



**City of Kingston
Report to Council
Report Number 15-169**

To:	Mayor and Members of Council
From:	Cynthia Beach, Commissioner, Corporate & Strategic Initiatives
Resource Staff:	Peter Huigenbos, Manager, Real Estate & Land Development
Date of Meeting:	February 17, 2015
Subject:	Distribution of Lands East of 77 MacCauley St. to Limestone District School Board

Executive Summary:

The purpose of this report is to recommend the transfer of a 0.5 acre vacant parcel of City-owned property to the Limestone District School Board for a nominal fee.

The Limestone District School Board (LDSB) owns 77 MacCauley Street, a site occupied by Rideau Heights Public School. On August 12, 2014, Council approved a recommendation from the Recreation & Leisure Services Department to construct a new community centre on the school site, immediately west of the school building. To the immediate east of the school building is a City-owned property, over which the LDSB enjoys an exclusive right-of-way for access and parking. In order to achieve zoning compliance for future parking requirements on the overall site (school and community centre), this City-owned parcel is required to be transferred to the LDSB. The property proposed to be transferred to the LDSB is shown on Exhibit "A" attached to this report (the Lands) and is not a dedicated road allowance. The LDSB is the only property owner that has the right to use the property.

Recommendation:

That Council declare surplus to municipal need and dispose of the parcel of land east of 77 MacCauley Street, more particularly described as Part of the south half of Lot 1, Plan 68 being all of PIN 36058 0289 and subject to a right of way in favour of the Limestone District School Board; and

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That Council authorize the Mayor and the Clerk to execute all necessary agreements and other documents as may be required to sell the parcel of land east of 77 MacCauley Street to the Limestone District School Board in exchange for \$1.00 and the granting of an easement in favour of Kingston Hydro Corporation, in a form satisfactory to the Director of Legal Services.

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Cynthia Beach, Commissioner,
Corporate & Strategic Initiatives**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Lanie Hurdle, Community Services

Denis Leger, Transportation, Facilities & Emergency Services Not required

Jim Keech, President and CEO, Utilities Kingston

Desiree Kennedy, Chief Financial Officer & City Treasurer Not required

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Options/Discussion:

In 2014, Council approved \$12.5M in the capital budget to redevelop Shannon Park and construct a community centre in collaboration with the Limestone District School Board (LDSB). The community centre will be built by the City on LDSB property, to the immediate west of the existing Rideau Heights Public School building at 77 MacCauley Street.

The Lands proposed to be transferred to LDSB consist of a 0.5 acre parcel located immediately east of 77 MacCauley Street. The Lands were purchased by the City in 1956 with other surrounding property that now form Shannon Park. LDSB holds an exclusive right-of-way over the Lands which are currently being used by LDSB as a parking area.

The Lands have not been used, nor dedicated, as a public road at any time. The proposed transfer of the Lands will allow use of the Lands as a parking lot for the school and to meet the future community centre parking requirements.

In order to achieve zoning compliance for parking requirements on the new combined site (school and community centre) it is necessary that this City-owned parcel be merged with the abutting LDSB property.

Before the Lands can be sold, the City must first declare the Lands surplus to municipal need. A circulation to internal departments has identified no municipal need with the exception of a request by Utilities Kingston to retain an easement for access to existing neighbouring electrical infrastructure. The proposed easement, as shown on Exhibit "A", will be across the northern 7m of the Lands, and will also extend westerly across the entire northerly 7m of the Rideau Heights Public School property. LDSB has agreed to grant the easement as part of the proposed transfer of the Lands.

If the City were to sell the Lands on the open market, it is the opinion of staff that the existing right-of-way, in favour of LDSB over the Lands, significantly reduces any potential for future use and has a significant negative impact on value. Given the existing constraints on the Lands in favour of LDSB and the synergies of the new community centre project between the City and LDSB, staff recommends the transfer of the Lands to LDSB for \$1.00 with all associated fees for the transfer to be paid by the City.

Existing Policy/By-Law:

The City's Disposition of Real Property Policy requires that prior to selling property Council must declare the property surplus to its needs and give notice to the public of its intention to sell the land.

The City's Disposition of Real Property Policy states: "City Council may, unless prohibited by the Municipal Act authorize the disposal of real property at less than market value if, in its opinion, it is in the best interests of the City to do so."

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Notice Provisions:

The City's Public Notice Policy requires that notice be published two weeks in advance of the proposed meeting date to allow anyone who objects be given an opportunity to be heard by Council prior to Council's consideration of the request. The advertisement for declaring surplus was published on February 3, 2015 in the Kingston Whig-Standard and on the City's web site in accordance with the City's Public Notice Policy.

Accessibility Considerations:

The new community centre will be designed in accordance with the *Accessibility for Ontarians with Disabilities Act*.

Financial Considerations:

There is sufficient budget within Recreation & Leisure to cover all associated costs for the completion of this transaction.

Contacts:

Luke Follwell, Director, Recreation & Leisure Services 613-546-4291 ext. 1815

Peter Huigenbos, Manager, Real Estate & Land Development 613-546-4291 ext. 3148

Other City of Kingston Staff Consulted:

Mark McLaughlin, Senior Legal Counsel, Legal Services

Adam McCluskey, Manager, Recreation Facilities

Tom Brackenbury, Utilities Engineer, Utilities Kingston

Exhibits Attached:

Exhibit "A" – Location Map

