

City Council**Motion Without Notice**

MM44.107	ACTION			Ward:27
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50 St. Joseph Street - Request for release of Section 37 funds for the completion of Clover Hill Park - by Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy

** This Motion has been deemed urgent by the Chair.*

** This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

Confidential Attachment - Litigation or potential litigation that affects the City and advice or communications that are subject to solicitor client privilege

Recommendations

Councillor Kristyn Wong-Tam, seconded by Councillor Joe Cressy, recommends that City Council adopt the following recommendations in the report (July 24, 2018), from the General Manager, Parks, Forestry and Recreation and the City Solicitor:

1. City Council amend the 2018 Parks, Forestry and Recreation Capital Budget to add a new capital sub-project called Clover Hill Park Improvements in the Park Development project, with a total project cost of \$0.250 million and cash flow of \$0.250 million in 2018 fully funded by Section 37 community benefits from the development at 909, 931, 935 and 945 Bay Street, 14, 16, 20, 26, 30 and 38 Breadalbane Street and 11 and 25 Wellesley Street West (source account: XR3026-3700155).
2. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
3. City Council direct that Confidential Attachment 1 remain confidential in its entirety, as it contains advice which is subject to solicitor-client privilege.
4. City Council authorize the General Manager, Parks, Forestry and Recreation to release the required funds for the completion of the base and above base park improvements at 50 St Joseph Street from Parks, Forestry and Recreation's approved 2018 Capital Budget from the Clover Hill Park Improvements sub-project in the Park Development project to Rattling Chain Investments Inc., as necessary, once Rattling Chain Investments Inc. has entered into such agreements with the City as considered necessary by, and to the satisfaction of, the General Manager, Parks, Forestry and Recreation and the City Solicitor, which shall include, but not be limited to the terms set out in Confidential Attachment 1.

5. City Council direct that any funds transferred in accordance with Recommendation 1 that are not required for the completion of the base and above base park improvements at 50 St Joseph Street shall be returned to source account: XR3026-3700155.

Summary

Additional funds are required to complete the build out of a new public park at 50 St. Joseph Street, to be known as Clover Hill Park. The need for additional funds is due to the increase in construction costs over time and a dispute with the developer of the subject property over the allocation of certain costs under the Section 37 Agreement which secured the construction of this park.

Staff have estimated that up to an additional \$250,000 will be required to complete the build out of the park. Once costs are finalized, any remaining monies that are not needed to complete the park will be returned to the appropriate Section 37 accounts.

This Motion is urgent because staff and the community want the park construction to begin this year, and construction will not commence until additional funds are available.

Background Information (City Council)

Member Motion MM44.107

(July 24, 2018) Report from the General Manager, Parks, Forestry and Recreation and the City Solicitor on Release of Section 37 Funds for the Completion of 50 St. Joseph - Clover Hill Park (<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119338.pdf>)

Confidential Attachment 1

(July 24, 2018) Fiscal Impact Statement from the Interim Chief Financial Officer (<http://www.toronto.ca/legdocs/mmis/2018/mm/bgrd/backgroundfile-119590.pdf>)