Agenda – Council – June 27, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

Item No. 12 Approval of Short Form Subdivision Application, and Amendment to Servicing Agreement AG 32/14 – 250, 260 and 270 Peguis Street File DASSF 511/2024

STANDING COMMITTEE RECOMMENDATION:

On June 18, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the subdivision under Development Application No. DASSF 511/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the map attached as Schedule "C", as amended by recommendation 1. B., with such other changes as may be required, subject to the following conditions:

    A. That the Servicing Agreement dated March 25, 2015 (the "Servicing Agreement") entered into pursuant to Development Application DASZ 32/2014 between the City and 7080876 Manitoba Ltd. be amended as follows:

        i. Clause 7 be deleted in its entirety and replaced with:

            7. Ravelston Avenue West

                A. The Developer shall pay to the City, in cash on demand, their share of the costs of the following services to be installed in Ravelston Avenue West, by others, along the full length of the subject property abutting Ravelston Avenue West:

                i. A 7.5m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works (this would include 50% of the cost of construction of the roadway along the frontage of the plan area).

                ii. street lighting in the south boulevard

                iii. land drainage sewer

STANDING COMMITTEE RECOMMENDATION (continued):

all as determined by and to the satisfaction of the Director of Public Works. Based on the 2016 rates, that share is calculated as follows:

i. concrete lane (330 lin. ft. X 370.00/ft.) = $ 122,100.00

ii. street lighting (330 lin. ft. X 40.00/ft.) = 13,200.00

iii. land drainage sewer (330 lin.ft. X 40.00/ft.) = 13,200.00

B. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk and all related works, on the standard alignment, 0.3m from the property line, and/or on an alternative alignment in Ravelston Avenue West, along the full length of the subject property abutting Ravelston Avenue West, as determined by and to the satisfaction of the Director of Public Works.

C. Any payment towards this sidewalk previously collected by the City will be reimbursed to the Developer.

ii. A new condition be added as Clause 14 as follows:

The Developer shall, at no expense to the City, shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the “affected lots” (all lots which are to be services jointly), an appropriate joint services agreement or private easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

B. The Developer shall, at no expense to the City, legally open property required for a 0.942m widening to the Ravelston Avenue West right-of-way along the section indicated below abutting Ravelston Avenue West, to the satisfaction of the Director of Public Works.

Report – Standing Policy Committee on Property and Development – June 4, 2024

STANDING COMMITTEE RECOMMENDATION (continued):

C. That the City enter into, execute and deliver an agreement to amend the Servicing Agreement in accordance with recommendation 1 (the “Amending Agreement”) and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

D. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Amending Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Servicing Agreement is not fully executed and the Plan is not registered in the Winnipeg Land Titles Office within 2 years from the date of adoption of the report by Council, unless the Developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

Agenda – Council – June 27, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 18, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 4, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 28, 2024, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 1.A.i.7.A.i., add the words "(this would include 50% of the cost of construction of the roadway along the frontage of the plan area)." immediately after the words "all related works"

and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Approval of Short Form Subdivision Application, File No. DASSF 511/2024, and Amendment to Servicing Agreement AG 32/14 – 250, 260 and 270 Peguis Street

Critical Path: East Kildonan - Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage	N/A	N/A	N/A

EXECUTIVE SUMMARY

As a condition of approval of DASSF 511/2024 an amendment to the underlying AG 32/14 is proposed to construct the sidewalk along the length of the property and adjacent property.

The Winnipeg Public Service has identified servicing requirements resulting from proposed DASSF 511/2024 short-form subdivision application. After communicating these requirements to the applicant, a request was received from Sukhjit Bhandal, on behalf of 7080876 Manitoba Ltd., to amend the servicing agreement attached to 1286 and 1294 Ravelston Avenue West (AG 32/14) to address these requirements rather than enter into a new servicing agreement. The amendment would allow the developer to construct the adjacent Portland concrete sidewalk instead of paying their share.

The Public Service has no objection to this request.

RECOMMENDATIONS

1. That the subdivision under Development Application No. DASSF 511/2024 be approved for preparation as a plan of subdivision (the “Plan”) by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the map attached as Schedule “C”, as amended by recommendation 1. B., with such other changes as may be required, subject to the following conditions:

    A. That the Servicing Agreement dated March 25, 2015 (the “Servicing Agreement”) entered into pursuant to Development Application DASZ

32/2014 between the City and 7080876 Manitoba Ltd. be amended as follows:

i. Clause 7 be deleted in its entirety and replaced with:

7) Ravelston Avenue West
A. The Developer shall pay to the City, in cash on demand, their share of the costs of the following services to be installed in Ravelston Avenue West, by others, along the full length of the subject property abutting Ravelston Avenue West:
a) A 7.5m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works
b) street lighting in the south boulevard
c) land drainage sewer
all as determined by and to the satisfaction of the Director of Public Works. Based on the 2016 rates, that share is calculated as follows:
a) concrete lane (330 lin. ft. X 370.00/ft.) = $ 122,100.00
b) street lighting (330 lin. ft. X 40.00/ft.) = 13,200.00
c) land drainage sewer (330 lin.ft. X 40.00/ft.) = 13,200.00

B. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk and all related works, on the standard alignment, 0.3m from the property line, and/or on an alternative alignment in Ravelston Avenue West, along the full length of the subject property abutting Ravelston Avenue West, as determined by and to the satisfaction of the Director of Public Works.

C. Any payment towards this sidewalk previously collected by the City will be reimbursed to the Developer.

ii. A new condition be added as Clause 14 as follows:

The Developer shall, at no expense to the City, shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the “affected lots” (all lots which are to be services jointly), an appropriate joint services agreement or private easement agreement with owners of the other affected lots to enable the joint servicing of lots in the Planned Area not fronting on streets with water, wastewater and land drainage services. Said agreement shall further absolve the City from any costs or responsibility for the private joint services.

B. The Developer shall, at no expense to the City, legally open property required for a 0.942m widening to the Ravelston Avenue West right-of-

way along the section indicated below abutting Ravelston Avenue West, to the satisfaction of the Director of Public Works.

C. That the City enter into, execute and deliver an agreement to amend the Servicing Agreement in accordance with recommendation 1 (the “Amending Agreement”) and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

D. That authority be delegated to the City’s Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Amending Agreement, and any Ancillary Agreements, in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

2. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Servicing Agreement is not fully executed and the Plan is not registered in the Winnipeg Land Titles Office within 2 years from the date of adoption of the report by Council, unless the Developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.

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

Council is the approving authority in respect of a DASSF where the Public Service recommends that an agreement be required as a condition of approval.

Council approval is required for a Servicing Agreement Amendment.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable servicing conditions to be applied to this application via a Servicing Agreement Amendment and allow the Developer to complete the construction of the Public sidewalk fronting their development.

HISTORY/DISCUSSION

On March 25th, 2015 Council approved the subdivision and rezoning on land located at 1286 and 1290 Ravelston Avenue West. Pursuant to the above-referenced approval, the Developer, 7080876 Manitoba Ltd. entered into Servicing Agreement AG 32/14 with the City of Winnipeg outlining the servicing obligations related to property. This included a condition to pay their share of the cost of services to be installed in the fronting street in accordance with Schedule "C", Section I, Clause 7 of AG 32/14 as follows.

7) <u>Ravelston Avenue West</u>
   The Developer shall, pay to the City, in cash, on demand, their share of the costs of the following services to be installed in Ravelston Avenue West, by others, along the full length of the subject property abutting Ravelston Avenue West:
   a) A 7.5m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works
   b) Street lighting in the south boulevard
   c) A 1.5m in width by 100mm in thickness Portland cement concrete sidewalk
   d) Land drainage sewer all as determined by and to the satisfaction of the Director of Public Works.

A subdivision application was made for the subject land under DASSF 511/2024. During the circulation it was identified that the sidewalk has not yet been constructed. Previously it was intended to be constructed under two (2) other development agreements, however due to timing issues this did not occur. The Public Service identified that the only reasonable way to have the sidewalk constructed in a timely manner was to do it under the DASSF application and communicated the requirement to the proponent.

Correspondence was received from Sukhjit Bhandal on behalf of 7080876 Manitoba Ltd.
to consider a formal request to amend the development agreement. The request is in lieu of a subdivision agreement and to replace the requirement pay their share with an obligation to construct the sidewalk.
The Public Service has no objection to this request. This would provide for construction of the sidewalk and allow for a release of the applications security related to paying their share.
Therefore, it is recommended that the approval of DASSF 511/2024 subject to Section I, Clause 7 of Schedule "C" in the servicing agreement for AG 32/2014 as noted above be deleted and replaced with the following:

7) Ravelston Avenue West

A) The Developer shall, pay to the City, in cash, on demand, their share of the costs of the following services to be installed in Ravelston Avenue West, by others, along the full length of the subject property abutting Ravelston Avenue West:
   a) A 7.5m in width by 200mm in thickness Portland cement concrete lane of pavement and all related works
   b) Street lighting in the south boulevard
   c) Land drainage sewer

   all as determined by and to the satisfaction of the Director of Public Works.

   Based on the 2016 rates, that share is calculated as follows:
   a) concrete lane (330 lin. ft. X 370.00/ft.) = $ 122,100.00
   b) street lighting (330 lin. ft. X 40.00/ft.) = 13,200.00
   c) land drainage sewer (330 lin.ft. X 40.00/ft.) = 13,200.00

   GST @ 5% = …… $7,425
   TOTAL …….. $155,925.00

B) The Developer shall construct a 1.5m in width by 100mm in thickness Portland cement concrete sidewalk in Ravelston Avenue West, along the full length of the subject property abutting Ravelston Avenue West, as determined by and to the satisfaction of the Director of Public Works.

It is also recommended that the Developer enter into and register a joint services agreement or private easement agreement and modify their plan of subdivisions to fulfill the conditions outlined in the attached Schedule “B”, the report of the Administrative Coordinating Group.

CONSULTATION

This Report has been prepared in consultation with:

Public Works Department
Legal Services (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

This report aligns with OurWinnipeg 2045, Policy 6.36 Full Range of Municipal Services, by enabling the installation of the municipal services.

Objective: Facilitate planned and orderly development.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4
Facilitate Compact, Complete Development and Increase Density

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: K. Kowalyk, Land Development Engineer
Date: May 14, 2024
File No: DASZ 32/2014

Attachments: Appendix “A” –Letter Requesting Amendment from Applicant
Appendix “B” – DASZ 32/2014 Map of Plan Area
Appendix “C” – DASSF 511/2024 Map of Plan Area

SCHEDULE "A" – Proposed Plan of Subdivision

May 10, 2024

City of Winnipeg
Real Estate and Land Development
Planning, Property and Development
Unit 31 - 30 Fort Street
Winnipeg, MB.

Re: **1286, 1290 Ravelston Avenue, Winnipeg, MB**

(Proposed Address: 250, 260, 270 Peguis Street, Winnipeg, MB)

Development Agreement File No. AG 32/14

Letter of Amendment

Comm. No. 21004

To Michele Hammerberg:

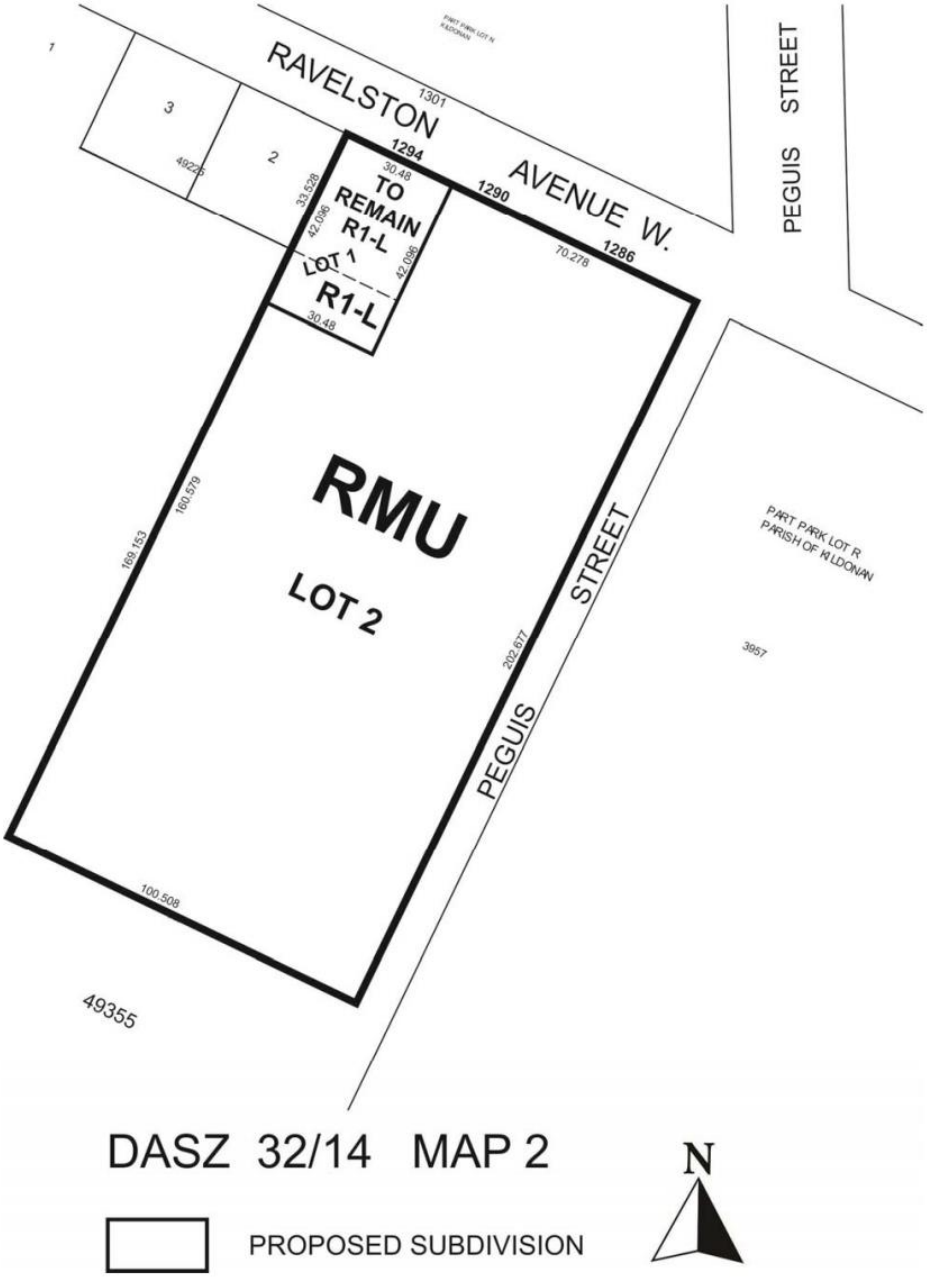
Please accept this correspondence as our wish to amend our Development Agreement File No. AG 32/14 related to 250, 260, 270 Peguis Street. The amendment we are requesting, in lieu of being required to enter into a new agreement,
is to revise Schedule C, Section I, Clause 7) c) from pay our share of the costs of the sidewalk to an obligation to construct. We understand our security held for the sidewalk will be released to us on final acceptance of the sidewalk.

Thank you

Yours truly,

Sukhjit Bhandal

SCHEDULE "B" – DASZ 32/2014 Map of Plan Area

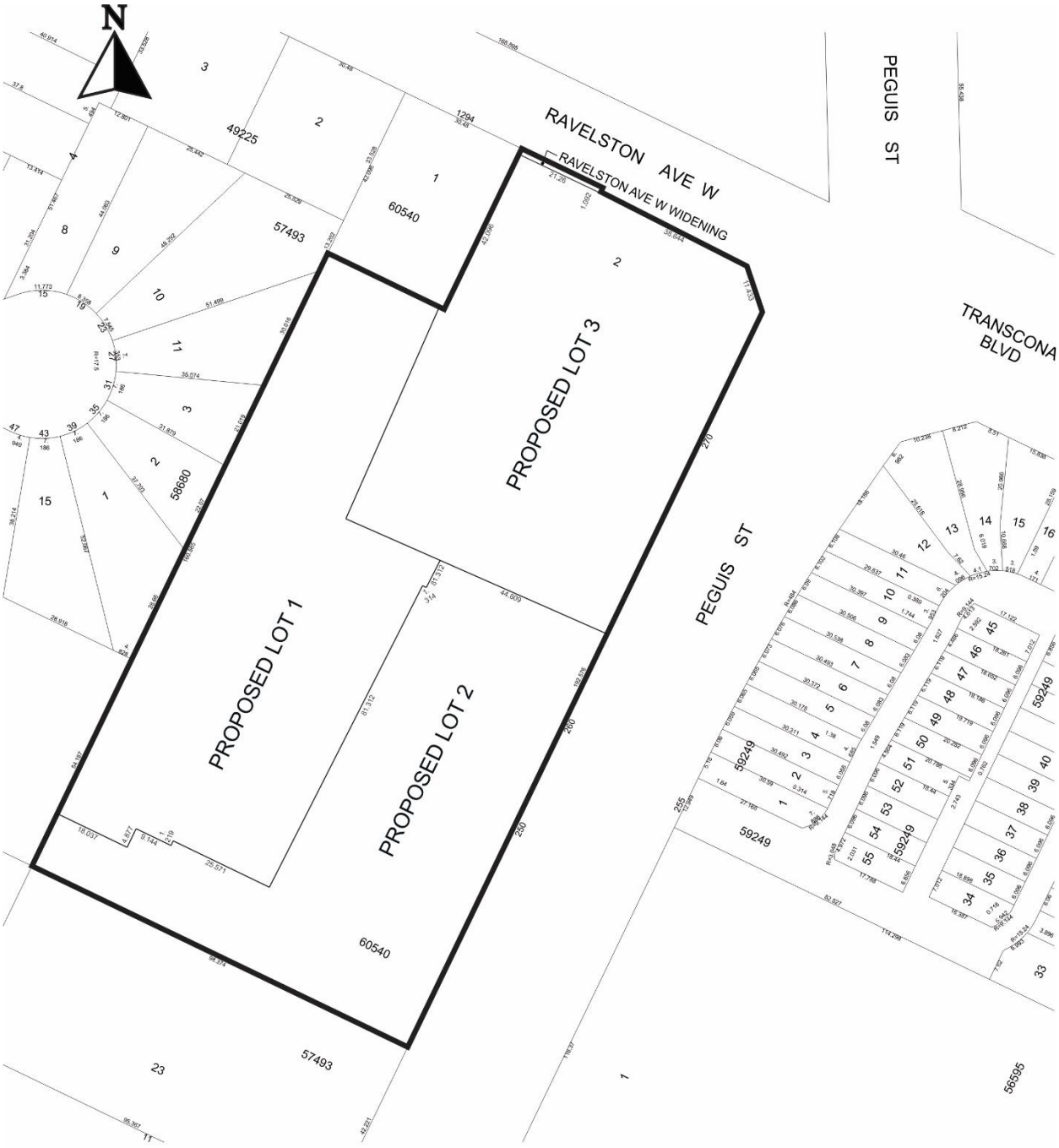


DASZ 32/14 MAP 2

PROPOSED SUBDIVISION

N

SCHEDULE "C" – DASSF 511/2024 Map of Plan Area



DASSF 511/2024 MAP 2

PROPOSED SUBDIVISION