Minute No. 442
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

Item No. 15 Assignment of Development Agreement AG 14/81 – Subdivision and Rezoning of Land North of Beliveau Road and East of Eric Street (St. Vital Ward)

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. That the City consent to the assignment of Development Agreement AG 14/81 from Bonaventure Developments Ltd. to Waterside Development Corp.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 6, 2017

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 14, 2017, 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 June 6, 2017, 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 DEVELOPMENT AGREEMENT AG 14/81 – SUBDIVISION AND REZONING OF LAND NORTH OF BELIVEAU ROAD AND EAST OF ERIC STREET

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

Bonaventure Developments Ltd. and Waterside Development Corp. have requested the City's consent to the assignment by Bonaventure Developments Ltd. of all its rights, entitlements, interests and obligations as Developer under Development Agreement AG 14/81 to Waterside Development Corp.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the City consent to the assignment of Development Agreement AG 14/81 from Bonaventure Developments Ltd. to Waterside Development Corp.

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 Development Agreement requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable Waterside Development Corp. (Waterside) to assume all rights, entitlements, interests and obligations of Development Agreement AG 14/81, including developer paybacks.

HISTORY/DISCUSSION

The City entered into Development Agreement AG 14/81 with Bonaventure Developments Ltd. (Bonaventure) effective August 19, 1981. The Planned Area is shown in Appendix “A” attached.

Bonaventure has made all payments, registered all plans and transfers of land, and has fully serviced the Planned Area to the satisfaction of the City, effectively satisfying all of their covenants contained in Development Agreement AG 14/81.

The only outstanding matter is a potential future developer payback for privately-owned properties adjacent to the Planned Area in accordance with the Agreement. To this end, Bonaventure and Waterside have agreed, through private agreement, and by the City consenting to this assignment, that if and when these privately-owned lands are developed, that Waterside will be entitled to receive any future recoveries made by the City, from the date of this assignment.

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

FINANCIAL IMPACT

Financial Impact Statement Date: April 19, 2017

Project Name:

ASSIGNMENT OF DEVELOPMENT AGREEMENT AG 14/81 – SUBDIVISION AND REZONING OF LAND NORTH OF BELIVEAU ROAD AND EAST OF ERIC STREET

COMMENTS:

There are no direct financial implications to the City 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 required 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:	Rob Deighton, P.Eng., Land Development Coordinator
Date:	April 25, 2017
File No.	AG 14/81 c/r DASZ 14/1981

/KTR

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

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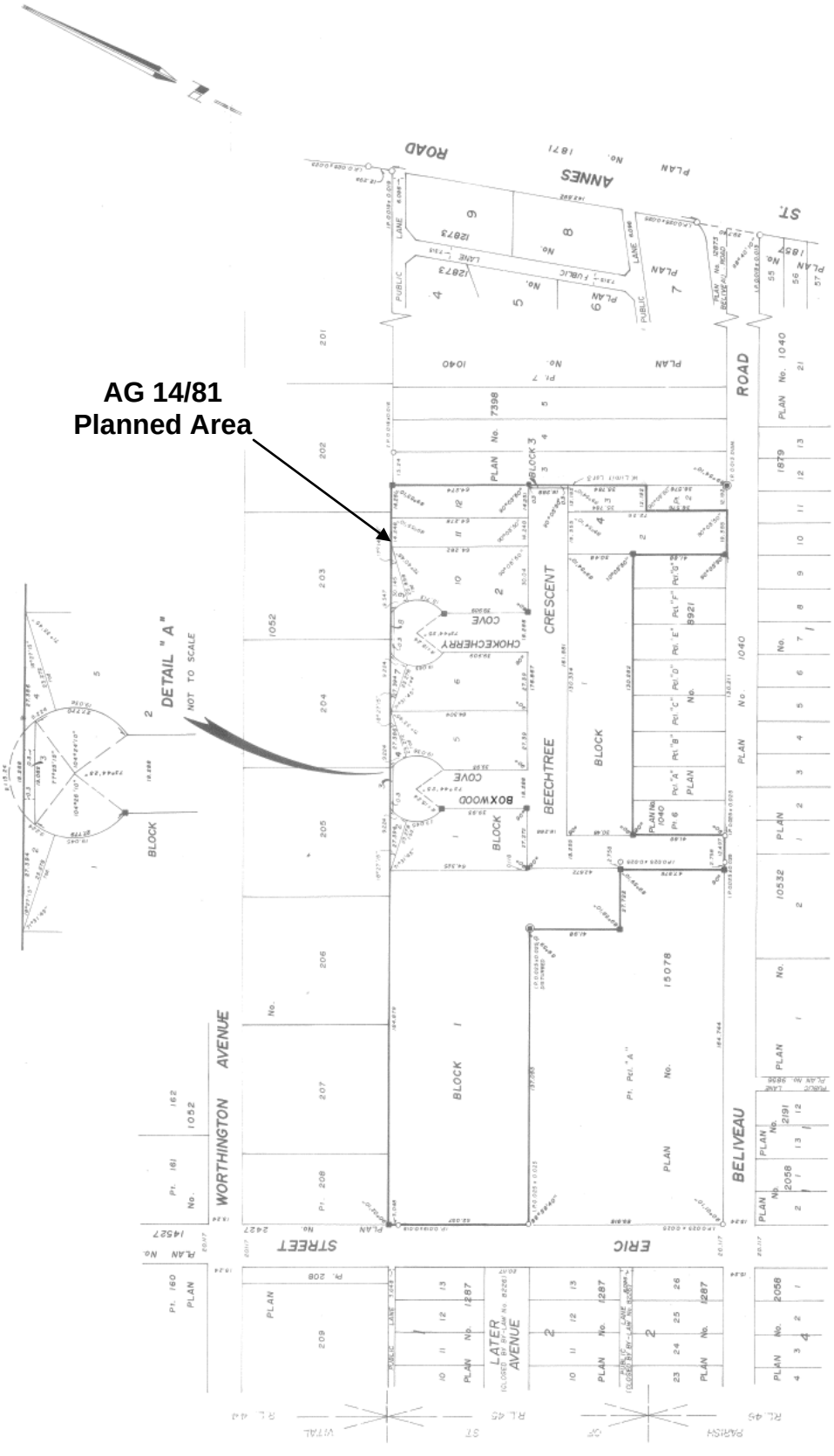
APPENDIX "A"


AG 14/81
Planned Area
DETAIL "A"
NOT TO SCALE
ROAD
CRESCENT
BEECHTREE
BLOCK
COVE
CHOKECHERRY
BOXWOOD
WORTHINGTON AVENUE
STREET
ERIC
BELIVEAU
LATER AVENUE

APPENDIX "B"

ASSIGNMENT OF DEVELOPMENT AGREEMENT

WHEREAS:

1. Bonaventure Developments Ltd. ("Bonaventure") and The City of Winnipeg ("City") entered into a Development Agreement No. AG 14/81 dated August 19, 1981 respecting the subdivision and rezoning of land north of Beliveau Road east of Eric, Winnipeg, in the Province of Manitoba ("AG 14/81");
2. Bonaventure and Waterside Development Corp. ("Waterside") are requesting the City's consent to Bonaventure assigning AG 14/81 and all of Bonaventure's rights, entitlements, interests and obligations as the Developer under AG 14/81 to Waterside.

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

1. Bonaventure hereby assigns AG 14/81 and all of Bonaventure's rights, entitlements, interests and obligations as Developer under AG 14/81 to Waterside.
2. Waterside hereby agrees to Bonaventure assigning AG 14/81 and all of Bonaventure's rights, entitlements, interests and obligations as Developer under AG 14/81 to Waterside.

EXECUTED this 31 day of March, 2017.

Witness (signature): _____

Name (print): Robert Doolan

Address (print): 3615 Roblin Blvd WPG

BY: BONAVENTURE DEVELOPMENTS LTD.

Per: (signature): _____

Name (print): Brenden Wernec

Title (print): President

I have the authority to bind Bonaventure Developments Ltd.

EXECUTED this 31 day of March, 2017.

Witness (signature): _____

Name (print): Robert Doolan

Address (print): 3615 Roblin Blvd WPG

BY: WATERSIDE DEVELOPMENTS LTD.

Per: (signature): _____

Name (print): William McGarry

Title (print): President

I have the authority to bind Waterside Development Corp.