

ITEM 6
MANAGER'S REPORT NO. 27
COUNCIL MEETING 85/04/09

RE: SUBDIVISION SERVICING AGREEMENT
SUBDIVISION REFERENCE NO. 71/81
21st AVENUE/WILMA STREET
(Report No. 29, Item 7, 1984 April 16)

MUNICIPAL MANAGER'S RECOMMENDATION:

1. *THAT the recommendation of the Director Engineering be adopted.*

* * * * *

TO: MUNICIPAL MANAGER 85 04 01
FROM: DIRECTOR ENGINEERING
SUBJECT: SUBDIVISION REFERENCE #71/81
21ST AVENUE/WILMA STREET

RECOMMENDATION:

THAT Council authorize the Director Engineering to complete the servicing requirements for Subdivision Reference #71/81 as more particularly outlined in this report.

REPORT:

Council at its meeting of 1984 April 16, Manager's Report #29, Item 7 (see Attachment "A") authorized the preparation and execution of the servicing agreement for Subdivision Reference #71/81. This servicing agreement, which was signed on 1984 April 24 between the Corporation and the Subdivider, Eagle Management Services Ltd., required the subdivider to complete the necessary servicing on or before 1985 March 30. Clause 4 of the subdivision agreement states that:

"The Subdivider covenants and agrees to complete the Works on or before the 30th day of March, 1985, but the Director Engineering of the Corporation may in his discretion upon good cause (including but without limiting the generality of the foregoing, strikes and lock-outs) being shown extend the time for completion of the Works. Should the Subdivider fail to complete the Works by the due date or if it shall become bankrupt or insolvent or compound with its creditors, or commit any act of insolvency or if at any time this Agreement or any part thereof or the Works or any part thereof are, in the judgement of the Director Engineering of the Corporation, not constructed, installed, executed or performed, or not being constructed, installed, executed or performed in a sound and workmanlike manner or to his satisfaction or in all respects in strict conformity with the drawings, specifications and conditions and with this Agreement the Corporation may upon given notice in writing by registered mail to the Subdivider at its address hereinbefore set forth, or at such other address as the Subdivider may from time to time designate in writing, complete the Works. All expenses incurred by the Corporation in completing the Works shall be charged to the Subdivider."

The Subdivider is in receivership and has failed to complete all the required servicing works.

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In accordance with Clause 4 of the Subdivision Agreement, your Director Engineering has notified Eagle Management Services Ltd. by registered mail of our intention to complete the works. Having received no reply to this notice, it is recommended that the Director Engineering be authorized to proceed to complete the outstanding works.

The remaining servicing works which primarily consist of landscaping and sidewalk construction are estimated at \$18,300. The Director Finance has drawn on the letter of credit which was deposited under the servicing agreement and which had an outstanding balance of \$27,300. Any funds surplus to those required to complete the works will be returned to the subdivider in accordance with the subdivision agreement.


DIRECTOR ENGINEERING

WCS/lmy

cc: () Director Finance
() Municipal Solicitor

Attach.

ATTACHMENT "A"

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RE: SUBDIVISION SERVICING AGREEMENT
SUBDIVISION REFERENCE #71/81
21ST AVENUE AND WILMA STREET

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Approving Officer be adopted.

* * * * *

TO: MUNICIPAL MANAGER 1984 April 16

FROM: APPROVING OFFICER

SUBJECT: SUBDIVISION SERVICING AGREEMENT
SUBDIVISION REFERENCE #71/81

RECOMMENDATION

THAT Council authorize the preparation and execution of the servicing agreement for Subdivision Reference #71/81.

REPORT

The Planning & Building Inspection Department reports that the subdiviver has completed requirements leading to final approval of the above referenced subdivision, as shown on attached plan. The following information is provided for inclusion in the servicing agreement.

Servicing Agreement Section No.

Subdivider

Name: Eagle Management Services Ltd.

Address: 4161 East Hastings Street
Burnaby, B.C.
V5C 2J3

Legal Description of all properties within the subdivision

Parcel 214, D.L. 95, Ref. Plan 64017 and
Parcel "B", D.L. 95, Ref. Plan 63923

3. Description of Services to be installed by subdiviver

According to schedule attached (Note: this schedule is prepared by the Engineering Department based on the engineering design drawings. The engineering design drawings showing the required servicing described in this report are available for perusal in the Engineering Department).

Servicing Agreement Section No.

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4. Completion Date
The 30th day of March 1985.

6. Contractor
Name: Eagle Management Services Ltd.

Address: 4161 East Hastings Street
Burnaby, B.C.
V5C 2J3

Contract Price
Full Amount: \$96,800.00.

8. Insurance

Copies of all insurance policies as required in the body of the servicing agreement are to be deposited with the Solicitor. (Note: these cover: Comprehensive General Liability, Subdivider's Contingency Liability, Completed Operations Liability, Contractual Liability, and Automobile Liability. The contractor's insurance policies are acceptable if he is doing the work for the subdivider.)


9. Inspection Fee

4% of full contract price: \$3,872.00

10. Irrevocable Letter of Credit or Cash Bond posted with Municipality

\$96,800.00.

CM/nb
attach.
cc: Municipal Solicitor
Director Engineering
Director Finance


A. L. Parr
APPROVING OFFICER

W. D.

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D.L. 95,

GP. 1

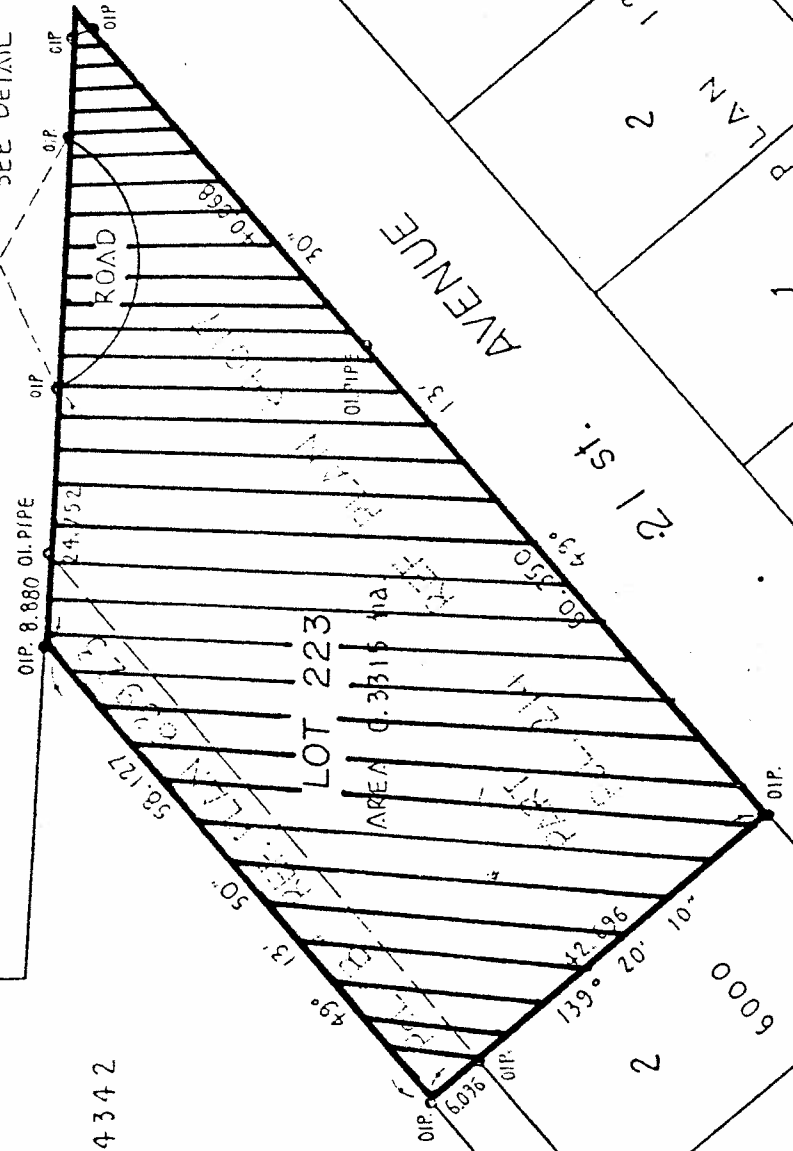
PLAN 52268

"B"

WILMA STREET

PLAN 4342

92° 35' 00" "SEE DETAIL"



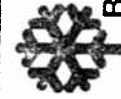
Date

1984 APRIL

Scale

1: 750

Drawn By



Burnaby Planning Department

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SUBDIVISION REFERENCE #71/81

NOTE: CONSOLIDATION PROPOSED IN ORDER TO CREATE A DEVELOPABLE SITE.

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MANAGER'S REPORT NO. 29
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INTER-OFFICE COMMUNICATION

TO: DIRECTOR PLANNING & DEPARTMENT: PLANNING & BUILDING DATE: 84/04/11
BUILDING INSPECTIONS INSPECTIONS
FROM: DIRECTOR ENGINEERING DEPARTMENT: ENGINEERING OUR FILE #
SUBJECT: SUBDIVISION SERVICING AGREEMENT, S.D. REF. NO. 71/81 YOUR FILE #
DESIGN #810542, 21ST AVENUE & WILMA

The following is a list of required works as detailed on the design drawings prepared by Rannala & Assoc. Eng. (1979) Ltd. and received by the Director Engineering, as required by the Subdivision Control By-Law.

1. Storm Sewer: Construct a storm sewer on 21st Avenue abutting the site as shown on design drawing #810542 sheet #4 of 5.
2. Sanitary Sewer: Construct a sanitary sewer connection from the existing sanitary sewer main on 21st Avenue to the site as shown on design drawing #810542 sheet #4 of 5.
3. Roads: Construct 21st Avenue abutting the site from Wilma Street to the south-west, as shown on design drawing #810542 sheet #2 of 5.
Construct the cul-de-sac at Wilma Street cul-de-sac west of 21st Avenue as shown on design drawing #810542 sheet #3 of 5.
4. Street Lighting: Construct ornamental street lighting on Wilma Street and on 21st Avenue abutting the site as shown on design drawing #810542 drawing #E-2688-S-1.
5. Boulevard Grassing & Tree Planting: Install the boulevard grassing and tree planting on both sides of Wilma Street and 21st Avenue, as required by the Planning Department.
6. Underground Wiring: Construct underground wiring on Wilma Street abutting the site, as required by B.C. Hydro and B.C. Telephone.
7. "As Constructed" Drawings: Are required for all work completed under an engineering design.


DIRECTOR ENGINEERING

TB:js

cc: () Estimator
() Assistant Director Engineering, Design