



**City of Kingston
Report to Council
Report Number 19-305**

To: Mayor and Members of Council
From: Sheila Kidd, Commissioner, Transportation & Public Works
Resource Staff: Luke Follwell, Director of Engineering Services
Date of Meeting: November 19, 2019
Subject: Proposed Amendment to Streets By-law 2004-190 on Toronto Street and Parking Licence Agreement for Limestone District School Board

Executive Summary:

It has been determined that a portion of Toronto Street between Dundas Street and Park Street was inadvertently conveyed to Limestone District School Board (LDSB) in 1979. LDSB has agreed to convey the road allowance back to the City. The transaction is scheduled to close on November 25, 2019.

The purpose of this report is to facilitate ongoing use by LDSB of a portion of the Toronto Street road allowance for staff parking following the conveyance. Staff is recommending an amendment to the Streets By-law Number 2004-190 and the execution of a licence agreement with LDSB to formalize the existing parking situation. Staff review has determined that the existing parking arrangement does not pose any concerns.

It is requested that the amending by-law be presented for all three readings at the November 19, 2019 Council meeting to permit the City and LDSB to finalize the conveyance of the road allowance on the closing date, subject to Council's approval of this report.

Recommendation:

That Schedule E (Authorized Alterations and Uses of Boulevards) of By-law Number 2004-190, otherwise known as the "Streets By-law", be amended to include the following:

Location: Toronto Street (west side between Dundas Street and Park Street)

Purpose: To accommodate existing parking (9 spaces) subject to the terms of a licence agreement with the City

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That the amending by-law, attached as Exhibit C to Report Number 19-305, be presented for all three readings;

That the Mayor and City Clerk be authorized to execute a parking licence agreement, in a form satisfactory to the Director of Legal Services, with the Limestone District School Board for the existing parking spaces on the Toronto Street road allowance.

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Authorizing Signatures:

Sheila Kidd, Commissioner, Transportation & Public Works

**Lanie Hurdle, Interim Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Acting Commissioner, Community Services

Brad Joyce, Acting Commissioner, Corporate Services

Jim Keech, President & CEO, Utilities Kingston

Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer

Not required

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Options/Discussion:

The following is a summary of the rationale for this report.

Background

It has been determined that a portion of Toronto Street between Dundas Street and Park Street, as shown on Exhibit A attached, was inadvertently conveyed to Limestone District School Board (LDSB) in 1979. Staff have been working with LDSB to correct this title issue. The parties have executed an Agreement of Purchase and Sale (APS) pursuant to which the road allowance will be conveyed back to the City on November 25, 2019 for nominal consideration. The Commissioner of Community Services has delegated authority to approve this transaction.

Following the transfer of the road allowance to the City, the road allowance will be dedicated as public highway in accordance with By-law Number 2006-116.

Once the road allowance is dedicated as public highway, an amendment to the Streets By-law Number 2004-190 will be required to permit ongoing use by LDSB of a portion of the road allowance for staff parking. The existing parking configuration is shown on Exhibit B attached.

Streets By-law Number 2004-190 Amendment

Technical review of the existing parking configuration has not demonstrated any concerns. Staff are recommending that Schedule E (Authorized Alterations and Uses of Boulevards) of the Streets By-law Number 2004-190 be amended to include the following:

Location: Toronto Street (west side between Dundas Street and Park Street)

Purpose: To accommodate existing parking (9 spaces) subject to the terms of a licence agreement with the City

Parking Licence Agreement

As a condition of the amendment to the Streets By-Law Number 2004-190, LDSB would be required to execute a parking licence agreement with the City for the portion of the parking spaces located within the Toronto Street road allowance behind the sidewalk, as shown in Exhibit B of this report.

Terms of the proposed licence agreement include:

- A term of ten years with the option of extending the term for an additional ten years
- LDSB shall be responsible to maintain, repair and repave the parking spaces, at its cost
- LDSB shall provide commercial general liability insurance and indemnify and save harmless the City against all claims
- Both parties shall have the right to cancel the licence upon 120 days' notice

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LDSB has agreed to the above-noted terms of the proposed licence agreement and the form of licence agreement is attached as a schedule to the APS.

Existing Policy/By-law:

Section 5.6 of By-law Number 2004-190 – A By-Law to Regulate the Use of City Streets: Authorizes the modified use of City boulevards for locations specified in Schedule E – Authorized Alterations and Uses of Boulevards.

An amendment to the above noted by-law, together with the proposed licence, are required to permit ongoing use of the existing parking spaces. See Exhibit C for the proposed amending by-law.

Notice Provisions:

Not applicable

Accessibility Considerations:

Not applicable

Financial Considerations:

An annual licence fee is not being considered for the licence agreement, as the need for this agreement arose out of a conveyancing error in 1979.

Contacts:

Luke Follwell, Director Engineering Services 613-546-4291 extension 3139

Other City of Kingston Staff Consulted:

Ian Semple, Director, Transportation Services

Tyler Lasko, Manager, Design & Development, Engineering Services

Kathy Gray, Acting Manager Real Estate, Real Estate & Environmental Initiatives Department

Jenna Morley, Associate Legal Counsel, Legal Services

Exhibits Attached:

Exhibit A – Sketch of Section of Toronto Street to be Conveyed to the City

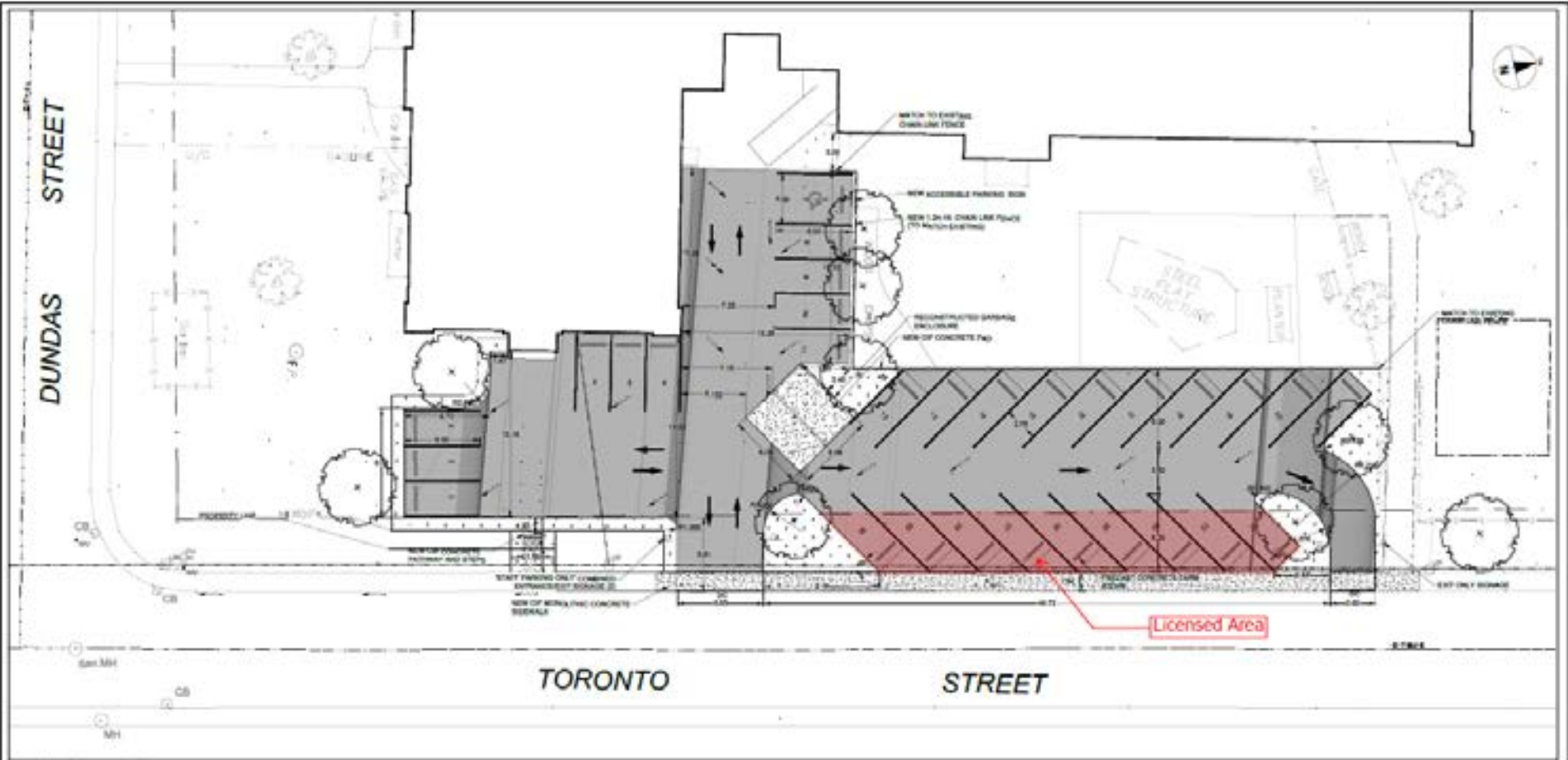
Exhibit B – Sketch of Subject Property, Toronto Street Frontage and Existing Parking

Exhibit C – Amending By-law



**Location Map
Toronto St**





STAFF PARKING LOT PAVING

Layout Design Concept
Robeau Public School, 9 Dundas Street, Kingston, Ontario



- LEGEND**
- New Asphalt Paving - Heavy Duty
 - Concrete Paving
 - Asphalt
 - New Depressed Curb
 - Proposed Concrete Curb Stop
 - 1.2m x 1.8m Galvanized Chain Link Fence
 - Existing Overhead Utility Lines to be protected during construction
 - Existing Utility Pole to be protected
 - Existing Fire Hydrant to be protected
 - Existing Water Mains to be protected
 - Existing Catch Basin to Remain
 - Existing 1.2m x 1.8m Chain Link Fence to be protected
 - Existing Trees to Remain
 - Proposed Trees to be Planted
 - Direction of Surface Drainage
 - Traffic Flow Placement Markings

By-law 2019-XXX

A By-law to Amend By-law 2004-190, “A By-law to Regulate the Use of City Streets”

Passed:

Whereas the Council of The Corporation of the City of Kingston passed By-law 2004-190, “A By-law to Regulate the Use of City Streets”, to regulate the use of City road allowances;

And Whereas By-law 2004-190 prohibits parking within the boulevard, unless specifically exempted;

And Whereas the Limestone District School Board has requested an amendment to the Streets By-law 2004-190 to formalize existing parking within the City road allowance in connection with the transfer of a portion of Toronto Street between Dundas Street and Park Street from the Limestone District School Board to the City;

And Whereas Section 5.6 of By-law 2004-190 authorizes the modified use of City boulevards for locations specified in Schedule E – Authorized Alterations and Uses of Boulevards;

And Whereas Staff review has determined there are no issues with formalizing the existing parking, subject to the Limestone District School Board entering into a parking licence agreement with the City;

And Whereas the Limestone District School Board has no objections to a parking licence agreement, including terms and conditions as outlined in Council Report 19-305;

Now Therefore the Council of The Corporation of the City of Kingston enacts as follows:

1. That the City of Kingston Streets By-law 2004-190, Schedule E (Authorized Alterations and Uses of Boulevards) be amended to include the following:

Location: Toronto Street (west side between Dundas Street and Park Street)

Purpose: To accommodate existing parking (9 spaces) subject to the terms of a licence agreement with the City

2. This By-law shall come into force and take effect on the date that the road dedication by-law for the Toronto Street road allowance, being “A By-law to Establish Part 1, Reference Plan 13R-21945, as Part of the Public Highway Known as Toronto Street in the City of Kingston, in Accordance with Section 31(4) of the Municipal Act, Chapter 25, S.O. 2001” is registered in the Land Registry Office by the Clerk of the Municipality.

Given all Three Readings and Passed Month XX, 2019

John Bolognone
City Clerk

Bryan Paterson
Mayor