

City Council**Notice of Motion**

MM7.4	ACTION			Ward: 13
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Authorization to Release Section 37 Funds from the Development at 1-25 Defries Street to the Transportation Services Division for the design and construction of a new sidewalk - by Councillor Chris Moise, seconded by Councillor Shelley Carroll

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Executive Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Chris Moise, seconded by Councillor Shelley Carroll, recommends that:

1. City Council increase the 2023-2032 Capital Budget for Transportation Services on a one-time basis by \$350,000 gross debt, fully funded by Section 37 community benefits obtained from the development of 1-25 Defries Street (Source Account: XR3026- 3701146), categorized as Service Improvement and Enhancement, for improvements including, but not limited to, implementing a new sidewalk on the west side of the Bayview Avenue between 1-25 Defries Street and Queen Street East (Cost Centre: CTP423-05).
2. City Council direct the General Manager, Transportation to install signage on the construction fencing for this project informing residents of construction project information and estimated timelines and recognizing that the project was funded using Section 37 community benefits.

Summary

In 2021, Transportation Services moved forward with the design of the public realm improvements identified in the Section 37 Agreement secured from the development at 1-25 Defries Street including a new sidewalk on the west side of Bayview Avenue between Old Brewery Lane and Labatt Avenue, a raised pedestrian crossing at Old Brewery Lane and new marked crosswalks to provide safe pedestrian access to the proposed new sidewalk. Transportation Services and Engineering and Construction Services have completed the detail design for the public realm improvements.

Through the design process, it was identified that the City needs to acquire 99.17 m² of private property at 576 Bayview Avenue due an existing Hydro Tower within the right-of-way. Corporate Real Estate Management has initiated this property purchase negotiation and the private property owner is amenable to the purchase currently.

Costs for the public realm improvements including the property acquisition (estimated cost, including contingency, \$350,000) would be funded using the Section 37 contributions as

provided for in the Agreement. The tender call for these works is planned to be issued in early fall of 2023 for construction in late fall 2023 or in early 2024. Prior to the tender call it is required that the necessary land acquisition, including necessary environmental site assessment work required, is finalized.

This Motion seeks to release the Section 37 funds necessary to complete this project, which were previously pledged in the agreement and approved by City Council in Item [2018.TE34.39](#).

Background Information (City Council)

Member Motion MM7.4