Agenda – Council – December 9, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

Item No. 10 Assignment of Servicing Agreement – 1201 St. Anne's Road (St. Vital Ward) File AG 25/2012

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the City consent to the assignment of Servicing Agreement AG 25/2012 from Colindale Construction Inc. to Oakgrove Enterprises Inc. subject to Oakgrove Enterprises Inc. posting securities as determined suitable by and to the satisfaction of the Director of Legal Services/City Solicitor.

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

Agenda – Council – December 9, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 25/2012**
1201 St. Anne's Road

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	M. Jack COO

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 25/2012 from Colindale Construction Inc. to Oakgrove Enterprises Inc. subject to Oakgrove Enterprises Inc. posting securities as determined suitable by and to the satisfaction of the Director of Legal Services/City Solicitor.

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

Colindale Construction Inc. and Oakgrove Enterprises Inc. have requested the City's consent to the assignment by Colindale Construction Inc. of all its rights, entitlements, interests and obligations as Developer under Servicing Agreement AG 25/2012 to Oakgrove Enterprises Inc.

The Winnipeg Public Service has no objection to this request subject to the new proponent providing suitable Agreement obligation securities as determined by and to the satisfaction of the City.

Council has consented to the assignment of Servicing Agreements in the past.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable Oakgrove Enterprises Inc. to complete the development of this property including required public pathway construction pursuant to the terms and conditions of Servicing Agreement AG 25/2012.

HISTORY

The City entered into Servicing Agreement AG 25/2012 with Colindale Construction Inc. effective January 30, 2013. The subdivision mylars and related documents were released on January 5, 2015 by the City to the Developer and registered in the Winnipeg Land Titles Office on January 28, 2015 under Plan No. 57112. The Planned Area is shown in Appendix "A".

Pursuant to Servicing Agreement AG 25/2012, the Developer is required, without limitation to:

- Pay land drainage trunk charges
- Pay for improvements in St. Anne's Road
- Pay for Seine River Waterway Charges
- Pay for Agreement Administration Fees, and
- Construct a multi-use, granular-surfaced public pathway within the Seine River Greenway

On January 5, 2015 Colindale Construction Inc. made the above payments to the City and provided the City with a cash security to guarantee agreement obligations including the construction of the public pathway along the Seine River.

On March 24, 2015 the City pursuant to terms of the Agreement reimbursed the Developer for lands acquired for purposes of the Seine River Waterway Acquisition.

In brief, the remaining servicing obligations include the construction of a public granular pathway and survey monument certifications. The Developer (Colindale Construction Inc.) has provided the City with a cash deposit in the amount of $8,290 to guarantee outstanding Agreement obligations.

The new proponent (Oakgrove Enterprises Inc.) as part of the recommendations of approval will be required to provide a satisfactory replacement cash security or Letter of Credit in the same amount of the current posting (i.e.; $8,290). As an alternative Colindale Construction Inc. may choose to authorize the City to refund cash deposits to Oakgrove Enterprises Inc. which would negate the need for required security refunds and collections as part of the assignment financial considerations.

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: October 26, 2015

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 25/2012 1201 St. Anne's Road

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-use is supported when a full range of municipal services is provided. Payment for existing services and the construction of amenities aligns with those policies for development of the immediate area.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	K.T. Raban, P.Eng.
Date:	October 28, 2015
File No.	AG 25/2012 c/r DASZ 25/2012

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

Filename: \\cowsvpfs12\ppd02\GrpData\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\AG 25_12 Assignment Report - 1201 St.Annes Road.doc

APPENDIX "A"



DASZ 25/12 MAP 2

PROPOSED SUBDIVISION

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

WHEREAS

1. Colindale Construction Inc. ("Colindale") and The City of Winnipeg ("City") entered into Servicing Agreement No. AG 25/12 dated January 30, 2013 respecting land located at 1201 St. Anne's Road in the City of Winnipeg, Province of Manitoba ("AG 25/12");

2. Colindale and Oakgrove Enterprises Inc. ("Oakgrove") are requesting the City's consent to Colindale assigning AG 25/12 and all of Colindale's rights, entitlements, interests and obligations as the Developer under AG 25/12 to Oakgrove.

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

1. Colindale hereby assigns AG 25/12 and all of Colindale's rights, entitlements, interests and obligations as Developer under AG 25/12 to Oakgrove.

2. Oakgrove hereby agrees to Colindale assigning AG 25/12 and all of Colindale's rights, entitlements, interests and obligations as Developer under AG 25/12 to Oakgrove.

SIGNED, SEALED and DELIVERED this 23RD day of OCTOBER, 2015

BY: **COLINDALE CONSTRUCTION INC.**

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

Name (print): LISA DUER Name (print): COLIN PETERS

Address (print) 10 KIPLING LANE Title (print): PRESIDENT (affix corporate seal)

NIVERVILLE, MB R0A 0A2 *I have authority to bind Colindale Construction Inc.*

AND this 23RD day of OCTOBER, 2015

BY: **OAKGROVE ENTERPRISES INC.**

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

Name (print): LISA DUER Name (print): PAUL WARKENTIN

Address (print) 10 KIPLING LANE Title (print): PRESIDENT (affix corporate seal)

NIVERVILLE, MB R0A 0A2 *I have authority to bind Oakgrove Enterprises Inc.*