



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-166**

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**TO:** Mayor and Members of Council

**FROM:** Cynthia Beach, Commissioner, Sustainability & Growth

**RESOURCE STAFF:** Same

**DATE OF MEETING:** May 1, 2012

**SUBJECT:** 370 King Street West - J.K. Tett Centre  
390 King Street West – Isabel Bader Centre for Performing Arts  
Access Agreement between the City of Kingston and Queen’s University

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**EXECUTIVE SUMMARY:**

This report is being written to update Council on the successful negotiation and completion of agreements between the City and Queen’s University related to easements, funding and common goals for the development of 370 and 390 King Street West. The report also serves to seek Council approval for Gerard Hunt, CAO, to enter into an additional agreement with Queen’s University, as requested by the Government of Canada, confirming public access to the J.K. Tett Centre and the Isabel Bader Centre for the Performing Arts.

This agreement will put into place the final legal instrument that will allow the City and Queen’s University to proceed with a co-operative revitalization of an arts campus on one of the most significant heritage sites in Kingston. The agreement will enable the City and Queen’s University to proceed with plans to provide a wide variety of programming for Queen’s University faculty and students in a manner that will include diverse opportunities for cultural and artistic programming for the entire community.

**RECOMMENDATION:**

**THAT** Gerard Hunt, CAO, be authorized to enter into an Access Agreement with Queen’s University to the satisfaction of the Director of Legal Services.

**AUTHORIZING SIGNATURES:**

<p><u>ORIGINAL SIGNED BY COMMISSIONER</u>                  Cynthia Beach, Commissioner, Sustainability and Growth</p>
<p><u>ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER</u>                  Gerard Hunt, Chief Administrative Officer</p>

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Lanie Hurdle, Community Services	N/R
Denis Leger, Transportation, Properties & Emergency Services	N/R
Jim Keech, President & CEO, <i>Utilities Kingston</i>	N/R

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

The City is currently developing 370 King Street West for the purpose of creating the J.K. Tett Creativity Complex to accommodate and encourage an arts cluster of community organizations in the J.K. Tett Centre building situated thereon.

Queen's University is in the process of developing the adjacent site at 390 King Street West for the purpose of creating an arts campus, including academic facilities for the Faculty of Arts and Science, and a Centre for the Performing Arts. Queen's is proceeding with the construction of their project, which has been named the Isabel Bader Centre for the Performing Arts.

Around the world, cities and regions are trying to find ways to expand the arts and cultural offerings as a manner of strengthening both the economy and community. Both the City and Queen's University have been working collaboratively on their respective projects for many years to create an arts and cultural campus that will help the City realize the potential for integrating the academic aspects of the Queen's University programs with opportunities to strengthen and expand the community's cultural vitality. Success of the programming for these new revitalized facilities will provide opportunities for the City of Kingston to distinguish itself regarding the quality of opportunities for culture and arts and thereby enhance both quality of life and quality of place. This is consistent with the theme statement in the Kingston Sustainability Plan for Arts, Creativity and Entertainment that: *"Kingston is a place where all forms of creative expression and public entertainment are nurtured, celebrated, and valued as important contributors to the City's cultural, social, and economic life"*.

As part of the development of both properties, the City and Queen's University have successfully negotiated and finalized agreements providing for:

- Easements from the City to Queen's University providing access to municipal property for stated purposes;
- Easements from Queen's University to the City providing access to the property of Queen's University for stated purposes;
- A Funding Agreement setting out mutual obligations between the City and Queen's University; and
- A Memorandum of Understanding on co-operative development of common goals related to the fostering of joint arts and cultural activities within the community.

The authority for negotiation and execution of the agreements detailed above has been previously granted by Council.

In addition to these agreements, the Government of Canada, as a condition for providing part of the funding for the Queen's Project, has stipulated that Queen's successfully complete a pre-defined public Access Agreement drafted to the satisfaction of the Government of Canada with the City of Kingston for the project, ensuring community access to the new facility. The Access Agreement confirms that the City and Queen's University are entering into the other agreements set out above and that collectively they provide access to the overall development

to the public. These confirmations are in accordance with Federal funding requirements. Staff recommend that the City enter into the agreement as requested by the Government of Canada and, accordingly, that Gerard Hunt, CAO, be authorized to enter into an Access Agreement with Queen's University to the satisfaction of the Director of Legal Services.

The City and Queen's University have been meeting on a regular basis to review the programming potential for the campus and completed an analysis that will guide the development of potential programming. This will ensure that the programming is integrated with the existing City owned facilities including the Grand Theatre, the K-Rock Centre and Springer Market Square. The City will continue to play a lead role in developing the opportunities available for festival development or other expanded programming. The J.K. Tett Centre has also established a not for profit board that is now evaluating the physical development and revitalization of the City's building in a manner that will promote community use of the whole campus.

**EXISTING POLICY/BY LAW:**

N/A

**NOTICE PROVISIONS:**

N/A

**ACCESSIBILITY CONSIDERATIONS:**

N/A

**FINANCIAL CONSIDERATIONS:**

N/A

**CONTACTS:**

Cynthia Beach, Commissioner, Sustainability & Growth  
Alan McLeod, Senior Legal Counsel, Legal Services

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**OTHER CITY OF KINGSTON STAFF CONSULTED:**

Brian McCurdy, Director, Cultural Services

**EXHIBITS ATTACHED:**

N/A