

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

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WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 223/2023

Approved: Wednesday, August 23, 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 Rosati Construction Inc. (hereinafter "**Rosati**"), to enter vacant City owned lands municipally known as 0 Dominion Boulevard (Roll Nos. 080-590-06200 / 06300), as shown on the aerial image attached as Appendix B (the "**Lands**");
- b) Rosati will enter the Lands for the purpose of construction staging and storage in conjunction with the development underway on the property owned by the Windsor Islamic Association, lying immediately south of the Lands;
- c) The term of the agreement shall be for twelve (12) months commencing July 1, 2023 and expiring on June 30, 2024 (the "**Term**");
- d) Access to the Lands will be from Dominion Boulevard;
- e) Rosati will ensure that the curb and sidewalks adjacent to the Lands are kept free and clear of any debris and/or equipment at all times and that its occupation of the Lands will not impede use of the adjacent sidewalks by pedestrians. Following completion of the term, Rosati will be responsible to obtain a street opening permit to repair and/ or replace any curbs or sidewalks damaged by Rosati and to restore the boulevard, at its sole cost, to the City Standard and to the satisfaction of the Commissioner of Infrastructure Services, or designate, acting reasonably;

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- f) Rosati will ensure that its equipment and materials at the Lands are secured with chain link fencing at all times, are not placed/stored on the City right-of-way and that the Lands are not accessible to the public. Rosati will also ensure that storage of its equipment and materials on the Lands will not create any site line issues for users of Dominion Boulevard, nor interfere with adjacent bus stops or traffic volumes in the area;
- g) Rosati agrees that, upon the termination of this agreement, any disturbance of the Lands resulting from Rosati's use of the Lands will be restored by Rosati at its own cost and to the satisfaction of the Commissioner of Infrastructure Services, or designate, acting reasonably. Should any of the Lands used by Rosati under the prior agreement approved by CAO 282/2022, which lands are now being used by the City's contractor on the adjacent road improvement project, need to be restored, both Rosati and the City's contractor will work in cooperation with each to restore the lands to the satisfaction of the Commissioner of Infrastructure Services, or designate, acting reasonably;
- h) Rosati 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 and 30 days' notice of cancellation;

The City reserves the right to amend, restate and/or supplement the above requirements as determined by the City's Risk and Insurance Department from time to time.

II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Rosati, approved as to form by the City Solicitor and to technical content by the Commissioner of Infrastructure Services.

Report Number: CAO 223/2023
Clerk's File: APM/14495



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Anna Ciacelli

Deputy City Clerk
August 23, 2023

Department Distribution

Title
Coordinator of Real Estate Services
Manager of Real Estate Services
Senior Legal Counsel
Commissioner, Legal & Legislative Services
Manager, Design, Engineering
Commissioner, Infrastructure Services
Chief Administrative Officer