Proposed Amendment to Whyte Ridge Development Agreement AG 3/89 between the City and Qualico Developments Ltd.

File DASZ 3/89

1. The Standing Policy Committee on Property and Development has been advised that under the terms of Development Agreement AG 3/89, the Developer is required to upgrade Brady Road abutting the Whyte Ridge subdivision between McGillivray Boulevard and Fleetwood Road. The formula for determining the Developer's share of the cost of that upgrading is clearly specified in the Development Agreement and has been estimated based on 2002 Local Improvement rates at $380,000.00. The Developer's limited funding would allow construction of a substantially sub-standard asphalt pavement cross-section compared to other City streets. Recognizing this and noting that Brady Road is used extensively by housing building construction traffic, improving Brady Road from its current gravel road standard to an asphalt roadway has been intentionally delayed.

In the meantime, residents in the new housing development adjacent to Brady Road are dissatisfied with the existing dusty gravel road. The Administration is of the view it is appropriate to request that the Developer proceed with the asphalt paving of Brady Road as soon as possible in the 2002 construction season.

Further recognizing that Brady Road will most certainly have an increase in traffic subsequent to its improvement to an asphalt pavement, the Administration recommended that the City supplement the Developer's limited financial commitment to Brady Road and construct a heavier duty road cross-section (similar to Wilkes Avenue) that will withstand the anticipated traffic and eliminate the need for any spring weight restriction considerations. The estimated cost to the City for the Brady Road enhancement is $298,000.00.

When the Brady Road surface improvements are constructed; as a safety measure, it would be desirable that a westbound by-pass lane be constructed in McGillivray Boulevard at Brady Road to allow westbound traffic to proceed while other vehicles are attempting to turn left off McGillivray Boulevard onto Brady Road. This by-pass lane would be similar in appearance to that constructed in Waverley Street at Sandusky Drive. The estimated cost to the City for the McGillivray Boulevard by-lass lane is $148,400.00.

Funds for the City's share of the cost of the above projects are available in a previously approved 1998 Capital program (Developer Payback Account, number 5198150701) in the estimated amount of $446,400.00.

On April 16, 2002, the Assiniboia Community Committee concurred in the recommendations contained in the report dated April 8, 2002, from the Land Development Engineer, Planning, Property and Development Department, and recommended that the Development Agreement AG 3/89 be amended as set out below.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

The Standing Policy Committee on Property and Development recommends:

I. That the Whyte Ridge Development Agreement AG 3/89 between the City and Qualico Developments Ltd. be amended by adding clauses to the effect that:

A. The Developer shall install enhanced roadway improvements in Brady Road between McGillivray Boulevard and Fleetwood Road as determined by the Director of Public Works.

B. The Developer shall install a westbound bypass lane in McGillivray Boulevard at Brady Road as determined by the Director of Public Works.

C. The City shall reimburse the Developer for the difference between the cost of the enhanced works and the Developer's share of the cost of upgrading Brady Road as currently stipulated in the agreement.

D. The City shall reimburse the Developer for the full cost of constructing the works on McGillivray Boulevard.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.