

**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 179/2021

Approved: July 8, 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 Salt Ltd. (“**Windsor Salt**”) and its employees, contractors, agents, and assigns to enter part of the lands municipally known as 4200 Malden Road, legally described as Part Lots 58 and 59 Concession 1, Sandwich West as in R141824, except Part 1 on 12R-9106 as shown on the aerial image attached as Appendix B (the “**Lands**”);
 - b) Windsor Salt and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of drilling boreholes and associated inspections (the “**Works**”) and that such granting includes permission to bring all devices, machinery, vehicles and equipment necessary for the carrying out of the Works;
 - c) The term of this agreement shall commence on July 7, 2021 and terminate on July 31, 2021;
 - d) Access to the Lands will be from the Matchette Road;
 - e) Windsor Salt 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 Windsor Salt at its own cost to the satisfaction of the Senior Manager of Parks, or designate, acting reasonably;

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- f) Prior to commencing the Works, Windsor Salt shall provide notice to residents regarding the impact of the Works on the use of the Lands in a manner satisfactory to the Senior Manager of Parks, or designate;
- g) During the undertaking of the Works, Windsor Salt shall secure all equipment and worksites, including but not limited to, signage, delineation and flagging as to protect residents using the Lands in a manner satisfactory to the Senior Manager of Parks, or designate;
- h) Windsor Salt agrees that all boreholes drilled on the Lands will be filled at the end of each day during the term of the agreement or secured so as to remove risk to the public;
- i) Windsor Salt 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. Windsor Salt 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;
- j) Windsor Salt will be required to provide the City with indemnification and require proof of its and its contractor's insurance, which together, will satisfy the following minimal coverage, satisfactory to the City:
 - Commercial General Liability coverage with limits of no less than \$5,000,000 per occurrence, "The Corporation of the City of Windsor" listed as an additional insured, cross-liability coverage and 30 days notice of cancellation. Said insurance shall also include coverage for shoring, blasting, excavating, underpinning, demolition, pile driving, caisson work, grading, tunnelling, and all work below ground surface, as well as Sudden and Accidental Pollution Coverage.
 - 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,



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Windsor Salt for access to the Lands, approved as to form by the City Solicitor or designate and as to content by the Senior Manager of Parks or designate.

Report Number: CAO 179/2021

Clerk's File: SL/14012

Steve Vlachodimos

City Clerk/Senior Manager of Council Services

July 12, 2021

Department Distribution

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

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