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**CITY HALL
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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 124/2021

Approved: May 6, 2021

- I. THAT **APPROVAL BE GIVEN** pursuant to Delegation of Authority Bylaw 208-2008, Section 1.30 (c) "City as Grantee" Temporary Easements and Consents to Enter (Appendix A), to the entering into of the following Consent to Enter:
 - a) 2620376 Ontario Inc. ("**2620376**") agrees to provide a Consent to Enter to The Corporation of the City of Windsor (the "**City**"), to enter upon the lands municipally known as 3155 Banwell Road, as shown on the aerial image attached as Appendix B and legally described as Part of Lots 143 and 144, Concession 2, designated as Parts 3, 6, 9 and 12 on Plan12R-19305 (the "**Lands**");
 - b) The term of the agreement shall be from May 10, 2021 to June 18, 2021;
 - c) The City and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of constructing a temporary access road ("**Access Road**") connecting the properties at 11475 Tecumseh Road East ("**Shell**") and 11365 Tecumseh Road East ("**BMR**") to Banwell Road during the Banwell Road reconstruction (the "**Project**"). Upon completion of the Access Road vehicles entering or leaving BMR or Shell may use the Access Road;
 - d) Public access to BMR and Shell will be from Tecumseh Road East. The Access Road will only be used by contractors, shipping companies, trucks that deliver fuel to Shell and other entities that serve as part of the operational needs of BMR and Shell. These parties are assumed to carry their required General Commercial and Automobile Policies. Signage and the contractor's personnel will be used as needed to restrict public use of the Access Road;
 - e) The City, its employees, agents, and contractors will have free and unobstructed entry and access to the Lands from Banwell Road at all times during the Term;



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- f) Upon termination of the Consent to Enter, the Access Road will be removed and any disturbance of the Lands, resulting from the construction of the Access Road, will be restored by the City to the satisfaction of 2620376, acting reasonably;
- g) 2620376 will notify all persons, entities or parties under its control not to enter onto the Lands, as marked by the City, or its employees, agents, or contractors;
- h) The City will be required to provide 2620376 with indemnification and show proof of insurance which will contain a cross-liability clause and name 2620376 as an additional insured; and
- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with 2620376 for access to the Lands, approved as to form by the City Solicitor or designate and as to content by the City Engineer or designate.

Report Number: CAO 124/2021
Clerk's File: SL/14012

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
May 10, 2021

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
City Solicitor and Corporate Leader, Economic Development and Public Safety
City Engineer and Corporate Leader, Environmental Protection and Transportation
Chief Administrative Officer

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