



Corporate Report

NO: R124

COUNCIL DATE: July 14, 2008

REGULAR COUNCIL

TO: Mayor & Council DATE: July 10, 2008
FROM: General Manager, Engineering FILE: 8607-0056-00-1
XC: 7807-0056-00
SUBJECT: Development Works Agreement
East Clayton Detention Pond at 68 Avenue and 195A Street

RECOMMENDATIONS

The Engineering Department recommends that Council authorize the Clerk to bring forward for the required readings Development Works Agreement – East Clayton Neighbourhood Concept By-law, 2008, No. 16666, as attached in Appendix I.

INTENT

The purpose of this report is to obtain Council approval to proceed with By-law No. 16666 for a Development Works Agreement (DWA) for Detention Pond C in the East Clayton NCP that, if adopted, will require that all future developers in the specified benefiting area pay their proportionate share of the costs of the Works that have been front-ended by a group of developers that are developing some of the land within the benefiting area.

BACKGROUND

Corporate Report R110, dated May 23, 2007, recommended and Council approved the use of a Drainage DWA to an upset limit of \$3,194,000 to reimburse the front-ending Developers for costs incurred to construct community storm water Detention Pond C within the East Clayton NCP (attached as Appendix II).

DISCUSSION

Progressive Construction Ltd., R.A.B. Ventures # 3 Ltd., and T.R. Projects Ltd., have requested Council's support to establish a DWA to enable recovery of actual costs of \$2,420,985 for the community storm water detention Pond C in the vicinity of 68 Avenue and 195A Street, from other development in the benefiting area.

Progressive Construction Ltd., R.A.B. Ventures # 3 Ltd., and T.R. Projects Ltd., completed the DWA petitioning process, and the Engineering Department and the City Clerk have determined that the requirements of the Local Government Act and the Community Charter have been satisfied.

The DWA will be in accordance with the East Clayton NCP, which identified that levies over and above DCCs would be required to fund major infrastructure. Legal Services staff has reviewed the DWA.

The DWA By-law, if approved by Council, will require other development in the specified benefiting area to pay a charge of \$80,664.80 per ha and escalating in subsequent years by 5% per year (in addition to the DCCs) prior to each respective Servicing Agreements being approved. The City will collect these contributions and return them to the frontending developers. The DWA will be valid for 10 years or until the frontending developers have been reimbursed for the full cost of the works, whichever comes first.

CONCLUSION

Based on the above, it is recommended that Council authorize the City Clerk to bring forward for the required readings Development Works Agreement – East Clayton Neighbourhood Concept By-law, 2008, No. 16666, as attached in Appendix I.

Vincent Lalonde, P.Eng.
General Manager, Engineering

VL/RAW/SK/brb

c.c. - City Solicitor

Appendix I – By-law No. 16666

Appendix II – Corporate Report R110

APPENDIX I

**Development Works Agreement – East Clayton
Neighbourhood Concept By-law, 2008, No. 16666**

APPENDIX II

Corporate Report R110