Minute No. 424
Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 17 **Development Agreement Amendment - Island Lakes Development Agreement AG l/95**
File DASZ l/95

COUNCIL DECISION:

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

1. That Development Agreement AG 1/95 be amended by deleting the following:

   "27. Fencing
   The Developer shall on demand, at no expense to the City, erect a uniform wooden fence at the rear of single family development along the north side of Warde Avenue to the satisfaction of the Commissioner of Planning and Community Services and the Commissioner of Works and Operations."

2. 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 Pagtakhan,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 20, 2004, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

Re: Proposed amendment to Island Lakes Development Agreement AG 1/95 – Novamet Development Corporation

Under the terms of Development Agreement AG 14/88 between the City and Novamet Development Corporation (Novamet), which agreement covers Treasure Cove, Harbours End and Arpin Bay, Novamet is required to construct a berm within the 20m Public Reserve adjacent to Warde Avenue. There is no requirement for a fence.

Under the terms of Development Agreement AG 1/95 between the City and Novamet, which agreement covers Frigate Bay, Brian Monkman Bay, and a reconfiguration of Arpin Bay, Novamet is required to construct a berm and a fence within the 20m Public Reserve adjacent to Warde Avenue. The administration had recommended that a 20m Public Reserve not be established along this section of Warde Avenue and that a fence be constructed along the north limit of Warde Avenue. The Riel Community Committee did not agree with the administration and decided that a 20m Public Reserve be established and a berm be constructed to match the requirements of AG 14/88 to the east. It is obvious that the fence which had been recommended by the administration was inadvertently left as a condition of approval.

In a letter dated January 5, 2004, Novamet requested that Development Agreement AG 1/95 be amended to delete the requirement that a fence be constructed within the limits of AG 1/95. The administration has reviewed Novamet's request and is in agreement with that request.

It is therefore recommended that Development Agreement AG 1/95 between the City and Novamet Development Corporation be amended by deleting therefrom Clause 27. which reads as follows:

"27. Fencing
The Developer shall on demand, at no expense to the City, erect a uniform wooden fence at the rear of single family development along the north side of Warde Avenue to the satisfaction of the Commissioner of Planning and Community Services and the Commissioner of Works and Operations."

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 1/95
March 9, 2004

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division