Agenda – Council – November 21, 2024

Report – Standing Policy Committee on Property and Development – November 8, 2024

Item No. 8 Assignment of Servicing Agreement AG 29/19 – 901 Day Street (Transcona Ward)

STANDING COMMITTEE RECOMMENDATION:

On November 13, 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 City consent to the assignment of Servicing Agreement AG 29/19 from Vanguard Real Estate Ltd. to the Manitoba Inuit Association subject to the new Developer posting suitable Agreement securities as determined by and to the satisfaction of the City.

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

Agenda – Council – November 21, 2024

Report – Standing Policy Committee on Property and Development – November 8, 2024

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 13, 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 November 8, 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 October 30, 2024, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Assignment of Servicing Agreement AG 29/19 – 901 Day 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
M. Pittet	H. Borys		

EXECUTIVE SUMMARY

Vanguard Real Estate Ltd. (Boris Mednikov) has requested the City's consent to assign its rights and obligations under Servicing Agreement AG 29/19 to the Manitoba Inuit Association.

The Winnipeg Public Service has no objection to this assignment request, provided that the Manitoba Inuit Association provides a satisfactory Letter of Credit to secure the obligations under the Agreement.

RECOMMENDATIONS

1. That the City consent to the assignment of Servicing Agreement AG 29/19 from Vanguard Real Estate Ltd. to the Manitoba Inuit Association subject to the new Developer posting suitable Agreement securities as determined by and to the satisfaction of the City.
2. 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 assignment of a Servicing Agreement requires Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Public Service are concurred in, the Assignment of Servicing Agreement AG 29/19 can proceed as requested.

HISTORY/DISCUSSION

On March 20, 2020, Council approved DASZ 29/2019 (shown on Appendix “A”). A condition of approval was that Vanguard Real Estate Ltd. (the Developer) enter into a Servicing Agreement with the City of Winnipeg.

The City and Developer subsequently entered into Servicing Agreement no. AG 29/19, which obligates the Developer to:

1. Install a light standard at the northeast corner of Whittier Avenue and the public lane behind the site, as determined by and to the satisfaction of the Director of Public Works.
2. Plant or pay the cost to provide and plant boulevard trees on the north side of Whittier Avenue West flanking the site, as determined by and to the satisfaction of the Director of Public Works and Director of Planning, Property and Development.

In accordance with the terms and conditions of AG 29/19, Vanguard Real Estate Ltd. posted a Letter of Credit as Agreement security for the above noted works. The work has not yet been carried out.

Vanguard Real Estate Ltd. is now seeking to assign its rights and obligations under AG 29/19 to the Manitoba Inuit Association.

The Public Service has no objection to this assignment request, provided that the Manitoba Inuit Association provides a replacement Letter of Credit to ensure the completion of works required under AG 29/19.

The City will continue to hold Vanguards Real Estate Ltd.’s existing Letter of Credit until the replacement from the Manitoba Inuit Association has been provided.

The signed Assignment of Servicing Agreement from Vanguard Real Estate ltd. to the Manitoba Inuit Association is attached as Appendix “B” to this report.

FINANCIAL IMPACT

Financial Impact Statement

Date: **October 3, 2024**

Project Name:

Assignment of Servicing Agreement AG 29/19 – 901 Day Street

COMMENTS:

There are no direct financial implications associated with this report.

Mike McGinn Oct. 3, 2024

Mike McGinn, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- N/A

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building: *Promote compact urban form and manage the extension of municipal services for new growth: Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Climate Action Plan (CAP), and it was determined that the CAP is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

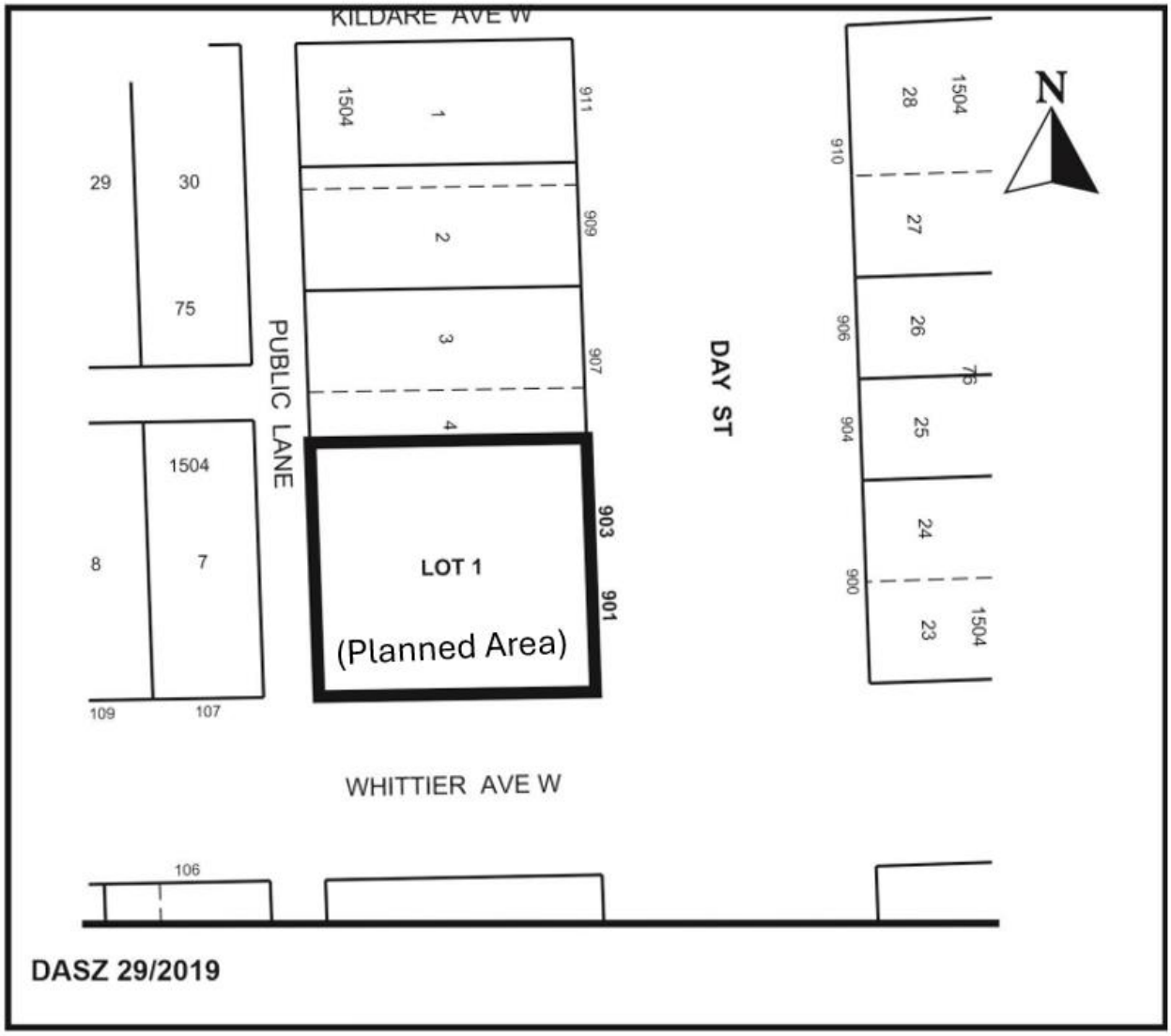
Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Rakvinder Hayer, Land Development Coordinator
Date: October 7, 2024
File No: AG 29/19 c/r DASZ 29/2019

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

APPENDIX "A" – Planned Area



DASZ 29/2019

APPENDIX "B" – CONSENT OF BOTH PARTIES TO ASSIGNMENT

ASSIGNMENT OF SERVICING AGREEMENT

WHEREAS:

1. Mednikov Developments Ltd.(previously known as VANGUARD REA ESTATE LTD.) and The City of Winnipeg(City) entered into Service Agreement No. AG 29/19 dated December 22, 2020 respecting the subdivision and rezoning of land located at 901&903 Day Street in the City of Winnipeg, in the Province of Manitoba("AG 29/19");
2. Mednikov Developments Ltd. and Manitoba Inuit Association are requesting the City's consent to Mednikov Developments Ltd. Assigning AG 29/19 and all of Mednikov Developments Ltd. rights, entitlements, interests and obligations as the Developer under AG 29/19 to Manitoba Inuit Association.

NOW THEREFORE in consideration of one dollar ($1.00) paid by each of Mednikov Developments Ltd. and Manitoba Inuit Association to the other, the receipt and sufficiency of which Mednikov Developments Ltd. and Manitoba Inuit Association hereby acknowledge; Mednikov Developments Ltd. and Manitoba Inuit Association covenant and agree that:

1. Mednikov Developments Ltd.. hereby assigns AG 29/19 and all of Mednikov Developments Ltd. rights, entitlements, interests and obligations as Developer under AG 29/19 to Manitoba Inuit Association.
2. Manitoba Inuit Association hereby agrees to Mednikov Developments Ltd. assigning AG 29/19 and all of Mednikov Developments Ltd. rights, entitlements, interests and obligations as Developer under AG 29/19 to Manitoba Inuit Association

EXECUTED this 26 day of August, 2024

Witness(signature): _____
Name(print): Eka Mednikov
Address(print): 3311 Robin Blvd.

BY: Mednikov Developments Ltd.
Per: (signature): _____
Name(print): Boris Mednikov
Title(print): Owner / President
(affix corporate seal)

I have the authority to bind MEDNIKOV DEVELOPMENTS LTD.

EXECUTED this 24th day of September, 2024

Witness(signature): _____
Name(print): Nastania Mullin
Address(print): 1000 Notre Dame Ave Winnipeg, Manitoba

BY: Manitoba Inuit Association
Per: (signature): Karen Jacques
Name(print): Karen Jacques
Title(print): Director of Programs and Services
(affix corporate seal)

I have the authority to bind Manitoba Inuit Association