EXECUTIVE SUMMARY:

Queen’s University is proposing the expansion of Goodes Hall located at 143 Union Street. As part of the Goodes Hall development there is a plan for a new underground parking structure. The proposal is to access the new parking structure from the existing underground parking structure recently constructed under Tindal Field on the south side of Union Street. There will be no vehicular access to the Goodes Hall parking structure from the surface from either Frontenac Street or Union Street. To provide for the connection, a vehicular and pedestrian tunnel is proposed to be constructed under Union Street. To allow the construction of the tunnel, Queen’s must enter into an agreement with the City to utilize the municipal right of way for temporary purposes during the construction and for a long term easement once the tunnel is open and operational.

RECOMMENDATION:

That Council authorize the Mayor and the Clerk to enter into an Agreement, subject to the satisfaction of the City’s solicitor, with Queen’s University that will contain the following:

- Technical requirements for the physical construction of a vehicular and pedestrian tunnel under Union Street that will connect the underground parking structures at Tindal Field with the proposed underground parking structure at the expansion of Goodes Hall;
- Provision for a temporary encroachment that permits Queen’s to utilize the municipal right of way for the purposes of constructing the tunnel;
- Provision for a permanent easement within the Union Street right-of-way to allow for the on-going use of the municipal right-of-way for the tunnel; and
- The long term maintenance and insurance obligations as well as any annual fee requirements so as to provide that the tunnel can exist under the Union Street right-of-way without future cost or liability to the City of Kingston.
AUTHORIZING SIGNATURES:

<table>
<thead>
<tr>
<th>AUTHORIZING SIGNATURES:</th>
</tr>
</thead>
<tbody>
<tr>
<td>ORIGINAL SIGNED BY PRESIDENT &amp; C.E.O., UTILITIES KINGSTON</td>
</tr>
<tr>
<td>Commissioner</td>
</tr>
<tr>
<td>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</td>
</tr>
<tr>
<td>Gerard Hunt, Chief Administrative Officer</td>
</tr>
</tbody>
</table>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

<table>
<thead>
<tr>
<th>CONSULTATION WITH THE FOLLOWING COMMISSIONERS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cynthia Beach, Sustainability &amp; Growth</td>
</tr>
<tr>
<td>Terry Willing, Community Development Services</td>
</tr>
<tr>
<td>Denis Leger, Corporate Services</td>
</tr>
<tr>
<td>Jim Keech, President, Utilities Kingston</td>
</tr>
</tbody>
</table>

*(N/R indicates consultation not required)*
OPTIONS/DISCUSSION:

Queen’s University has submitted a proposal through the Site Plan Control Process for the expansion of Goodes Hall at 143 Union Street. As part of the development plan there is a one storey underground parking structure that is proposed to be built. To access this underground parking a tunnel is being proposed to connect to the existing underground parking structure recently constructed under Tindal Field. This eliminates the need for an external access/egress point for vehicular traffic on Frontenac and Union Streets in close proximity to residential properties and Kingston Collegiate Vocational Institute. Although there are design challenges with the construction of a tunnel in the Union Street right-of-way, the Engineering Department and Utilities Kingston are satisfied that the construction can be accomplished so that the existing underground infrastructure, i.e. water, sewer, gas and electric, can continue to operate as the tunnel will be situated below these utilities. In addition, the structural design of the tunnel must provide for the support of all types of vehicular traffic loads. Exhibit “A” of this report provides a schematic rendering of the tunnel location.

Discussions have been ongoing with the project team at Queen’s, Utilities Kingston and Engineering to plan for the works so that continuous service connections of the utilities are provided during construction and to develop a traffic management plan while the work is in progress. During recent discussions with the project team from Queen’s, staff have been advised that the project has been designed to maintain one lane of traffic in each direction along Union Street throughout the construction.

Based on the foregoing, staff recommends that the City enter into a “Grant of Access and Easement Agreement” with Queen’s that is in a form satisfactory to the City’s Legal Services Department. The main tenants of this agreement will include:

1. Necessary requirements and conditions of the City within which Queen’s University may undertake construction activities within the municipal right-of-way.
2. Provision for a temporary encroachment and use of public right-of-way lands for the construction of the tunnel. Public lands within the construction zone will in effect be larger than the final land area that contains the tunnel.
3. Provision for a permanent easement within the Union Street right-of-way to allow for the ongoing use of the right-of-way for the tunnel. The easement will be established on a reference plan and registered at the Registry Office.
4. Requirement for the long term maintenance and insurance obligations so as to provide that the tunnel can exist under the Union Street right-of-way without future cost or liability to the City of Kingston Requirement for Queen’s University to pay an annual fee to the City for the ongoing benefit of using the municipal right-of-way for their business purposes. The annual fee is further discussed in this report under “Financial Considerations”.

EXISTING POLICY/BY LAW:

As there is no existing policy concerning the construction of a private vehicular tunnel within the public and or municipal right-of-way, Council approval is required to authorize the Mayor and the Clerk to enter into an agreement with Queen’s University.

NOTICE PROVISIONS:

There are no notice requirements.

ACCESSIBILITY CONSIDERATIONS:

There are no accessibility issues pertaining to the agreement. The design of the tunnel is for vehicular and pedestrian traffic and will include the appropriate building code requirements.

FINANCIAL CONSIDERATIONS:
Queen’s University will be required to pay for the preparation and registration of the agreement as well as the required supporting legal documents such as the reference plan. In addition, all construction costs for the tunnel and associated works, including any engineering consulting fees required to complete a peer review of the tunnel design will be paid by Queen’s University. Queen’s University will be required to enlist the services of a qualified land appraiser to establish an appropriate level of compensation in the form of a lump sum payment to the City for the extended use of the right-of-way for the tunnel. The City will retain the right to have the appraisal peer reviewed and/or obtain its own appraisal if required.

CONTACTS:

Mark Van Buren, Director, Engineering Department, Ext 3218
Kimberley Brown, Infrastructure Engineer, Ext 3132
Jim Miller, Manager Technical Services, Utilities Kingston Ext. 2475
Susan Nicholson, Senior Legal Counsel, Ext. 1293

OTHER CITY OF KINGSTON STAFF CONSULTED:

Peter Huigenbos, Project Engineer, Real Estate and Construction
Chris Phippen, Engineer Utilities Kingston
Chris Sleeth, Traffic Supervisor
Don Brodie, Senior Development Technologist

EXHIBITS ATTACHED:

Exhibit “A” – Location Plan