TO: Mayor and Council

FROM: Denis Leger, Commissioner, Corporate Services

RESOURCE STAFF: Malcolm Morris, Director, Transportation
                 Paula Nichols, Manager, Parking Operations

DATE OF MEETING: May 4, 2010

SUBJECT: Renewal of Parking Space Agreement – Patrys

EXECUTIVE SUMMARY:
The agreement with Blaine Patry, Donald Patry, Wayne Patry, Bryne Patry and Felix Patry for the license of six parking spaces in the laneway behind Ontario and Princess Streets has expired and requires renewal.

RECOMMENDATION:
THAT Council authorize the Mayor and Clerk to execute a license agreement with Blaine Patry, Donald Patry, Wayne Patry, Bryne Patry and Felix Patry in a form satisfactory to the Director of Legal Services, for six parking spaces behind the building known as 261, 263, and 265 Ontario St., at an annual license fee of $4,425.04, plus applicable taxes, plus the amount equivalent to the annual property tax levy on the parking spaces, for a five year term commencing January 1, 2010, subject to annual increases of 2.5% with the option to renew for further terms upon mutual satisfactory agreement.

AUTHORIZED SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER
Denis Leger, Commissioner, Corporate Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<thead>
<tr>
<th>Name</th>
<th>N/R</th>
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<tr>
<td>Cynthia Beach, Sustainability &amp; Growth</td>
<td>N/R</td>
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<td>Terry Willing, Community Development Services</td>
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<td>Jim Keech, President and CEO, Utilities Kingston</td>
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OPTIONS/DISCUSSION:

The City has been licensing the six parking spaces in the City-owned laneway behind the building known as 261, 263, 265 Ontario St. since 1988, and since 1993 with Blaine Patry, Donald Patry, Wayne Patry, Bryne Patry and Felix Patry. The most recent agreement renewal was in 2005, when City Council approved the current license agreement with the Patry’s. This agreement has expired, and it is recommended that the previous license amount plus a CPI adjustment be established as the new base amount.

The amount for the six parking sports totals $4,425.04 per year plus applicable taxes, subject to an annual increase of 2.5%. The new license fee equating to $61.45 monthly per space is approximately of the same magnitude as the City of Kingston’s monthly parking fees in neighbouring parking lots. The former agreement had annual increases subject to the CPI, however, it is recommended that annual adjustments be set at a constant amount to streamline administration for staff who in the past have calculated the CPI in the first quarter of the year and sent an additional adjusting invoice. Also, the annual amounts are known in advance and written into the agreement. The agreement would be for a five (5) year term, with the option for further terms upon written agreement of both parties.

Commencing in 2009, municipal property taxes have been assessed against these parking spaces. As these parking spaces are licensed for the exclusive use by the Licensee, property taxes will be payable by the Licensee. The 2009 property taxes attributed to the Patry’s were approximately $2,400 and the 2010 taxes are estimated at $2,300. The combined estimated annual licensing fees and property taxes total $6,700, which effectively amounts to a combined monthly rate of $93 per parking space. This represents market value for exclusive long-term parking spaces in the vicinity.

EXISTING POLICY/BY LAW:
N/A

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
N/A

FINANCIAL CONSIDERATIONS:
The revenues of $4,425.04 generated by this license agreement have been incorporated in the 2010 budget estimates. With annual adjustments set at 2.5%, it is anticipated that the increase in revenues will cover any increase in costs incurred by the municipality to maintain the area. Annual property taxes of approximately $2,300 will be paid by the licensee.

CONTACTS:
Malcolm Morris, Director, Transportation, (613) 546-4291, ext. 2260
Paula Nichols, Manager, Parking Operations, (613) 546-4291, ext. 2392

OTHER CITY OF KINGSTON STAFF CONSULTED:
Alan McLeod, Senior Legal Counsel

EXHIBITS ATTACHED:
Exhibit “A” - Map depicting licensed area
Ontario St. Laneway - Licensed Parking Spaces

Legend
- Public Parking
- Private Parking
- Meter

Spaces 1,4 to 8 Licensed to 11 Princess St
Spaces 9-14 Licensed to 261-263-265 Ontario St

261-263-265 Ontario St (Patry)

11 Princess St (Limestone Inv)

Council Meeting 13 May 4, 2010

Disclaimer: The Corporation of the City of Kingston assumes no responsibility for inaccurate or inconsistent data set out in this map product.