TO: Mayor and Council
FROM: Jim Keech, President and CEO, Utilities Kingston
RESOURCE STAFF: Mark Van Buren, Director, Engineering Department
DATE OF MEETING: November 16, 2010
SUBJECT: Authorization for Mayor and Clerk to Sign Agreement for Encroachment of Accessibility Ramp at 611 Princess Street - Cataraqui Archaeological Research Foundation

EXECUTIVE SUMMARY:

The Cataraqui Archaeological Research Foundation, which is located at 611 Princess Street, has requested permission from the City of Kingston to construct an entrance ramp within the City right-of-way to provide accessible entry to their establishment. The accessible entrance will be located along the Princess Street frontage as well as the Albert Street flankage. The portion of the ramp along the Albert Street flankage will encroach in the Albert Street right-of-way.

RECOMMENDATION:

THAT Council authorize the Mayor and the Clerk to sign an encroachment agreement, in a form satisfactory to the Director of Legal Services, with the Executive Director of the Cataraqui Archaeological Research Foundation to permit the installation of an entrance ramp within the Albert Street right-of-way for their property located at 611 Princess Street and;

FURTHER

THAT the encroachment agreement requires that the ramp be maintained by the management of the Cataraqui Archaeological Research Foundation; and that the ramp will be removed by CARF for any reason deemed necessary by the City.
AUTHORIZING SIGNATURES:

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<th>ORIGINAL SIGNED BY PRESIDENT &amp; CEO, UTILITIES KINGSTON</th>
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<td>Jim Keech, President and CEO, Utilities Kingston</td>
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<th>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</th>
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<td>Gerard Hunt, Chief Administrative Officer</td>
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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<td>Cynthia Beach, Sustainability &amp; Growth</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:

The Cataraqui Archaeological Research Foundation, which is located at 611 Princess Street, has requested permission to install an entrance ramp in the Albert Street right-of-way. A Key map is attached as Exhibit “A”. Delegated authority has been provided to staff to review and approve encroachments for such items as awnings, fences and hedges, inadvertent and temporary encroachments through By-law 2007-107, “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”. However, it does not authorize staff to approve permanent encroachments of this nature in the right-of-way. Therefore an agreement to be signed by the Mayor and the Clerk is required to permit the accessible ramp to be constructed on the City owned right-of-way. The limit of the Albert Street right-of-way in this location is the building face.

The ramp has been designed in accordance with standards and specifications for accessibility and had been reviewed by the City’s Building Department. Because of the configuration of the interior of the building, the ramp has been designed to start at the Princess Street entrance and wrap around the building to meet grade on the Albert Street side of the building. Other alternatives were investigated by the owner’s architect and this option was the most feasible as it provides access to the front entrance and there are no mechanical needs that would be required if a lift were installed. The location of the ramp has been reviewed by staff to ensure that there is no conflict with existing underground and surface infrastructure installed in the right-of-way and also confirmed that it has limited impact on municipal maintenance operations such as snow clearing.

The proposed agreement to permit the encroachment onto the public right-of-way would commit the Cataraqui Archaeological Research Foundation to maintain the ramp. The agreement will also entitle the City to remove the works if necessary and any costs associated with removal will be borne by the Cataraqui Archaeological Research Foundation.

Staff is recommending that Council authorize the Mayor and the Clerk to sign an encroachment agreement prepared to the satisfaction of the Director of Legal Services.

EXISTING POLICY/BY LAW:

By-Law No. 2004-107, “A By-Law To Protect The City’s Highways from Unauthorized Encroachments”. An encroachment agreement for the placement of an access ramp within the right-of-way must be signed by the Mayor and Clerk. There is no existing by-law that gives delegated authority to staff or the mayor and clerk to proceed.

NOTICE PROVISIONS: N/A

ACCESSIBILITY CONSIDERATIONS:

The purpose of the encroachment is to provide an accessible entrance to the Cataraqui Archaeological Research Foundation. The ramp has been designed incorporating the appropriate standards and specifications for an access ramp as laid out in the Building Code.

FINANCIAL CONSIDERATIONS:

In addition to the requirement to pay legal costs of preparing and registering the agreement, the applicant will be required to pay the annual encroachment fee of $34.75 per year for the use of the City right-of-way.

CONTACTS:

Mark Van Buren, P.Eng, Director Engineering Department, ext. 3218
Kimberley Brown, P.Eng, Manager, Infrastructure and Development ext. 3132
Brad Morton, Infrastructure Technician, Engineering Department, ext. 3147
OTHER CITY OF KINGSTON STAFF CONSULTED:

Ryan Arcand, Building Official, Building Department

EXHIBITS ATTACHED:

Exhibit “A” – Site Location Plan 611 Princess Street
Exhibit “B” – Key Map - Ramp Plans