



**City of Kingston
Report to Council
Report Number 15-158**

To: Mayor and Members of Council

From: Denis Leger, Commissioner, Transportation, Facilities and
Emergency Services

Resource Staff: Sheila Kidd, Director, Transportation Services

Date of Meeting: February 17, 2015

Subject: License Agreement - McKee Lot Parking – James and Astrid
Barber

Executive Summary:

The private property located at 337 Princess Street includes a small rear parking area that abuts the City-owned McKee Parking Lot on Queen Street. This private parking area is accessed through a portion of the McKee Lot. The purpose of this report is to recommend that the City enter into a license agreement with James and Astrid Barber to provide vehicular access to their private property.

Recommendation:

That Council authorize the Mayor and Clerk to execute a license agreement with James and Astrid Barber, in a form satisfactory to the Director of Legal Services, for two parking spaces in the McKee Lot to permit access to and from the rear of their property located at 337 Princess Street, at an annual license fee of \$1,632.00 plus applicable taxes, adjusted annually by a minimum of 3% or as per the fees set for this lot in the *City's Fees and Charges By-law 2005-10*, whichever is greater, for a five-year term commencing January 1, 2015, with an option to renew for an additional five years.

February 17, 2015

Page 2 of 4

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Denis Leger, Commissioner
Transportation, Facilities and Emergency
Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives

Lanie Hurdle, Community Services

Not required

Jim Keech, President and CEO, Utilities Kingston

Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer

Not required

February 17, 2015

Page 3 of 4

Options/Discussion:

The rear of the commercial property at 337 Princess Street includes a small parking area that abuts the City-owned McKee Parking Lot on Queen Street. To access the private parking area, the owner and his tenants must enter via a laneway in the McKee lot. In order to maximize the use of the rear building private parking area, the owners are requesting that the City limit the use of the two parking spots abutting his rear lot. The spots are not used for parking, only vehicular and pedestrian access to the rear of 337 Princess Street. For a number of years, the City provided the requested access and use of two parking spaces through a license agreement. The last agreement was established in 2002 and expired in 2012. The property owner has requested a new license agreement to continue to use the City's lands for this purpose.

In recognition of the reduced number of parking spaces that the City (the Licensee) will provide in this lot, the licensor will pay an annual rate of \$1,632.00 plus HST, which is equivalent to the 2014 permit rate for two parking spaces in this lot. The rate will increase annually by a minimum of 3% or as per the fees set for this lot in the *City's Fees and Charges By-law 2005-10*, whichever is greater. The Licensee has also agreed to pay the City a retroactive payment of \$1,383.12 (\$1,224.00 plus HST) to compensate for the use of one parking space during the past 18 months while this agreement has been under discussion.

The term of the agreement is five years, commencing on the 1st day of January 2015 and terminating on the 31st day of December 2020, with an option to renew for an additional five-year period under the same terms and conditions.

The City has similar grandfathered agreements with other downtown property owners to license dedicated parking spaces to permit vehicular or pedestrian access to private buildings abutting City parking lots. The spaces are not used for parking by the licensees.

Existing Policy/By Law:

Fees and Charges By-law (2005-10)

A By-Law to Regulate Parking (2010-128) Notice Provisions:

Not Applicable.

Accessibility Considerations:

Not applicable.

Financial Considerations:

The revenue generated by this license agreement has been incorporated in the 2015 budget. With annual adjustments set at 3%, it is anticipated that the increase in revenues will cover any increase in costs incurred by the municipality to maintain the area.

February 17, 2015

Page 4 of 4

Contacts:

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Paula Nichols, Manager, Parking Operations 613-546-4291, Extension 2392

Other City of Kingston Staff Consulted:

Peter Huigenbos, Manager, Real Estate & Land Development
Kathy Gray, Property Specialist, Real Estate & Land Development
Alan McLeod, Senior Legal Counsel

Exhibits:

Exhibit A – Drawing depicting licensed area

This exhibit can be made available in alternate format.

