REPORT TO COUNCIL

TO: Mayor and Members of Council
FROM: Jim Keech, President and CEO, Utilities Kingston
RESOURCE STAFF: Mark Van Buren, Director of Engineering
DATE OF MEETING: November 2, 2010
SUBJECT: Request Council Authorization to Enter into an Agreement with George Wright and Sons to Utilize City Lands for Interim Access to 146 Hickson Avenue

EXECUTIVE SUMMARY:

George Wright and Sons has submitted an application for Site Plan Control to construct an addition at their facility located at 146 Hickson Avenue. As part of the application they are seeking approval from Council to enter into an agreement to utilize the lands to the east of the property for access to the site. The lands to the east are lands owned by the City and designated as part of the future Wellington Street Extension.

RECOMMENDATION:

That Council authorize staff to enter into an agreement with the owners of George Wright and Sons Ltd. to allow for interim access on City owned lands, designated as the future Wellington Street Extension, for the purpose of accessing their site at 146 Hickson Avenue. Such agreement to be prepared in a form satisfactory to the City Solicitor.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON
Jim Keech, President & CEO Utilities Kingston

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

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<tr>
<th>Commissioner</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>Lanie Hurdle, Community Services</td>
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<td>Denis Leger, Transportation, Properties &amp; Emergency Services</td>
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<td>Jim Keech, President, and CEO, Utilities Kingston</td>
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(N/R indicates consultation not required)
OPTIONS/DISCUSSION:
George Wright and Sons Ltd. is proposing expansion to their property at 146 Hickson Avenue. The construction will expand the current building by over 2500 square meters to the south and includes renovations to the existing offices on the north side of the building. Currently the site utilizes the City owned lands to the east, which have been designated as the future Wellington Street Extension, to access a loading bay, rear dock doors, and area for staff parking. An agreement authorizing specified lands as a “right-of-way in common” was signed in 1980 by the City and Mr. Albert G. Wright thereby permitting the owner to use the lands for access and obligating the owner to maintain the lands to a level satisfactory to their needs for the access. This agreement however terminated on December 31, 2005.

A new agreement is now required that will address any changes in need for access to the Wright property and reconfirm that the City has completed the Environmental Assessment and that the lands will be required at a future date for the Wellington Street Extension. With the proposed expansion of the building to the south which includes new loading bay doors it will be necessary to determine the specific lands required to facilitate the access. A reference plan will need to be prepared by the applicant that defines the lands as a Part on the Plan to replace the old meets and bounds description in the original agreement.

Additional clauses will be included in the agreement to ensure that the City can proceed with the construction of the Wellington Street Extension at a future date and that the detailed design may impact the interim access design. The City’s Legal Department will prepare the appropriate agreement.

EXISTING POLICY/BY LAW:
The authorization of Council is required to permit the City and the applicant to enter into an agreement.

NOTICE PROVISIONS:
No notice provisions are required.

ACCESSIBILITY CONSIDERATIONS:
There are no accessibility considerations with this application as the proposal is for a driveway for the delivery and export of materials. The accessible parking will be provided at the front of the building.

FINANCIAL CONSIDERATIONS:
The cost of preparing the reference plan as well as the preparation and registration of the agreement will be the responsibility of the applicant as outlined in the Fees and Charges By-Law.

CONTACTS:
Hal Linscott, City Solicitor ext. 1296
Mark VanBuren, Director, Engineering Department ext. 3218
Kimberley J Brown, Manager, Infrastructure and Development ext. 3132

OTHER CITY OF KINGSTON STAFF CONSULTED: N/A

EXHIBITS ATTACHED:
Exhibit “A” – Location Plan 146 Hickson Avenue
CITY OF KINGSTON
Engineering Department

Location Plan
Lands Proposed for Temporary Right of Way

Date: 23 Oct. 2010