

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 210/2023

Approved: Friday, August 4, 2023

- I. THAT **APPROVAL BE GIVEN** pursuant to Delegation of Authority Bylaw 208-2008, Section 1.30 (b) "City as Grantor" Licenses, Easements (permanent and temporary) and Consents to Enter (Appendix A), to the granting of the following Consent to Enter:
 - a) That the Consent to Enter is provided to Forest Glade Horizons Inc. (the "**Grantee**") and its employees, contractors, agents, and assigns to enter upon part of Derwent Park, legally described as Part Lots 125,126 & 127 Con 2 Sandwich East designated as Part 8 on Plan 12R-5834, Parts 5, 6, 7 and 8 on Plan 12R-5929, Part 1 on Plan 12R-7116, Part 4 on Plan 12R-7204, Part 1 on Plan 12R-11625, Parts 31, 32, 33, 34, 35, 38 and 39 on Plan 12R-14377, save and except Part 1 on Plan 12R-15115 and Parts 1 to 10 on Plan 12R-22472; Windsor (the "**Consent Lands**") as shown in the aerial image attached as Appendix B;
 - b) The term of the agreement shall be a period which shall not exceed two (2) years from date of commencement of May 15, 2022 with completion not exceeding May 14, 2024;
 - c) The Grantor and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of placement of project trailers, parking, and storage of materials and equipment to service a new development to the east of the Consent Lands (the "**Works**") in a manner satisfactory to the Executive Director of Parks and Facilities, or designate, acting reasonably;
 - d) The Grantee is responsible for all costs related to the Works including, but not limited to, the costs of construction, installation, maintenance, restoration costs and pedestrian control;
 - e) Access to the Consent Lands will be from Stella Crescent and Lauzon Road;

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- f) For the duration of the Works, the Grantee is responsible for securing the job site. The Grantee is responsible for erecting fencing and signage as needed. All fencing and signage shall be maintained by the Grantee, to the satisfaction of the Executive Director of Parks and Facilities, or designate, during the Term;
- g) The Grantee agrees that, upon completion of its Works, it will have completed clean up, removal of all materials, fencing and equipment, and will have restored any disturbance of the Consent Lands resulting from its occupation, at its own costs to the satisfaction of the Executive Director of Parks and Facilities or designate, acting reasonably, and in adherence to the conditions set out in paragraph i) below;
- h) The Grantee will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:
 - \$5,000,000 Commercial General Liability coverage with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage
 - 30 days notice of cancellation
 - Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario.

Or as such requirements may be amended, restated and/or supplemented by the City’s Risk and Insurance Department from time to time; and

- i) The Grantee will be required to adhere to the following requirements of the City Naturalist and Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
 - 1. Upon execution of this agreement, the Grantee will contact the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca so that they can discuss the scope of work and determine any necessary landscape reparation, public notification and restoration requirements.
 - 2. Complete training regarding Species at Risk (“SAR”)
 - 3. Use proper snake and turtle handling procedures to usher species off site as required following the Ontario SAR Handling Manual: For

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ESA Authorization Holders (MNR). These procedures will be further discussed during SAR training.

4. Drive cautiously in and out of the site and around the staging site
5. Perform wildlife inspection of machinery that has been left idle for over (1) hour or is parked overnight before (re)ignition
6. Immediately report all injured or deceased snakes or turtles using the SAR Hotline (519-816-5352)
7. Keep the work site clean and remove all food and beverage waste and containers at the end of each day

j) The Grantee will be required to adhere to the following requirements of the City Planning & Building Department in regards to archaeological precautions in the area of the Consent Lands:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:
519-255-6543 x6179

ktang@citywindsor.ca, planningdept@citywindsor.ca

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Windsor Manager of Culture and Events:
Michelle Staaedegaard, (O) 519-253-2300 x2726, (C) 519-816-0711,
mstaaedegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism
Archaeology Programs Unit, 1-416-212-8886,
Archaeology@ontario.ca

Windsor Police: 911

Ontario Ministry of Government & Consumer Services
A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries
and Cemetery Closures, 1-416-212-7499,
Crystal.Forrest@ontario.ca

- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with the Grantee for access to the Consent Lands, approved as to form by the City Solicitor or designate and as to content by the Executive Director of Parks and Facilities or designate.

Report Number: CAO 210/2023
Clerk's File: APM/14495

Anna Ciacelli
Deputy City Clerk
August 8, 2023



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Department Distribution

Title
Coordinator of Real Estate Services
Manager of Real Estate Services
Senior Legal Counsel
City Solicitor/Commissioner, Legal and Legislative Services
Executive Director of Parks and Facilities
Commissioner, Community Services
Chief Administrative Officer

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