

**CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1**

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## **CAO APPROVAL**

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 213/2024**

**Approved: Friday, September 13, 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 Miller Waste Systems Inc. and its employees, agents and contractors (collectively "**Miller**"), to enter 4255 Sandwich Street as shown on the aerial diagram attached as Appendix B (the "**Consent Lands**");
- b) Miller will enter the Consent Lands for the purpose of preliminary construction work to the Consent Lands to ready it for a lease to commence in January 2025 (the "**Works**") for which a separate report will be presented to Council for approval in due course;
- c) The term of the agreement shall be from September 16, 2024 until December 31, 2024 (the "**Term**");
- d) Access to the Consent Lands will be from Sandwich Street;
- e) Miller agrees that all required permits shall be obtained before performing the Works on the Consent Lands and that all inspections related to the Works will be undertaken as required, all at Miller's own expense.
- f) Miller agrees that, upon the termination of this agreement, any disturbance of the Consent Lands resulting from the transporting of Equipment or carrying out of the Works, will be restored by Miller at its own cost and to the satisfaction of the City Engineer or designate;

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g) Miller 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 that includes coverage for crane and overhead lifts, shoring, blasting, excavating, underpinning, demolition, pile driving, caisson work, grading, tunneling, and all work below ground surface, as well as sudden and accidental pollution coverage, with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage and 30 days’ notice of cancellation;
- The coverage must not exclude the Consent Lands and must specifically acknowledge the Consent Lands are included on the proof of insurance.

The City reserves the right to amend, restate and/or supplement the above requirements as determined by the City’s Risk and Insurance Department from time to time;

- h) Miller will not have access to the rear warehouse building on the Consent Lands during the Term;
- i) Miller understands that the future Retention Treatment Basin to be constructed at the northern boundary of the Consent Lands may impact part of the parking lot that Miller intends to use for truck parking. The extent of the impact is not yet known, but alternate parking may need to be secured during the construction period.
- j) Miller acknowledges and agrees that it shall be responsible for all costs, expenses and fees in connection with the Works and that the City will not provide any form of reimbursement in any circumstance.

II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with Miller, approved as to form and content by the City Solicitor and as to content by the City Engineer, or designate.



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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*Anna Ciacelli*

Deputy City Clerk / Supervisor of Council Services  
September 16, 2024

### Department Distribution

Lease Administrator
Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Corporate Services
Executive Director, Engineering / Deputy City Engineer
Commissioner, Infrastructure Services
Executive Director, Parks & Facilities
Commissioner, Community & Corporate Services
Chief Administrative Officer

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