



## Governance and Priorities Committee Report

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**Date:** January 14, 2014      **From:** Neil Turner, Property Manager  
**Subject:** Statutory Right of Way – 120 Kingston Street

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### Executive Summary

The purpose of this report is to seek Council approval to maintain two proposed pedestrian bridges, part of the David Foster Way, and to indemnify Worldmark The Club, the owner of 120 Kingston Street, from any claim that may be brought against either party arising from the construction and use of the bridges.

In May 2012, Council agreed to enter into a new SRW under which Worldmark would allow the City to construct bridge footings on its property at 120 Kingston. The footings are required for a pedestrian bridge between Fisherman's Wharf and 120 Kingston, and another one between 120 Kingston and the existing walkway in front of the Coast Harbourside Hotel, as shown on the attached plan. A short section of each bridge will pass over Worldmark's land on both the west side and the east side in order to connect with the footings.

For the avoidance of doubt, Worldmark has asked staff to confirm that the City will, firstly, maintain both bridges along their whole length and, secondly, indemnify Worldmark from any claim that may be brought against either party arising from the construction and use of the bridges. The City is not being asked to relieve Worldmark of its obligation to maintain the parts of the David Foster Way that are already constructed on its property. In addition, Worldmark will remain liable for any claim arising out of the use of the pathway itself, including a claim based on the contention that the pedestrian bridges were used to access the pathway.

### Recommendation

This Committee recommends that Council authorizes the Mayor and the Corporate Administrator to commit the City, in a form satisfactory to the City Solicitor, to:

1. Maintain the pedestrian bridges connecting to 120 Kingston Street, once constructed, and
2. Indemnify Worldmark and Wyndham Resort Development Corporation from any and all liens or claims which may be brought against either party arising out of the construction and use of the two bridges.

Respectfully submitted

Handwritten signature of Neil M Turner.

Neil M Turner  
Property Manager

Handwritten signature of Robert G Woodland.

Robert G Woodland  
Corporate Administrator

Report accepted and recommended by the A/City Manager:

Handwritten signature of Jocelyn Jenkyns.  
Jocelyn Jenkyns

Possible Locations for Bridges

