



**City of Kingston  
Report to Council  
Report Number 19-088**

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<b>To:</b>	<b>Mayor and Members of Council</b>
<b>From:</b>	<b>Peter Huigenbos, Acting Commissioner, Community Services</b>
<b>Resource Staff:</b>	<b>Same</b>
<b>Date of Meeting:</b>	<b>April 16, 2019</b>
<b>Subject:</b>	<b>Elmwood Park Joint Use Agreement</b>

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**Executive Summary:**

There is an existing soccer field which is partially located within the City-owned Elmwood Park and partially on lands owned by the Conseil des écoles publiques de l'Est de l'Ontario (the Board). Both the City and the Board have been sharing, and support the continued sharing of the soccer field as well as of the parking lots located on the adjacent Board owned lands. This report describes a joint use agreement recommended by staff for the shared use of these lands, and which was identified as a condition of a site plan control agreement issued to the Board in a 2011 Planning application decision. The agreement complies with the City's Revenue Leasing and Licensing Policy, as amended, which was approved by Council in 2011. Staff have been working towards ensuring that all new agreements comply with the policy and that older leases, licenses and joint use agreements are brought into compliance upon expiry.

Staff are recommending that the agreement be for an initial term of ten (10) years with an option to renew for an additional ten (10) years at the current rental rate of \$1.00 per year, to be effective upon execution of the new lease. The Board will continue to be responsible for all costs related to the parking area including repair and snow removal, while the City will continue to maintain the soccer field. The general public will be able to use the parking lots during non-school related times.

**Recommendation:**

**That** Council direct the Mayor and City Clerk to execute a joint use agreement with the Conseil des écoles publiques de l'Est de l'Ontario (the Board) for the continued community use of the existing shared soccer field and the parking lots on the Board lands, at the school known as École Madeleine-de-Roybon, known municipally as 72 Gilmour Avenue and which is adjacent to Elmwood Park, for a term of ten (10) years, with an option to renew for a second ten (10) year term, commencing on the date of execution of the agreement, for the annual rent of \$1.00; and

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**That** the joint use agreement be executed in a form satisfactory to the Director of Legal Services.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

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**Peter Huigenbos, Acting Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

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**Lanie Hurdle, Acting Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Gary Dyke, Commissioner, Corporate & Emergency Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

A site plan control agreement for the school known as École Madeleine-de-Roybon, at 72 Gilmour Avenue, was registered on December 22, 2011 as instrument FC128326, and includes as a condition that the Board enter into a joint use agreement with the City to set out the shared roles and responsibilities for the adjoining City parkland.

The Board is the registered owner of the school property, which is adjacent to Elmwood Park, at 245 Elmwood Street (Exhibit A). There is an existing soccer field which is partially located on the City-owned Elmwood Park and partially on the school property lands, which the City and the Board have been sharing. Both parties support the continued sharing of the soccer field as well as of the parking lots which are located on the Board lands, to maximize the benefit to students of École Madeleine-de-Roybon and residents of the City of Kingston.

The City also has a land lease with Scouts Canada for the purposes of a clubhouse within the building at 245 Elmwood Street. As part of the agreement, the Board covenants and agrees that its activities shall not interfere with the Scouts' rights of access or leasehold improvements.

The joint use agreement also stipulates that the Board is responsible for the maintenance and capital repairs to the parking area, including the requirement for snow removal and an updated insurance coverage requirement for \$5,000,000 per occurrence for general commercial liability. The nominal rate of \$1.00 per year is reflective of the mutual benefits of the agreement and the access to abutting lands for parking at no cost to the City.

**Existing Policy/By-Law:**

The Revenue Leasing and Licensing Policy, as amended, requires all leases and licenses to be assessed at market rates unless the tenant or the licensee qualifies for a community lease or license under the policy guidelines. School boards do not qualify for a community license as they are not a non-profit organization, but in recognition of the mutual benefits of a joint use agreement noted above and the costs to be borne by the Board; the continuation of an agreement for \$1.00 per year is recommended.

**Notice Provisions:**

Not applicable

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

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**Contacts:**

Peter Huigenbos, Acting Commissioner, Community Services 613-546-4291 extension 3148

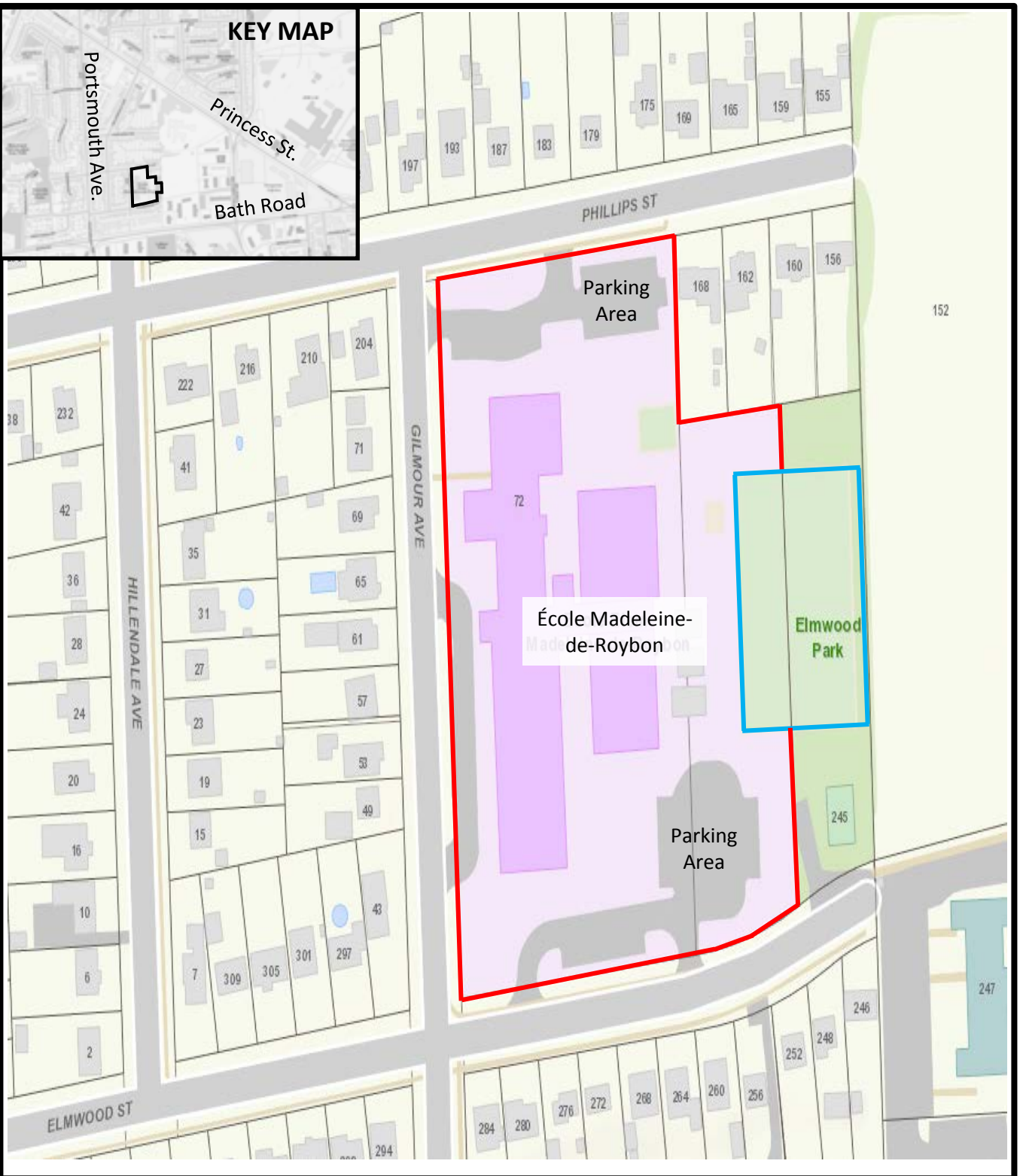
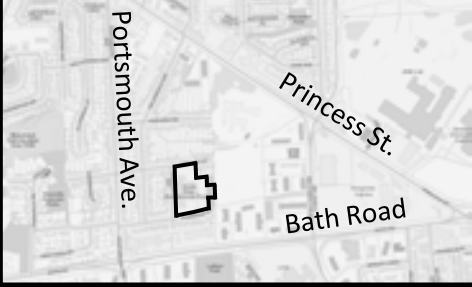
**Other City of Kingston Staff Consulted:**

Neal Unsworth Manager, Parks Development, Recreation & Leisure Services

**Exhibits Attached:**

Exhibit A Site Sketch

### KEY MAP



## École Madeleine-de-Roybon and Elmwood Park

### LEGEND:

-  Board Lands
-  Soccer field

