

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

Phone: (519)255-6211

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E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 45/2025
Approved: Wednesday, March 26, 2025

- 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 Enbridge Gas Inc. and its contractors, subcontractors, agents, employees and assigns (hereinafter collectively “Enbridge”), to enter part of the lands municipally known as 3200 Cabana Road East, legally described as Part of Lots 117 to Lot 123 Concession 3, near the north east boundary of the airport lands at Jefferson Road, being Parts 1 on the aerial diagram attached as Appendix C (the “Consent Lands”). Enbridge will use the Consent Lands as a lay-down area in connection with its pipeline replacement project within the Jefferson to Lauzon hydro corridor.
 - b) The term of the agreement shall be from March 17, 2025 until September 30, 2025 (the “Term”);
 - c) Enbridge will enter the Consent Lands with construction equipment including but not limited to, brush clearing equipment, excavators, hydrovac, welding rig trucks, dump trucks, boom truck, pick-up trucks and also for staging, equipment, soil and storage (the “Works”). Enbridge agrees that any and all equipment will not exceed 45 feet in height at any point during the Works, unless written consent is provided by Your Quick Gateway (“YQG”);
 - d) As per standard construction practices, Enbridge agrees to controlling dust created by the Works with a water truck on site throughout the Works;

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- e) Enbridge agrees to providing security at the YQG gate daily throughout the Term, as agreed to by the YQG Director of Safety and Security. The security will allow access and secure the site each day throughout the Term;
- f) Access to the Consent Lands will be from Jefferson Boulevard;
- g) Enbridge agrees that, upon the termination of this agreement, any disturbance of the Consent Lands resulting from the carrying out of the Works, will be restored by Enbridge at its own cost and to the satisfaction of the Director of Operations – YQG, or designate, and the Executive Director of Engineering, or designate, acting reasonably;
- h) Enbridge 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, with “The Corporation of the City of Windsor” and “Your Quick Gateway (Windsor) Inc.” listed as an additional insured and cross-liability coverage and 30 days’ notice of cancellation. This may include either to maintain or choose to self-insure in lieu of insurance (in whole or part), the insurance coverages required in this Insurance Section. When the requirements of this Insurance Section are self-insured by Enbridge in lieu of insurance, Enbridge shall only be financially responsible for insurable costs from the first dollar up to the stated amount associated with each coverage in the Insurance Section.
 - The coverage must not exclude the Consent Lands and must specifically acknowledge the Consent Lands are included on the proof of insurance.
 - Each vehicle owned or leased used directly or indirectly in the performance of the Works must be insured with an Automobile Policy, with liability limits of no less than \$2,000,000 per occurrence

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.

- i) There is potential for SAR snakes to be in the general area, particularly along rail corridors:



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- All on-site personnel are to be made aware of the potential presence of SAR, including Butler's Gartersnake and Eastern Foxsnake, and the protections afforded to them under section 9 of the Endangered Species Act (ESA, 2007);
 - Conduct wildlife sweeps in vegetation or natural cover prior to any clearing activities. Inspect any pits or holes, created or existing, prior to filling;
 - Be attentive when moving or disturbing any materials left on site;
 - Drive cautiously in and out of the site and perform wildlife inspections of any machinery parked on-site for over (1) one hour or overnight before (re)ignition;
 - If a SAR snake is encountered (living, injured or deceased), immediately stop work within 30m and contact the City SAR Hotline (519-816-5352);
 - Qualified personnel are to use proper snake handling procedures to usher species off site, as required, following the Ontario SAR Handling Manual (MNR);
 - Keep the work site clean and remove all food and beverage waste and containers at the end of each day;
- II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with Enbridge, approved as to form by the City Solicitor, or designate, the Director of Operations of YQG, or designate, and the Executive Director of Engineering, or designate.

Report Number: CAO 45/2025
Clerk's File: APM/14909

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
March 28, 2025

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Community



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Services
Commissioner, Community & Corporate Services
Executive Director/Deputy City Engineer, Engineering
Commissioner, Infrastructure Services and City Engineer
Chief Administrative Officer