

# Report to Council



**Date:** August 27, 2018  
**File:** 1140-53  
**To:** City Manager  
**From:** M. Olson, Manager, Property Management  
**Subject:** Plaza License and Maintenance Agreement/Statutory Right of Way, Westcorp Hotel

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## **Recommendation:**

THAT Council receives for information, the Report from the Manager, Property Management, dated August 27, 2018, regarding the proposed License and Maintenance Agreement/Statutory Right of Way and corresponding legal documents with 1324632 Alberta Inc.;

AND THAT Council approves the City entering into a License and Maintenance Agreement/Statutory Right of Way and corresponding legal documents with 1324632 Alberta Inc. as per the terms and conditions of the agreements attached to the Report of the Manager, Property Management;

AND FURTHER THAT Mayor and Clerk be authorized to execute all documents necessary to complete the transaction.

## **Purpose:**

To obtain Council support to enter into a License and Maintenance Agreement/Statutory Right of Way with 1324632 Alberta Inc. ("Westcorp") for the purpose of private maintenance of a publicly owned plaza located adjacent to 289 Queensway Avenue.

## **Background:**

In the Report to Council dated February 20, 2018, staff outlined the potential for a unique collaboration between the City and Westcorp that would likely necessitate further legal agreements between the two parties.

In place of a standard roadway and cul-de-sac on Queensway, the applicant and staff have worked collaboratively on a street plaza design that would provide an enhanced, pedestrian-friendly entrance to Kerry Park, the Visitor Information Centre, and the applicant's proposed commercial/residential project. The enhanced roadway standards would see the use of high quality materials with the intent of stimulating year-round use and creating a vibrant streetscape. The full cost and construction of the plaza is to be borne by Westcorp, and through the associated License and Maintenance

agreement/Statutory Right of Way, Westcorp will be responsible for the plaza's ongoing maintenance and upkeep (which will be to higher standards than what would typically be expected for public road right-of-ways consisting of asphalt, curb, gutter and sidewalks).

### **Key Agreement Considerations**

The appended License and Maintenance Agreement/Statutory Right of Way was drafted in order to ensure clarity and enforce obligations regarding Westcorp's responsibilities relating to the ongoing maintenance and operation of the proposed public plaza area (as depicted in the attached Schedule "B").

Below is a list of key considerations within the License and Maintenance Agreement/ Statutory Right of Way:

- Snow removal;
- Landscaping maintenance;
- Supply and maintenance of landscape irrigation;
- Any brickwork maintained to a specific standard/tolerance level;
- If utilities need to disturb the works, Westcorp must repair to minimum city standards;
- Indemnities and insurance requirements;
- Continuing to ensure the plaza area remains public;
- Consideration for valet activities;
- Any fountain and/or public art maintenance;
- The requirement for a Performance/Security Bond in the amount of \$32,000;
- A maintenance requirement for street furniture; and,
- A maintenance requirement for street lights.

### **Considerations not applicable to this report:**

Internal Circulation:

Legal/Statutory Authority:

Legal/Statutory Procedural Requirements:

Existing Policy:

Financial/Budgetary Considerations:

Personnel Implications:

External Agency/Public Comments:

Communications Comments:

Alternate Recommendation:

**Submitted by:** M. Olson, Manager, Property Management

**Approved for inclusion:** J. Säufferer, Acting Director, Strategic Investments

Attachments:

1. Schedule A – License and Maintenance agreement/Statutory Right of Way

2. Schedule B – PowerPoint

cc: I. Wilson, Department Manager, Infrastructure Operations  
D. Astofooroff, Public Works Manager  
J. Kay, Development Engineering Manager  
A. Gibbs, Senior Project Manager