

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

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 235/2023

Approved: Wednesday, September 13, 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 Plains Midstream Canada ULC and its employees, agents and contractors (collectively "**Plains**"), to enter part of 4631 Ojibway Parkway, north of E.C. Row Expressway and west of Matchett Road, as shown on the aerial diagram attached as Appendix B (the "**Consent Lands**");
- b) Plains will enter the Consent Lands for the purpose of transporting equipment including but not limited to a 320 CAT Backhoe, Hydro-vac truck, sandblaster on a trailer, pick-up trucks, a welding truck and a picker truck (collectively the "**Equipment**") in order to reach integrity dig site GWD 68 as shown on the aerial diagram attached as Appendix C for the purpose of conducting pipeline maintenance (the "**Works**");
- c) The term of the agreement shall be from September 1, 2023 until March 31, 2024 (the "**Term**");
- d) Access to the Consent Lands will be from Ojibway Parkway (private), travelling north as shown by the hashed pink area on Appendix B and easterly across part 8 on 12R-15490, being the part of the Ontario Hydro corridor, north easterly across part 5 on 12R-15490 and easterly on part 10 on 12R-24066.
- e) Plains agrees that, upon the termination of this agreement, any disturbance of the Consent Lands resulting from the transporting of Equipment or carrying out of

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the Works, will be restored by Plains at its own cost and to the satisfaction of the City's Manager of Forestry and Natural Areas or designate;

- f) Plains 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 that includes coverage for crane and overhead lifts, shoring, blasting, excavating, underpinning, demolition, pile driving, caisson work, grading, tunneling, and all work below ground surface, as well as sudden and accidental pollution 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 coverage must not exclude the Consent Lands and must specifically acknowledge the Consent Lands are included on the proof of insurance.

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.

- g) Plains 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. All work must be done when the ground is dry or frozen to avoid damage to the landscape.
2. Vehicles must drive slowly through the area to allow slow-moving animals a chance to avoid being run over. Should a snake be found in the work area, Plains will phone the City's Species at Risk hotline (519-816-5352) and City staff will attend the site as quickly as possible to remove the snake from harm. The same phone number shall be used to report any snakes or other animals found injured or dead.
3. Wherever possible cut native vegetation should be left in place to allow for natural decomposition and provide cover for wildlife in areas being cleared.

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4. For areas to be cleared or excavated, it is recommended that Plains Midstream post a sign at the trail intersection to alert the public as to why this work is required to be done.
5. As soon as the work is completed, Plains shall contact the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca and the Biodiversity Coordinator, at tprenney@citywindsor.ca, so that they can determine the necessary landscape reparation.
6. Monitoring of the affected area in the summer of 2023 by City staff and Ontario Parks will be required in order to determine if invasive species control is necessary as part of the landscape reparation. There is a particular concern regarding phragmites (<https://www.ontario.ca/page/phragmites-fact-sheet>) taking advantage of the disturbance and spreading into affected areas. Should invasive species control be required, Plains will be responsible for the cost of same.

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

Report Number: CAO 235/2023
Clerk's File: APM/14495

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
September 15, 2023

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Senior Legal Council
Commissioner, Legal & Legislative Services
City Forester / Manager of Forestry & Natural Areas, Parks & Facilities



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Executive Director, Parks & Facilities
Commissioner of Community Services
Chief Administrative Officer

External Distribution