TO: Mayor and Council
FROM: Cynthia Beach, Commissioner, Sustainability & Growth Group
RESOURCE STAFF: Lanie Hurdle, Director, Recreation & Leisure Services Department
DATE OF MEETING: 2010-08-24
SUBJECT: Authority to Enter into Agreements for Acquisition and Construction of a Neighbourhood Park

EXECUTIVE SUMMARY:
The approved Woodhaven Secondary Plan includes a 0.44 ha Neighbourhood Park in the south-west quadrant of the plan that is half on Tamarack (Cataraqui West) Corporation and half on CARFA (Santo Carfa 1766900 ONTARIO LIMITED; John Bosisa) lands. The land to be 'acquired' is a future parkland conveyance for the draft CARFA lands as defined on the Woodhaven Secondary Plan. No cash payment is required by the municipality. Legal and Real Estate staff have indicated the best way to receive the conveyance of parkland ahead of their draft plan approval is to enter into a purchase and sale agreement for the lands. Council approval is required so that the Legal Services Department can execute the Purchase and Sale Agreement.

Tamarack (Cataraqui West) Corporation has received final approvals for Phase 1 of their plan which includes their portion of the neighbourhood park. The City requires the developer to complete the park development. As the CARFA (Santo Carfa; 1766900 ONTARIO LIMITED; John Bosisa) lands are outside the lands described in the subdivision agreement with Tamarack (Cataraqui West) Corporation a separate construction agreement is required to allow Tamarack (Cataraqui West) Corporation to complete the park works on both parcels. Council approval is required for Tamarack to enter into the construction agreement to complete the 0.44 ha park.

It is recommended that this park be funded 90% from development charges and 10% from funds already approved in the Recreation and Leisure Services Department. Funds from the capital budget will be taken from a project which has been completed under budget and will not impact taxes or other projects to be completed.

RECOMMENDATION:
THAT Council authorize the Mayor and Clerk to execute a purchase and sale agreement for $1.00 to acquire the 0.22 ha lands within the CARFA (Santo Carfa; 1766900 ONTARIO LIMITED; John Bosisa) subdivision shown as a neighbourhood park on the Woodhaven Secondary Plan, such agreement to be to the satisfaction of the Director of Legal Services; and

THAT Council authorize the Mayor and Clerk to execute a construction agreement with Tamarack (Cataraqui West) Corporation to construct the 0.44ha park in one phase; and such agreement to be to the satisfaction of the Director of Legal Services; and

THAT Council authorize the Mayor and Clerk to create a new 2010 park development project having a budget, including fees and contingencies, of $225,000; and the project be funded in the amount of $202,500 (90%) from the Development Charges Reserve fund and $22,500 (10%) from Emerald Park account which has $120,000 remaining.
AUTHORIZING SIGNATURES:

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY COMMISSIONER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cynthia Beach, Commissioner, Sustainability &amp; Growth</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gerard Hunt, Chief Administrative Officer</td>
</tr>
</tbody>
</table>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terry Willing, Community Services</td>
<td>N/R</td>
</tr>
<tr>
<td>Denis Leger, Transportation, Properties &amp; Emergency Services</td>
<td>✓</td>
</tr>
<tr>
<td>Jim Keech, President &amp; CEO, Utilities Kingston</td>
<td>N/R</td>
</tr>
</tbody>
</table>

*(N/R indicates consultation not required)*
OPTIONS/DISCUSSION:
The Woodhaven Secondary Plan includes three neighbourhood parks, each being 0.44 ha in size, as well as a larger community park of 6.55 hectares. The neighbourhood park in the southwest quadrant of the plan spans two draft plan ownership areas (CARFA and Tamarack (Cataraqui West) Corporation). This park is seen as meeting the needs of both adjacent neighbourhoods and the design includes a pedestrian walkway connecting these areas. Tamarack (Cataraqui West) Corporation has received final approval for Phase 1 of their Maria Avenue portion of the plan and intends to complete the construction of the park on their lands in the spring of 2011. Recreation and Leisure Services staff recommends having the park built out as one phase for cost savings and consistency. The park will include basic amenities of neighbourhood parks which include pathways, benches, play structure and other play features.

Staff has been working with the developer and Landscape Architect to produce a conceptual park plan which is included in the final subdivision drawings. Tamarack (Cataraqui West) Corporation has agreed to build out their portion of the park and will do the portion on the CARFA lands once the City has been deeded the lands. The representatives from the CARFA (Santo Carfa; 1766900 ONTARIO LIMITED; John Bosisa) lands are in agreement with deeding the lands to the City in advance of their draft plan proceeding.

EXISTING POLICY/BY LAW:
The process to acquire property is outlined in the City of Kingston Policy for the Sale and Acquisition of Property:

  Acquisition Framework
  Acquisition of Strategic properties will primarily occur:
  a) For a new municipal facility, through the capital budget planning process;
  b) As a dedication, through the development approval process;
  c) As a result of tax arrears or donations;
  d) For right-of-way acquisition with regard to enhancing the city’s transportation networks.

It is appropriate within the framework of this policy to pursue the acquisition of this property. The property is shown as parkland on an approved secondary plan.

NOTICE PROVISIONS:
N/A

ACCESSIBILITY CONSIDERATIONS:
The park is being designed to meet the City of Kingston accessibility standards for pathways and park amenities. Staff will also work with the Municipal Accessibility Advisory Committee to ensure that all accessibility requirements are incorporated.

FINANCIAL CONSIDERATIONS:
The cost of the acquisition is $1.00 as the land is part of the parkland conveyance for the overall secondary plan. The park development budget including fees and contingencies is $225,000.00. Staff recommends a new 2010 project be created to be funded $202,500.00 (90%) from the Development Charges Reserve fund and $22,500.00 (10%) funded from existing capital budget. It is proposed that funds from the Emerald Park account be used as the project is almost complete and will have about $120,000 remaining. This proposed approach will not impact taxes or approved projects to be completed.

CONTACTS:
Lanie Hurdle, Director, Recreation and Leisure Services 613-546-4291 ext. 1231
Neal Unsworth, Manager, Parks Development, Recreation & Leisure Services Department 613-546-4291 ext. 1811
OTHER CITY OF KINGSTON STAFF CONSULTED:
Kristine Hebert, Parks & Open Space Planning Coordinator, Recreation & Leisure Services Dept.
Peter Huigenbos, Project Engineer, Real Estate & Construction Department
Lana Foulds, Financial Planning Coordinator
Susan Nicholson, Senior Legal Counsel, Legal Services Department
Marnie Venditti, Manager, Development Approvals, Planning & Development Department

EXHIBITS ATTACHED:
Exhibit ‘A’  Location Map