

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 70/2024 AMENDMENT
AMENDMENT APPROVED: April 22, 2024

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 Powerserve Inc. (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Optimist Memorial Park, 1075 Ypres Avenue and legally described as Part Block C on Registered Plan 1054, Sandwich East, closed by WE59865; Windsor (the "**Consent Lands**") as shown in the aerial image attached as Appendix B;
- b) The term of the agreement shall be a period of four (4) weeks, which shall begin on Monday, April 29, 2024 and conclude no later than Friday, May 31, 2024;
- b) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of a lay-down area for equipment and materials (the "**Works**");
- c) Access to the Consent Lands will be from Ypres Avenue and Gladstone Avenue;
- d) Prior to and during the Works, the Grantee will be responsible for securing the job site. The Grantee is responsible for erecting signage and fencing to ensure the public cannot access any materials or equipment, as required;

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- e) The Grantee will ensure that all trees in the vicinity will be protected and that sidewalks and trails adjacent to the Consent Lands are kept free and clear of any debris, materials and/or equipment at all times and its occupation of the Consent Lands will not damage trees or impede use of the adjacent sidewalks and trails by pedestrians;
- f) The Grantee agrees that, upon completion of the Works, any disturbance of the Consent Lands resulting from its occupation of the Consent Lands will be restored at its own costs to the satisfaction of the Executive Director of Parks and Facilities or designate, acting reasonably;
- g) The Grantee 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
 - Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario;

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

II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with the Grantee for access to the Consent Lands, approved as to form by the City Solicitor or designate and as to content by the Executive Director of Parks and Facilities or designate.

Report Number: CAO 70/2024
Approved: Friday, April 12, 2024

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:

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- b) The term of the agreement shall be a period of four (4) weeks, which shall begin on Monday, April 8, 2024 and conclude no later than Friday, May 10 2024;
- c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of a lay-down area for equipment and materials (the “**Works**”);
- d) Access to the Consent Lands will be from Ypres Avenue and Gladstone Avenue;
- e) Prior to and during the Works, the Grantee will be responsible for securing the job site. The Grantee is responsible for erecting signage and fencing to ensure the public cannot access any materials or equipment, as required;
- f) The Grantee will ensure that all trees in the vicinity will be protected and that sidewalks and trails adjacent to the Consent Lands are kept free and clear of any debris, materials and/or equipment at all times and its occupation of the Consent Lands will not damage trees or impede use of the adjacent sidewalks and trails by pedestrians;
- g) The Grantee agrees that, upon completion of the Works, any disturbance of the Consent Lands resulting from its occupation of the Consent Lands will be restored at its own costs to the satisfaction of the Executive Director of Parks and Facilities or designate, acting reasonably;
- h) The Grantee will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario;

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

IV. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with the Grantee for access to the Consent Lands, approved as to form by the City Solicitor or designate and as to content by the Executive Director of Parks and Facilities or designate.

Report Number: CAO 70/2024
Clerk’s File: APM/14706

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
May 21, 2024

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Acting City Solicitor
Acting Commissioner, Corporate Services
Executive Director of Parks and Facilities
Commissioner, Community Services
Executive Director/Deputy City Engineer, Operations
Acting Commissioner, Infrastructure Services
Chief Administrative Officer



**OFFICE OF THE CITY CLERK
COUNCIL SERVICES**

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