



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12 -125

TO: Mayor and Members of Council

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

RESOURCE STAFF: Speros Kanellos, Director, Real Estate & Construction Services

DATE OF MEETING: April 17, 2012

SUBJECT: Sale of Easement – Ministry of Transportation
One Foot Reserve – Montreal Street

EXECUTIVE SUMMARY:

The Ministry of Transportation has requested the acquisition of a new easement over a one foot reserve owned by the City for a drainage outlet for the Highway 401 catchment area at Montreal Street.

RECOMMENDATION:

THAT Council authorize the Mayor and Clerk to execute all necessary documents to grant an easement over part of the One Foot Reserve lying along the north side of Lot 40, Registered Plan 1151, City of Kingston, designated as Part 3 on Reference Plan 13R-19672 to Her Majesty the Queen in right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario, in a form satisfactory to the Director of Legal Services for a fee of \$100 plus all additional costs such as legal and survey costs associated with registration of the easement.

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AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Denis Leger, Commissioner, Transportation, Properties & Emergency Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer
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CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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

(N/R indicates consultation not required)

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OPTIONS/DISCUSSION:

MTO has made a request to the City to acquire a new easement over a one foot reserve that the City owns between two privately owned properties. The City acquired the one foot reserve by instrument No. 130630 on the May 30th, 1962, as a condition of approval of the abutting Plan of Subdivision 1151.

The easement is only 4.75 metres in length by 0.3 metre in width. The easement will serve to accommodate a drainage outlet for the Highway 401 catchment area. Notice has been circulated to other City Departments. No comments or objections to the transfer have been received.

Attached as Exhibit "A" is a sketch showing the location of the proposed easement.

EXISTING POLICY/BY LAW:

Sale of easements to the Crown, public utilities and telephone companies is included in the City's Policy for the Sale and Acquisition of Real Property but are exempt from public notice and the requirement for an appraisal. Notwithstanding these exemptions, Council approval is still required for the sale of all land including easements.

NOTICE PROVISIONS:

N/A

ACCESSIBILITY CONSIDERATIONS:

N/A

FINANCIAL CONSIDERATIONS

There is a nominal consideration of \$100 being paid to the City for the transfer of this easement, plus an application fee of \$541.60. MTO is responsible for all legal and other costs associated with the acquisition of this easement.

CONTACTS:

Speros Kanellos, Director, Real Estate & Construction Services (613) 546-4291 ext.3133
Kathy Gray, Property Specialist, Real Estate & Construction Services (613) 546-4291 ext. 2429

OTHER CITY OF KINGSTON STAFF CONSULTED:

Alan McLeod, Legal Services
Mark Van Buren, Engineering
Stephen Dickey, Deputy Treasurer, Finance

EXHIBITS ATTACHED:

Exhibit "A" Sketch showing proposed easement

EXHIBIT "A" – MTO Easement

