



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-131

TO: Mayor and Members of Council

FROM: Denis Leger, Commissioner, Transportation, Properties & Emergency Services

RESOURCE STAFF: Peter Huigenbos, Acting Director, Real Estate & Construction

DATE OF MEETING: October 2, 2012

SUBJECT: License Renewal Agreements with Transport Canada
Storm Sewer Overflow Outlet at Foot of West Street
Storm Sewer Overflow Outlet at Foot of The Tragically Hip Way (formerly Barrack Street)
Scenic Walkway at Kingston Harbour

EXECUTIVE SUMMARY:

The City of Kingston currently holds Licence Agreements with Transport Canada to permit the City to operate and maintain storm sewer overflow outlets on federal water lots located at the foot of West Street and the foot of The Tragically Hip Way (formerly Barrack Street). The Licence Agreements on both locations expired on March 31, 2012. Transport Canada has provided the City with Supplemental Agreements that will extend the term of both licenses and amend the rental rates for a three year period ending on March 31, 2015.

The City of Kingston also holds a Licence Agreement with Transport Canada for a “fire access route and scenic walkway” at Kingston Harbour which expired on April 1, 2011. Kingston Fire & Rescue has determined that the route does not meet standards for a fire access route and no longer require the license for this purpose. Transport Canada has no objection to the City continuing to lease the filled in waterlot for operation as a scenic walkway only and has provided the City with a Supplemental Agreement to extend the term for a further three year period from April 1, 2011 to March 31, 2014. The filled in waterlot is an important link in the City’s Waterfront Trail.

RECOMMENDATION:

THAT the Mayor and Clerk be authorized to execute supplemental agreements and any other documents as may be necessary with Transport Canada to extend Licence Nos.

C9909143 and C9909144 for the continued operation and maintenance of storm sewer overflow outlets on the federal water lots located at the foot of West Street and The Tragically Hip Way (formerly Barrack Street) respectively for a further term of three years from April 1, 2012 to March 31, 2015 in a form and content satisfactory to the Director of Legal Services; and

THAT the Mayor and Clerk be authorized to execute a supplemental agreement and any other documents as may be necessary with Transport Canada to extend Licence No. C9909145 for the continued operation and maintenance of a scenic walkway at Kingston Harbour for a further term of three years from April 1, 2011 to March 31, 2014 in a form and content satisfactory to the Director of Legal Services.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Denis Leger, Commissioner, Transportation, Properties & Emergency Services
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	N/R
Lanie Hurdle, <i>Community Services</i>	√
Jim Keech, <i>President and CEO, Utilities Kingston</i>	√

OPTIONS/DISCUSSION:**Storm Sewer Overflow Outlets**

The City of Kingston currently holds Licence Agreements with Transport Canada to permit the City to operate and maintain storm sewer overflow outlets to the federal water lots located at the foot of West Street and the foot of The Tragically Hip Way (formerly Barrack Street). A license for the locations has been in place with the federal government since the 1980's. A new form of agreement was provided in 1999 and is the basis for which all supplemental agreements have been extended with the most recent three year term ending March 31, 2012. Transport Canada has provided the City with Supplemental Agreements extending the term of the Licence Agreements for a further three year period from April 1, 2012 to March 31, 2015.

Transport Canada's rate for storm outlets are based on the area of pipe measured in square metres as calculated at the time of installation. Their current policy is to not approve licenses for more than a 3 year period and to increase rates annually by 3%.

The proposed Supplemental Agreement for the storm sewer overflow outlet pipe at the foot of The Tragically Hip Way (formerly Barrack Street) sets the rent for the next three years as follows:

April 1, 2012	\$401.70
April 1, 2013	\$413.75
April 1, 2014	\$426.16

The proposed second Supplemental Agreement for the storm sewer overflow outlet pipe at the foot of West Street sets the rent for the next three years as follows:

April 1, 2012	\$2,296.90
April 1, 2013	\$2,365.80
April 1, 2014	\$2,436.78

Each of these storm sewer overflow outlets continue to be a necessary part of the City's drainage system and as a result, staff recommend that the City enter into the Supplemental Agreements with Transport Canada to ensure the storm outlets are legally permitted and remain accessible for on-going operation and maintenance.

Scenic Walkway – formerly Fire Access Route

Kingston Fire & Rescue has delegated authority to enter into license agreements for fire lanes and has had an agreement with Transport Canada since the construction of the Frontenac Village condominium development in the mid 1980's. Exhibit "A" illustrates the location of the filled in federal waterlot. It is located at the terminus of a parcel owned by the City at the extension of King Street. This lane was deeded to the City

along with the section along Anglin Bay for the purposes of a waterfront trail and to accommodate emergency access for the condominium. The lane was constructed by the developer at the time of site plan approval and is currently maintained by the condominium corporation.

Kingston Fire & Rescue has determined that the route does not meet standards for heavy truck access and turnaround and will no longer be designating the City owned component and the federal waterlot as a fire lane. The current level of services will not be compromised. Provisions for firefighting are met through municipal street access and internal fire protection measures.

Staff has discussed the removal of the fire lane designation status with the President of the condominium Board of Directors. The public status of the lane will not change. New signage will be required to assist in managing illegal parking concerns now that the Fire Access route and the Fire Lane signs have been removed. The segment is part of the City's Waterfront Trail and must remain safe for pedestrian access.

The footprint subject to the lease is part of the Kingston Waterfront Trail which follows the perimeter of the Anglin Parking lot leading to the boardwalk adjacent to the Frontenac Village Condominium and to King Street. Retention of the license for this purpose is recommended by staff. Accordingly, the license is no longer delegated to Kingston Fire & Rescue and requires approval of Council to maintain the City's right of use.

The previous agreement expired March 31, 2011. Transport Canada has forwarded a supplemental agreement for the period April 1, 2011 to March 31, 2014 for the fixed annual rate of \$280.00 per annum.

EXISTING POLICY/BY LAW:

By-Law No. 2010-1, Council Procedural By-Law provides authority for the Mayor and Clerk to sign all agreements approved by Council.

NOTICE PROVISIONS:

N/A

ACCESSIBILITY CONSIDERATIONS:

This report and related information is available in alternative formats upon request.

FINANCIAL CONSIDERATIONS:

The Engineering Department will pay the fee for the storm water outlets through its annual budget for Storm Water Management. The Public Works Department will pay the annual fee for the scenic walkway from the annual park space facility maintenance budget.

CONTACTS:

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Kathy Gray, Property Specialist, Real Estate & Construction Services ext 2429

OTHER CITY OF KINGSTON STAFF CONSULTED:

Alan McLeod, Senior Legal Council

Stephen Dickey, Deputy Treasurer

Mark Van Buren, Director, Engineering

Robert Kidd, Assistant Chief, Director of Fire Prevention

Damon Wells, Director of Public Works

Neal Unsworth, Manager Parks Development

EXHIBITS ATTACHED:

Exhibit "A" – Scenic Walkway Kingston Harbour

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