

Fosterbrook Street Sidewalk (Ward 1) (File: 03-05)

---

That the Economic and Development Services Committee recommend to City Council:

Whereas, on October 16, 2023, the Economic and Development Services Committee considered Item ED-23-195, a petition regarding the sidewalk on Fosterbrook Street, and referred to staff for a report; and,

Whereas, Draft Plan of Subdivision 18T-94025 was approved on April 20, 1998 by the Regional Municipality of Durham; and,

Whereas, the first engineering submission was received from D.G. Biddle and Associates in January of 2021, on behalf of Greycrest Homes (Oshawa) Inc., which showed the sidewalks on the west side of Fosterbrook Street from Greenhill Avenue to Black Cherry Lane (including Lots 25-29); and,

Whereas, all engineering submissions, including the final approved engineering drawings, dated September 2022, showed the sidewalk on the west side of Fosterbrook Street from Greenhill Avenue to Black Cherry Drive (including Lots 25-29); and,

Whereas, Greycrest Homes (Oshawa) Inc. entered into a subdivision agreement with the City of Oshawa on December 10, 2021 for Phase 8 of that subdivision (referred to as FKT Co-Tenancy Phase 8), which includes Fosterbrook Street; and,

Whereas the City is not party to Purchase and Sale Agreements or other commitments between the homeowner and Builder; and,

Whereas, the City required Greycrest Homes (Oshawa) Inc. to include in every purchase and sale agreement, a document detailing the location of walkways, street trees, public parks, easements for public and utility services, sidewalks, and Canada Post facilities; and,

Whereas, Appendix 'II' of the subdivision agreement includes the detailed engineering drawings, which shows the sidewalk on the west side of Fosterbrook Street from Greenhill Avenue to Black Cherry Drive (including Lots 25-29) as prepared by D.G. Biddle and Associates; and,

Whereas, the subdivision agreement was registered on title to all lands in Phase 8 on April 1, 2022 as Plan 40M-2721; and,

Whereas, sidewalks are needed for pedestrian safety and are installed in locations that provide the largest service to immediate and area residents; and,

Whereas Fosterbrook Street is a local road which requires sidewalks on one side of the road in accordance with City and industry Engineering standards; and,

Whereas, City-owned boulevards commonly contain several above ground and below ground utilities, such as a hydro boxes, which do not pose safety concerns related to the location of sidewalks; and,

Whereas, the sidewalk in question was installed in September of 2023, honouring the commitments contained within the approved subdivision drawings and agreement; and,

Whereas, the petition has been signed by residents located on the west side of Fosterbrook Street only; and,

Whereas, 40M Plans, like the one attached to the petition, are legal descriptions of the division of land and are not used to indicate sidewalk or infrastructure locations; and,

Whereas, the subdivision remains unassumed and the City has not yet taken over the ownership/maintenance responsibility of the sidewalks from Greycrest Homes;

Therefore be it resolved that Item ED-23-204 concerning a petition regarding the sidewalk on Fosterbrook Street be received for information.