Minute No. 234
Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – February 1, 2018

Item No. 2 Proposed Agreement for Services – Water Main Works – 1486 Regent Avenue West

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and adopted the following:

1. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with Frontier Acquisition Inc. on the terms set out in the attached Letter of Understanding and to fulfill all the requirements outlined in the Letter of Understanding, and such other agreements as are determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the "Ancillary Agreements").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Agreement for Services and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

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

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DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 1, 2018, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: PROPOSED AGREEMENT FOR SERVICES – WATER MAIN WORKS – 1486 REGENT AVENUE WEST

Critical Path: The Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. K. Patton, P. Eng. Manager, Engineering Services	M. L. Geer, CPA, CA Director, Water and Waste Department	n/a	D. McNeil

EXECUTIVE SUMMARY

The landowner, Frontier Acquisition Inc., wishes to construct a commercial structure at 1486 Regent Avenue West. The structure was proposed to be located within an existing easement, in close proximity to an existing water main within this easement. Developing the land in this manner requires the construction and installation of a new water main and associated works, along an alternate route through the property, as well as appropriate abandonment or removal of a portion of the existing water main and associated works.

An Agreement for Services with the landowner is required to allow the landowner to proceed with undertaking water main services as part of developing the property.

RECOMMENDATIONS

1. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with Frontier Acquisition Inc. on the terms set out in the attached Letter of Understanding and to fulfill all the requirements outlined in the Letter of Understanding, and such other agreements as are determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the “Ancillary Agreements”).

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Agreement for Services and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

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

REASON FOR THE REPORT

The proposed Agreement for Services requires City Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with the recommendations will enable servicing conditions to be applied to the development of the property located at 1486 Regent Avenue West.

HISTORY / DISCUSSION

In June 2017, the Water and Waste Department received plans associated with a future Frontier Acquisition Inc. building permit application for the property located at 1486 Regent Avenue West shown outlined on the Misc. Plan No. 15231 in the attachment (See Schedule A)("Land"). During the plan review process it was determined by the Water and Waste Department that a new water main and associated works were required to be constructed, along with abandonment or removal of a portion of the existing water main and associated works ("WM Relocation"), to support the development proposal while mitigating the risk to the water distribution system.

The most recent subdivision or rezoning application related to the subject property was DASSF 533/2007. Based on the development plans known at the time of the review of that subdivision proposal, the WM Relocation was not required for the site's development and the WM Relocation was not included as a condition of subdivision approval. Therefore, the appropriate mechanism for undertaking the WM Relocation to support the current development plans is for the City and Frontier Acquisition Inc. to enter into an agreement under Section 211 of the City of Winnipeg Charter for Frontier Acquisition Inc. to undertake the WM Relocation. Section 211 permits the City to enter into agreements with any person to provide services in the City.

In September 2017, the City and Frontier Acquisition Inc. signed a Letter of Understanding (LOU) (see Appendix "A"). The purpose of this LOU was to outline the common understanding of the City and Frontier Acquisition Inc. regarding Frontier Acquisition Inc.'s obligation to undertake the WM Relocation to support the development proposal while mitigating the risk to the water distribution system.

Frontier Acquisition Inc. will be responsible for all costs associated with undertaking the WM Relocation, including the cost of engineering services. After completion of a warranty period, the City will be responsible for the new water main and associated works for the remainder of its service life.

Before Frontier Acquisition Inc. (or Frontier Acquisition Inc.'s contractor) can commence the WM Relocation in order to develop the Land as proposed, Council approval of the proposed

Agreement for Services, and signature of the Agreement by the City and Frontier Acquisition Inc., are necessary.

There have been a series of revisions to the development plan or associated servicing plan after full execution of the LOU. However, the need for the WM Relocation remains, to support the development proposal while mitigating the risk to the water distribution system.

FINANCIAL IMPACT

Financial Impact Statemen Date: January 10, 2018

Project Name:
PROPOSED AGREEMENT FOR SERVICES – WATER MAIN WORKS – 1486 REGENT AVENUE WEST

COMMENTS:

There is no financial impact associated with this recommendations in this report.

"Original signed by L. Szkwarek, CPA, CGA"
Lucy Szkwarek, CPA, CGA
Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:

- Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

OurWinnipeg Reference:

01-1a OurWinnipeg's Approach to City Building
Direction 3: Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: M. Gajda, P. Eng., Services Development Engineer
Date: January 10, 2018
File No.: DASSF 533/07
CC: A. Bellhouse, Solicitor, Legal Services Department

ATTACHMENTS: Appendix A – Letter of Understanding