



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 12-099

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: March 6, 2012

SUBJECT: Assignment of Parking License – 27 Place d’Armes

EXECUTIVE SUMMARY:

The City has received a request from 995413 Ontario Inc. and 995429 Ontario Ltd., the joint owners of 27 Place d’Armes, to approve the assignment of their parking agreement with the City for 14 parking spaces to the new owner of the office building, 2314033 Ontario Limited. Closing for the sale of the building is anticipated to be on or about March 15, 2012. 2314033 Ontario Limited has reviewed the licence agreement and has agreed to assume all of the obligations and liabilities of the parking licence with the City of Kingston which expires on November 30, 2014.

RECOMMENDATION:

THAT Council approve the assignment of the parking license agreement for the 14 parking spaces adjacent to the building at 27 Place d’Armes by 995413 Ontario Inc. and 995429 Ontario Ltd. as joint tenants to 2314033 Ontario Limited and that the Mayor and City Clerk be authorized to execute the assignment subject to the satisfaction of the Director of Legal Services.

March 6, 2012

- Page 2 -

AUTHORIZING SIGNATURES:

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

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

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

(N/R indicates consultation not required)

March 6, 2012

- Page 3 -

OPTIONS/DISCUSSION:

The City has rented the equivalent of fourteen (14) parking spaces on City-owned land at the corner of King and Place d’Armes to the joint owners of the adjacent office building at 27 Place d’Armes since its construction in 1992 through a series of 5 year term agreements. The licensees constructed the paved area as part of the site plan approval and continue to maintain the parking spaces including line painting and snow removal at their expense. Realty taxes are in addition and are payable on the portion of the parking area that fronts on Place d’Armes which is not part of the road allowance. The parking area fronting on King Street is part of the road allowance and is not taxable. (Exhibit “A”)

The current license agreement expires on November 30th, 2014. Assignment of the agreement to a third party is not permitted without the consent of Council.

The property has been sold to a new group of owners incorporated as 2314033 Ontario Limited. They have reviewed the license agreement and have provided confirmation that they are willing to accept assignment of the license including payment of rents, property taxes and insurance. The closing is scheduled for on or about March 15, 2012 at which time the assignment can be executed.

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 fee is based on the rate charged at the Anglin parking lot and increases by 2% each year or the rate of the Anglin parking lot on the anniversary date of the agreement, whichever is greater. The current rate is \$8,219.52 per annum plus HST plus property taxes of approximately \$1,888 per year.

CONTACTS:

Speros Kanellos, Director, Real Estate & Construction Services	Ext. 3133
Kathy Gray, Property Specialist, Real Estate & Construction Services	Ext. 2429

OTHER CITY OF KINGSTON STAFF CONSULTED:

Alan McLeod, Senior Legal Counsel, Legal Services
Paula Nichols, Manager Parking Operations

EXHIBITS ATTACHED:

Exhibit “A” – Licensed Parking Area

March 6, 2012

EXHIBIT "A"

