

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

Phone: (519)255-6211

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 254/2023

Approved: Monday, September 18, 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 the Essex and Kent Scottish Regiment, being a Primary Reserve Infantry Regiment of the Canadian Army, under the Department of National Defence, and its employees, agents and contractors (collectively "**E&K**"), to utilize the parking lot at 4255 Sandwich Street and legally described as Part of Lots 57 and 58, inclusive, Concession 1 Sandwich West and Parts 3 on 12R-15499 (the "**Consent Lands**") as shown on the aerial diagrams attached as Appendix B;
- b) E&K will enter the Consent Lands for the purpose of parking non-commercial passenger vehicles for their soldiers and members while they embark on an exercise from Thursday, September 21, 2023 through Sunday, September 24, 2023 (the "**Works**");
- c) The term of the agreement shall be from September 21, 2023 to September 24, 2023 (the "**Term**") for permitted access to the Consent Lands and E&K will ensure that the Consent Lands are vacated by the specified times;
- d) Access to the Consent Lands will be from Sandwich Street;
- e) E&K shall ensure that the gated access to the rear lot will not be blocked at any time and that access from both driveways to the north and south gates remain accessible as shown on the aerial diagram attached as Appendix C;

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- f) E&K acknowledges that the City makes no representation or warranties as to the suitability and security of the Consent Lands for parking and that the City will not be responsible for any loss or damage to any vehicles parked at the Consent Lands;
- g) Upon the termination of this agreement, E&K members will vacate the Consent Lands and be responsible to ensure no garbage is left thereon. Should the E&K's use of the Consent Lands result in any damage to the parking lot or adjacent fencing, E&K will be required to restore the Consent Lands to the current condition, at its own cost, to the satisfaction of the City's Manager of Real Estate Services, or designate, acting reasonably.
- h) The Department of National Defence will be required to provide the City with indemnification and proof of insurance with the following minimal coverage, satisfactory to the City's Risk Management Department:
 - \$5,000,000 Commercial General Liability coverage
 - "The Corporation of the City of Windsor" listed as Additional insured
 - Cross liability coverage
 - 30 days' notice of cancellation

In the event that the Department of National Defence is self-insured, it covenants and agrees to provide a letter confirming that the Department of National Defence is self-insured in the amount of at least Five Million Dollars (\$5,000,000.00) per occurrence and that it will provide at least 30 days' notice should the foregoing change.

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; and,

II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with E&K, approved as to form by the City Solicitor, or designate and in content to the Manager of Real Estate Services, or designate.

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Clerk's File: APM/14495



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
September 19, 2023

Department Distribution

Coordinator of Real Estate Services (A)
Manager of Real Estate Services
Senior Legal Counsel
Commissioner, Legal & Legislative Services
Chief Administrative Officer

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