



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 95/2021

Approved: April 28, 2021

That the request by the owner of the property at 309 Ellis Street East identified as CON 1; PT LOT 85; PLAN 125; PARK LOT 22 & PT PARK LOTS 20 & 24; PT VICTORIA ST CLOSED; PLAN 130; LOTS 2 TO 5; PT LOTS 1 & 6; PLAN 573; PT LOT 20; PLAN 649; LOTS 60 TO 74 & PT CLOSED ALLEY; RP 12R27968; PART 4; to permit a encroachment as shown on attached Drawing C-3602, **BE APPROVED**, subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, to comply with the following terms and conditions:

- a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
- b) Pay a \$229.25 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. **(PAID)**
- c) Pay a \$300.00 fee to Engineering for the preparation of the agreement, to be signed by the property owner. **(PAID)**
- d) Pay surcharge in the amount of \$102.00 to Engineering, as required by M67-2015. **(PAID)**
- e) Indemnify the City of Windsor against all claims which may arise by reason of its occupying section of the public right-of-way herein before listed and file with the Corporation a Certificate of Insurance evidencing proof of Commercial General Liability insurance with limits of at least \$2,000,000.00 per occurrence, with an endorsement naming the Corporation of the City of Windsor as an additionally insured, and including cross liability and 30 days notice of cancellation provisions.



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The Certificate of Insurance must be satisfactory in form and content to the Risk Management Division and be provided to the Corporation at the commencement of this encroachment and annually thereafter.

- f) Pay an annual encroachment fee of \$2,879.39, calculated according to M67-2015, and any and all applicable provincial and federal land taxes, etc.
- g) Pay an annual inspection and billing fee of \$64.75 to the Engineering Department.
- h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- i) The applicant agrees to obtain a Street Opening Permit at a cost of \$212.00 for the subject encroachment.
- j) The agreement shall be for 20 years from the agreement execution date or change of zoning or change in ownership, whichever comes first; and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, in accordance with Bylaw 208-2008 as the authority of encroachments.

Report Number: CAO 95/2021

Clerk's File: SE2021

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
April 28, 2021

Department Distribution

Intermediate Accounting Clerk
Manager of Right-of-Way
Senior Manager of Engineering / Deputy City Engineer
City Engineer and Corporate Leader, Environmental Protection and Transportation



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City Solicitor and Corporate Leader, Economic Development and Public Safety
Insurance & Risk Analyst
City Councillor, Ward 3
Chief Administrative Officer

External Distribution