Agenda – Council – September 28, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 20, 2016

Item No. 8 Assignment of Servicing Agreement – Land Located at North East Corner of Leila Avenue and Pipeline Road (Old Kildonan Ward) File AG 8/1997

STANDING COMMITTEE RECOMMENDATION:

On September 21, 2016, 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 8/1997 from Ask Enterprises Inc. to 7289651 Manitoba Ltd. subject to the new Developer posting suitable Agreement securities as determined by and to the satisfaction of the City.

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, Heritage and Downtown Development – September 20, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2016, 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 September 20, 2016, 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 8/1997 – Land Located at North East Corner of Leila Avenue and Pipeline Road

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	D. McNeil

EXECUTIVE SUMMARY

Ask Enterprises Inc. and 7289651 Manitoba Ltd. have requested the City's consent to the assignment by Ask Enterprises Inc. of all its rights, entitlements, interests and obligations as Developer under Servicing Agreement AG 8/1997 to 7289651 Manitoba Ltd.

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

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 8/1997 from Ask Enterprises Inc. to 7289651 Manitoba Ltd. subject to the new Developer posting suitable Agreement securities as determined by and to the satisfaction of the City.

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 7289651 Manitoba Ltd. to complete the development of this property pursuant to the terms and conditions of Servicing Agreement AG 8/1997.

HISTORY

The City entered into Servicing Agreement AG 8/1997 with Ask Enterprises Inc. effective July 24, 1997. The Planned Area is shown in Appendix “A”.

Pursuant to Servicing Agreement AG 8/1997 the Developer is required to:

1. Make payments for the following items

    a. Land drainage trunk charges
    b. Off-site services
    c. Land dedication
    d. Administration fees

2. Complete the following works

    a. Certification of survey plan 44552
    b. Sidewalk along Pipeline Road
    c. Litter control and clean up
    d. Public Works as-builts
    e. Boulevard sod
    f. Boulevard trees

Ask Enterprises Inc. has made all payments described in Item 1. above and the City currently has a letter of credit on file to guarantee completion of the works described in Item 2.

The Winnipeg Public Service has no objection to this assignment request, subject to the new proponent (7289651 Manitoba Ltd.) providing a satisfactory replacement Letter of Credit or cash security to guarantee completion of the works described in Item 2. above.

The Assignment of Servicing Agreement, signed by 7289651 Manitoba Ltd. and Ask Enterprises Inc. is included as Appendix “B”.

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

FINANCIAL IMPACT

Financial Impact Statement Date: July 15, 2016

Project Name:

ASSIGNMENT OF SERVICING AGREEMENT AG 8/1997 NORTH EAST CORNER OF LEILA AVENUE AND PIPELINE 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

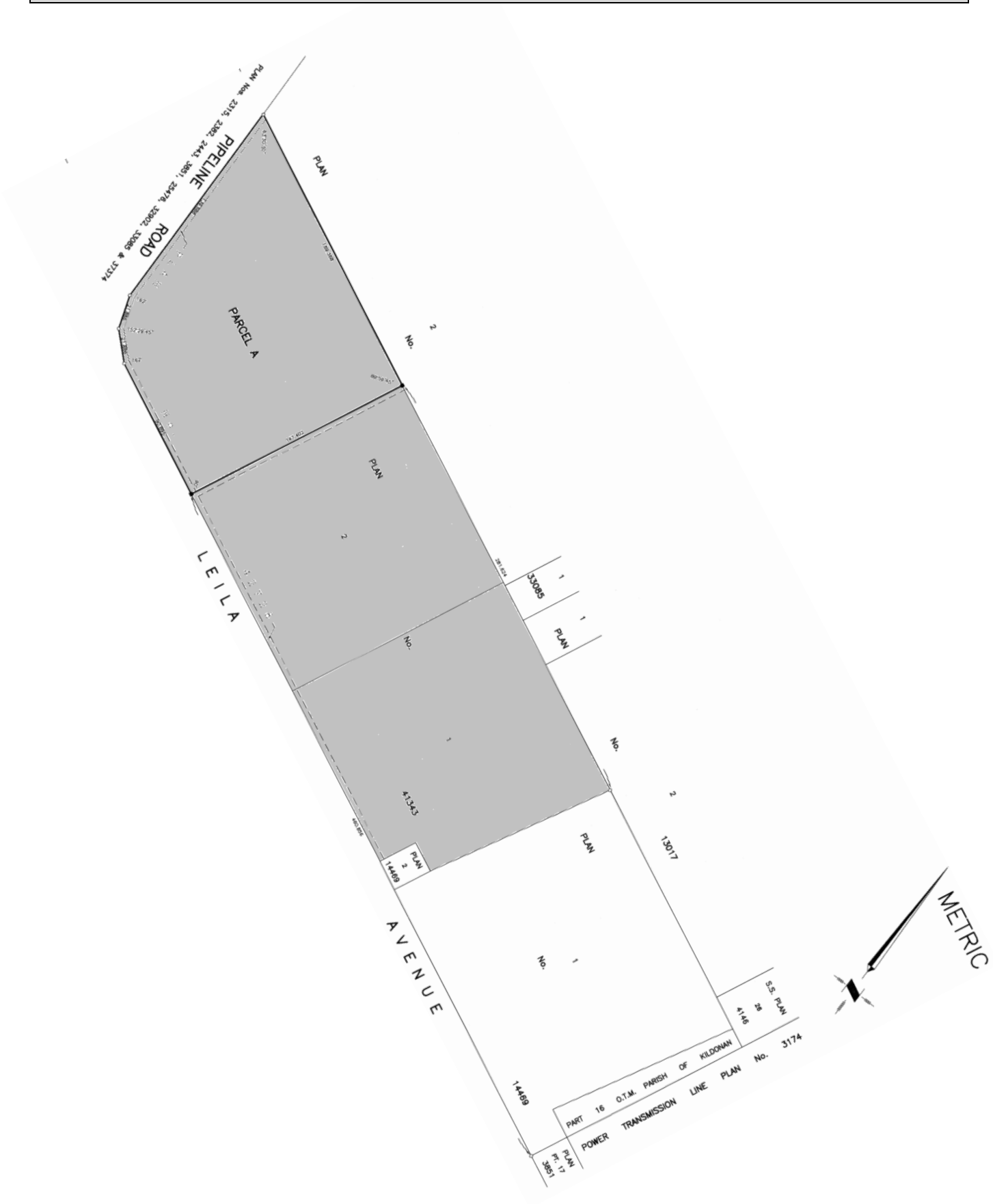
01-1a OurWinnipeg;s Approach to City Building
Direction 3: Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth
In accordance with OurWinnipeg policies, intensification of land-use is supported when a full range of municipal services is provided. Payment for existing 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:	July 19, 2016
File No.	AG 8/1997 c/r DASZ 8/1997 O:\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\AG 8_97 Assignment Report - Leila&Pipeline.doc

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

APPENDIX “A”


PIPELINE ROAD
PLAN Nos. 2315, 2382, 2443, 3851, 25476, 32802, 33085 & 37374
PARCEL A
PLAN No. 2
PLAN No. 1
33085
PLAN No. 1
41343
PLAN No. 2
13017
PLAN No. 1
14469
PLAN No. 2
14469
LEILA AVENUE
S.S. PLAN 26
4146
PART 16 O.T.M. PARISH OF KILDONAN
POWER TRANSMISSION LINE PLAN No. 3174
PLAN PT. 17
3851
METRIC

APPENDIX "B"

ASSIGNMENT OF SERVICING AGREEMENT

WHEREAS:

1. ASK ENTERPRISES INC. ("ASK") and The City of Winnipeg ("City") entered into Servicing Agreement No. AG 8/97 dated July 24, 1997 respecting the subdivision and rezoning of land located at Leila Avenue northeast corner of Pipeline Road in the City of Winnipeg, in the Province of Manitoba ("AG 8/97");

2. ASK and 7289651 Manitoba Ltd. ("728 Manitoba") are requesting the City's consent to ASK assigning AG 8/97 and all of ASK's rights, entitlements, interests and obligations as the Developer under AG 8/97 to 728 Manitoba.

NOW THEREFORE in consideration of one dollar ($1.00) paid by each of ASK and 728 Manitoba to the other, the receipt and sufficiency of which ASK and 728 Manitoba hereby acknowledge, ASK and 728 Manitoba covenant and agree that:

1. ASK hereby assigns AG 8/97 and all of ASK's rights, entitlements, interests and obligations as Developer under AG 8/97 to 728 Manitoba.

2. 728 Manitoba hereby agrees to ASK assigning AG 8/97 and all of ASK's rights, entitlements, interests and obligations as Developer under AG 8/97 to 728 Manitoba.

EXECUTED this 21 day of June, 2016.

Witness (signature): _____

Name (print): BARB PYLATYN

Address (print): 1000 - 330 St. Mary Ave
Wpg. MB R3C 3Z5

BY: ASK ENTERPRISES INC.

Per: (signature): _____

Name (print): Abe Anhang

Title (print): President

(affix corporate seal)

I have the authority to bind ASK Enterprises Inc.

EXECUTED this 16th day of June, 2016.

Witness (signature): _____

Name (print): Dykes Fuhrer

Address (print): 2200 - 201 Portage Ave
Wpg, Mb., R3B 3L3

BY: 7289651 MANITOBA LTD.

Per: (signature): _____

Name (print): Carmela Hoadley

Title (print): President

(affix corporate seal)

I have the authority to bind 7289651 Manitoba Ltd.