

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 123/2021 AMENDMENT
AMENDMENT APPROVED: May 25, 2021**

- 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 Windsor-Detroit Bridge Authority and its contractors, subcontractors, agents, employees and assigns (hereinafter collectively referred to as "**WDBA**"), to enter part of the lands municipally known as 4280 Sandwich Street, legally described as Part Block A, Plan 473 as in R1380885 save and except Parts 1 and 2 on Reference Plan 12R-27616 and part of 4140-4150 Sandwich Street, legally described as Part Block A, Plan 473, designated as Part 2 on Reference Plan 12R-6816, City of Windsor (the "**Lands**");
 - b) WDBA will enter the Lands for the purpose of conducting significant repairs on the Hydro One infrastructure located on the adjacent lands to the West (the "**Works**") including using the Lands for laydown equipment, pumps and a trailer required in connection with the Works;
 - c) The term of the agreement shall be from June 1, 2021 to August 31, 2021 (the "**Term**");
 - d) Cost for the Consent to Enter will be \$4,500, plus HST, for the duration of the Term and payable upon the signing of the Consent to Enter agreement;
 - e) In the event that WDBA requires an extension of the Term for a further thirty (30) days, the cost for said extension will be \$1,500, plus HST. WDBA must provide written notice of the extension requirement to the Project Administrator, Engineering no later than July 31, 2021;



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

- f) Access to the Lands will be from Sandwich Street;
- g) WDBA will restrict access to the Lands from the balance of 4140-4150 Sandwich by installing and maintaining temporary fencing at the north end of the site to separate the Lands from the remaining portion of 4140-4150 Sandwich Street. All fencing and signage shall be maintained by WDBA, to the satisfaction of the City Engineer, or designate, for the duration of the term;
- h) WDBA agrees that, upon the termination of this agreement, any disturbance of the Lands, resulting from the carrying out of the Works, will be restored by WDBA at its own cost and to the satisfaction of the City Engineer, or designate, acting reasonably;
- i) WDBA will comply with the most up-to-date regulations in place under the *Emergency Management and Civil Protection Act*, as amended from time to time, regardless of the frequency of such amendments. WDBA will also comply with any guidelines and best practices issued by the Province of Ontario or any other governing body in relation to limiting the spread of COVID-19;
- j) WDBA 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;
 - \$2,000,000 Automobile Policy, with liability limits of not less than \$2,000,000 combined single limit;

The Corporation 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 WDBA, approved as to form by the City Solicitor, or designate, as to technical content by the City Engineer, and as to financial content by the City Treasurer.



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Report Number: CAO 123/2021

Approved: May 6, 2021

- III. 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 Windsor-Detroit Bridge Authority and its contractors, subcontractors, agents, employees and assigns (hereinafter collectively referred to as "**WDBA**"), to enter part of the lands municipally known as 4280 Sandwich Street, legally described as Part Block A, Plan 473 as in R1380885 save and except Parts 1 and 2 on Reference Plan 12R-27616 and part of 4140-4150 Sandwich Street, legally described as Part Block A, Plan 473, designated as Part 2 on Reference Plan 12R-6816, City of Windsor (the "**Lands**");
 - b) WDBA will enter the Lands for the purpose of conducting significant repairs on the Hydro One infrastructure located on the adjacent lands to the West (the "**Works**") including using the Lands for laydown equipment, pumps and a trailer required in connection with the Works;
 - c) The term of the agreement shall be from May 1, 2021 to July 31, 2021 (the "**Term**");
 - d) Cost for the Consent to Enter will be \$4,500, plus HST, for the duration of the Term and payable upon the signing of the Consent to Enter agreement;
 - e) In the event that WDBA requires an extension of the Term for a further thirty (30) days, the cost for said extension will be \$1,500, plus HST. WDBA must provide written notice of the extension requirement to the Project Administrator, Engineering no later than June 30, 2021;
 - f) Access to the Lands will be from Sandwich Street;
 - g) WDBA will restrict access to the Lands from the balance of 4140-4150 Sandwich by installing and maintaining temporary fencing at the north end of the site to separate the Lands from the remaining portion of 4140-4150 Sandwich Street. All

Phone: (519)255-6211

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

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

fencing and signage shall be maintained by WDBA, to the satisfaction of the City Engineer, or designate, for the duration of the term;

- h) WDBA agrees that, upon the termination of this agreement, any disturbance of the Lands, resulting from the carrying out of the Works, will be restored by WDBA at its own cost and to the satisfaction of the City Engineer, or designate, acting reasonably;
- i) WDBA will comply with the most up-to-date regulations in place under the *Emergency Management and Civil Protection Act*, as amended from time to time, regardless of the frequency of such amendments. WDBA will also comply with any guidelines and best practices issued by the Province of Ontario or any other governing body in relation to limiting the spread of COVID-19;
- j) WDBA 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;
 - \$2,000,000 Automobile Policy, with liability limits of not less than \$2,000,000 combined single limit;

The Corporation 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.

- IV.** THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with WDBA, approved as to form by the City Solicitor, or designate, as to technical content by the City Engineer, and as to financial content by the City Treasurer.

Report Number: CAO 123/2021
Clerk’s File: SL/14012

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
May 26, 2021



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

Department Distribution

Lease Administrator
Manager of Real Estate Services
City Solicitor and Corporate Leader, Economic Development and Public Safety
City Engineer and Corporate Leader, Environmental Protection and Transportation
Financial Planning Administrator
Chief Financial Officer / City Treasurer and Corporate Leader, Finance and Technology
Chief Administrative Officer

External Distribution