**Minute No. 654**
**Report - Standing Policy Committee on Property and Development – September 7, 2004**

**Item No. 24 Agreement for Payback - Oversized Land Drainage System - Fort Whyte Estates Ltd.**
**File DASZ 1/2003**

COUNCIL DECISION:

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

1. That the City of Winnipeg and Fort Whyte Estates Ltd. enter into an agreement containing the following provisions:

   A. That the City acknowledge that the Developer has constructed all necessary drainage works to service the development approved under DASZ 1/2003 and has oversized the land drainage channel constructed across City-owned Lot 12, Plan 42181 and The Fort Whyte Foundation Inc.'s lands to accommodate future development of a regional land drainage system in South Charleswood.

   B. That the City shall, upon approval of Capital Funding for the South Charleswood land drainage, pay the Developer the sum of $49,000.00 plus seven percent (7%) G.S.T. as the City's share of the cost of oversized land drainage works constructed by the Developer.

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

**Report - Standing Policy Committee on Property and Development - September 7, 2004**

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 September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Assiniboia Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

**June 14, 2004**

**Re: Proposed agreement for payback of oversized land drainage system – Fort Whyte Estates Ltd. – AG 401/04**

On March 26, 2003, Council approved DASZ 1/2003 being a development application to rezone land from an "A" Agricultural District to an "RR-2" Rural Residential District and to create 20-5 acre lots on the east side of McCreary Road. The Developer, Fort Whyte Estates Ltd., retained the services of a Consulting Engineer to prepare a lot grading plan for the subdivision. The grading plan was approved by the City and required that land drainage from the subject property be directed across Lot 12, Plan 42181 which was dedicated to the City by the Developer for that purpose and across lands owned by the Fort Whyte Foundation Inc. to an existing City of Winnipeg stormwater retention basin. The land drainage channel and works constructed by the Developer across the above-described lands will also benefit future development of a regional land drainage system in South Charleswood, all as shown on the attached Figure 1.

The Developer has requested that the City share in the cost of the works on the basis that the works constructed will benefit land beyond the limits of the development approved under DASZ 1/03. The Water and Waste Development has reviewed the Developer's request and finds same acceptable.

It is therefore recommended that the City and Fort Whyte Estates Ltd. enter into an agreement containing the following provisions:

1. The City acknowledges that the Developer has constructed all necessary drainage works to service the development approved under DASZ 1/03 and has oversized the land drainage channel constructed across City-owned Lot 12, Plan 42181 and The Fort Whyte Foundation Inc.'s lands to accommodate future development of a regional land drainage system in South Charleswood.

2. The City shall, upon approval of Capital Funding for the South Charleswood land drainage, pay the Developer the sum of $49,000.00 plus 7% G.S.T. as the City's share of the cost of oversized land drainage works constructed by the Developer.

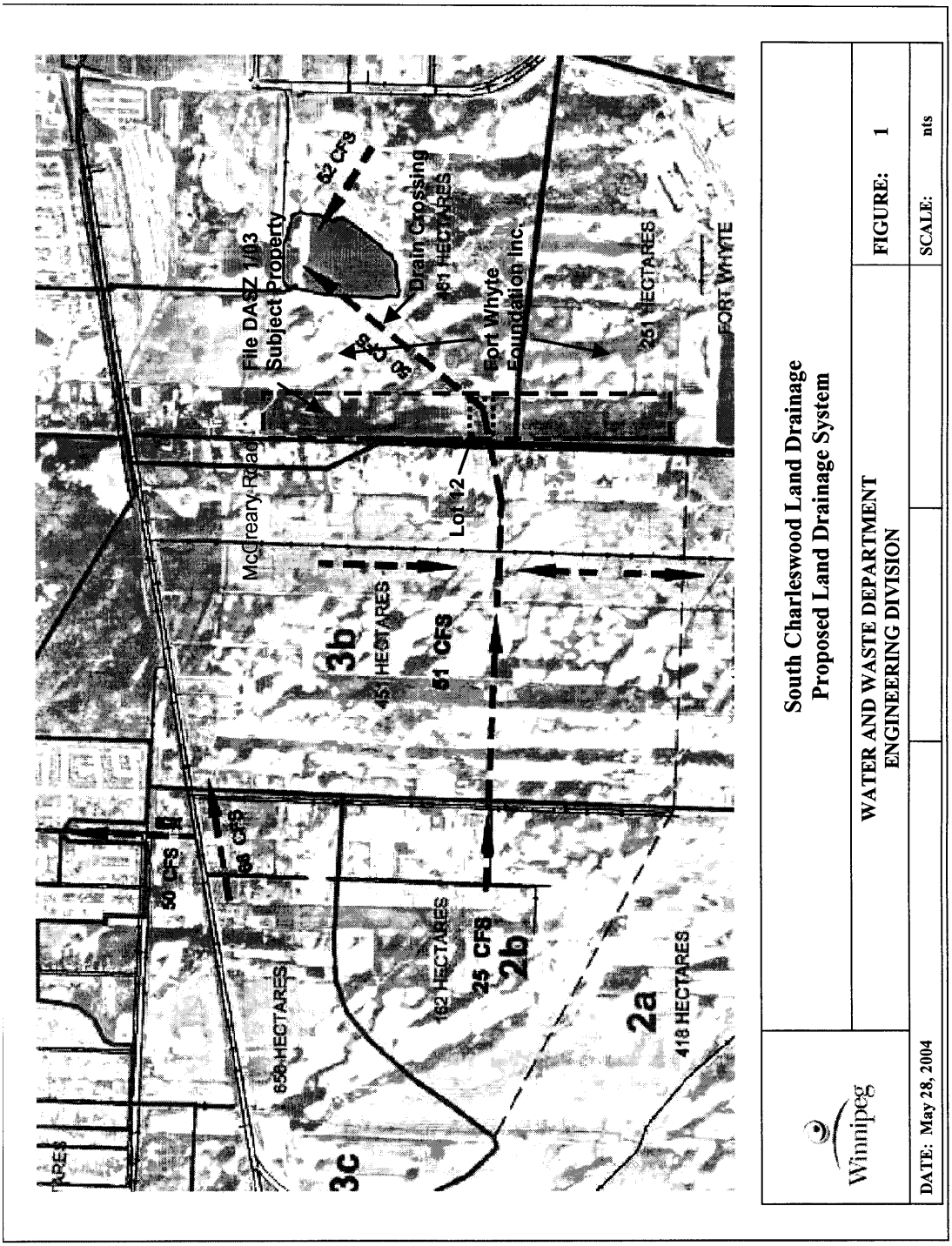
THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No. AG 401/01
June 15, 2004

V:\7-ACG Reports\04ag401-report.doc

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

*"Original signed by K.T. Raban"*
Water and Waste Department


File DASZ 1/03
Subject Property
Drain Crossing
151 HECTARES
Fort Whyte
Foundation Inc.
251 HECTARES
FORT WHYTE
McCreary Road
Lot 12
3b
451 HECTARES
61 CFS
3c
658 HECTARES
50 CFS
2b
162 HECTARES
25 CFS
2a
418 HECTARES
South Charleswood Land Drainage
Proposed Land Drainage System
Winnipeg
WATER AND WASTE DEPARTMENT
ENGINEERING DIVISION
FIGURE: 1
DATE: May 28, 2004
SCALE: nts