



City of Richmond

Report to Committee

To: General Purposes Committee **Date:** October 1, 2012
From: Mike Redpath **File:**
 Senior Manager, Parks
Re: Oris Development (Kawaki) Corp. Bike Park License Agreement

Staff Recommendation

1. That the City accept a license from Oris Development (Kawaki) Corp. ("Oris") of a portion of the lands legally known and described as Lot A, Block 2, Section 18, Block 3 North, Range 6 West, New Westminster District, Plan BCP51493 being the portion formerly legally known and described as;

- (i) Parcel Identifier No. 011-901-829, Lot 3 Block 2 Section 18 Block 3 North Range 6 West New Westminster District Plan 693;
- (ii) Parcel Identifier No. 011-901-853, Lot 4 Block 2 Section 18 Block 3 North Range 6 West New Westminster District Plan 693;
- (iii) Parcel Identifier No. 011-901-861, Lot 5 Block 2 Section 18 Block 3 North Range 6 West New Westminster District Plan 693;

(the three portions hereinafter referred to as the "Site"),

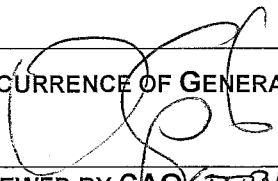

on the terms and conditions set out in this report, including, specifically that the City grant Oris both:

- (a) a release from any claims by the City; and
- (b) an indemnity in Oris' favour in connection with any losses Oris may suffer,

all related to the use of the Site by the general public and the City for the purposes of a public bike park and a public walking trail.



Mike Redpath
 Senior Manager, Parks
 (604-247-4942)

REPORT CONCURRENCE			
ROUTED TO: Risk Management Law	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
	<input checked="" type="checkbox"/>		
REVIEWED BY SMT SUBCOMMITTEE	INITIALS:	REVIEWED BY CAO (DEPUTY)	INITIALS:
	JE		JE

Staff Report

Origin

The City sold the Site to Oris Development (Kawaki) Corp. on September 21st, 2012. The Site has now been consolidated with other lands to form a larger development site. The City would like to continue to use the Site for the purposes of a public bike park and a public trail until such time as an alternate acceptable site is ready for use. In the meantime, the City has requested that Oris grant the City a temporary license of the Site. Oris has generously agreed to do so at no fee but requires that the City grant a release and indemnity in favour of Oris to protect Oris in the event of any loss sustained by Oris due to the Site being used for the permitted purposes.

As the grant of an indemnity and release represents an unfunded contingent liability, express City Council approval is required.

Background

The material terms of the proposed licence in favour of the City are:

1. duration: 6 months or such longer period as the parties may agree
2. early termination: either side by one month notice
3. license fee: nil.
4. indemnity and release in favour of Oris
5. permitted use: as a public bike park and as a public walkway
6. permitted improvements: bike park and walkway installations
7. the addition of Oris as an additional insured on the City's liability policy with respect to the proposed uses of the Site.

The process to select a new site for the replacement bike park, including assessing candidate sites is underway. A report to Committee detailing the community process is anticipated in October 2012 after which detailed programming and design will commence, with construction scheduled for the spring of 2013.

Financial Impact

It is anticipated that there will be no financial impact to the acceptance of the proposed license.

Conclusion

Approval of this report will permit continued community use of the bike park and public trail currently located at the Kawaki site.



Mike Redpath
Senior Manager, Parks