interests and obligations as the Developer under AG 566/05 to Kingsbury.

NOW THEREFORE in consideration of one dollar ($1.00) paid by each of 6086498 and Kingsbury to the other, the receipt and sufficiency of which 6086498 and Kingsbury hereby acknowledge, 6086498 and Kingsbury covenant and agree that:

1. 6086498 hereby assigns AG 566/05 and all of 6086498's rights, entitlements, interests and obligations as Developer under AG 566/05 to Kingsbury.

2. Kingsbury hereby agrees to 6086498 assigning AG 566/05 and all of 6086498's rights, entitlements, interests and obligations as Developer under AG 566/05 to Kingsbury.

SIGNED, SEALED and DELIVERED this 23rd day of April, ~~2014~~ 2015

BY: **6086498 MANITOBA LTD.**

Witness (signature): _____ Per (signature): _____

Name (print): Neil Santos Name (print): Sikander Pandher

Address (print) 36-1010 Wilkes Ave Wpg, MB R3P 2S4 Title (print): President (affix corporate seal)

I have authority to bind 6086498 Manitoba Ltd.

AND this 24th day of April, ~~2014~~ 2015

BY: **KINGSBURY COURT INC.**

Witness (signature): _____ Per (signature): _____

Name (print): Michelle Escoto Name (print): Tahir Malik

Address (print) 1275 Charleswood Rd Title (print): President (affix corporate seal)

Wpg, MB R3S 1C3

I have authority to bind Kingsbury Court Inc.