

**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 137/2021 AMENDMENT
AMENDMENT APPROVED: July 5, 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 Major Construction 2010 Ltd. (“**Major**”) and its employees, contractors, agents, and assigns to enter part of the lands municipally known as 3601 Plymouth Drive, legally described as Part Lots 102 and 103 Concession 2, Sandwich East as shown on the aerial image attached as Appendix B (the “**Lands**”);
 - b) Major and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of reinstating the original design intent of the pond, removing dykes that were installed in the 1990’s and adding a backflow device (the “**Works**”).
 - c) The term of this agreement shall commence on May 17, 2021 and terminate on August 13, 2021;
 - d) Access to the Lands will be from Central Avenue;
 - e) Major 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 Major at its own cost to the satisfaction of the City Engineer, or designate, acting reasonably;
 - f) Major will comply with the most up to date regulations in place under the *Emergency Management and Civil Protection Act* and the *Reopening Ontario (A Flexible Approach Response to COVID-19) Act*, as they may be amended



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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from time to time, regardless of the frequency of such amendments. Major will also comply with any guidelines and best practices issued by the Province of Ontario and any other governing body in relation to limiting the spread of COVID-19;

- g) Major 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
 - Each vehicle entering upon the Lands must be insured with an Automobile Policy, with liability limits of no less than \$2,000,000 per occurrence

Or as such requirements that may be amended, restated and/or supplemented 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 Major 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 137/2021

Approved: May 13, 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 Major Construction 2010 Ltd. (“**Major**”) and its employees, contractors, agents, and assigns to enter part of the lands municipally known as 3601 Plymouth Drive, legally described as Part Lots 102 and 103 Concession 2, Sandwich East as shown on the aerial image attached as Appendix B (the “**Lands**”);

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- b) Major and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of reinstating the original design intent of the pond, removing dykes that were installed in the 1990's and adding a backflow device (the "**Works**").
- c) The term of this agreement shall commence on May 17, 2021 and terminate on June 30, 2021;
- d) Access to the Lands will be from Central Avenue;
- e) Major 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 Major at its own cost to the satisfaction of the City Engineer, or designate, acting reasonably;
- f) Major will comply with the most up to date regulations in place under the *Emergency Management and Civil Protection Act* and the *Reopening Ontario (A Flexible Approach Response to COVID-19) Act*, as they may be amended from time to time, regardless of the frequency of such amendments. Major will also comply with any guidelines and best practices issued by the Province of Ontario and any other governing body in relation to limiting the spread of COVID-19;
- g) Major 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
 - Each vehicle entering upon the Lands must be insured with an Automobile Policy, with liability limits of no less than \$2,000,000 per occurrence

Or as such requirements that may be amended, restated and/or supplemented by the City's Risk and Insurance Department from time to time; and,

IV. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Major for access to the Lands, approved



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as to form by the City Solicitor or designate and as to content by the City Engineer or designate.

Report Number: CAO 137/2021
Clerk's File: MT/13962

Steve Vlachodimos

City Clerk/Senior Manager of Council Services
July 8, 2021

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Commissioner, Legal & Legislative Services
Commissioner, Infrastructure Services
Chief Administrative Officer

External Distribution