

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

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E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

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## CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 88/2024 AMENDMENT**  
**AMENDMENT APPROVED: Thursday, May 2, 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 BRI-DON SERVICES INC. (the “**Grantee**”), its employees, contractors, agents and assigns to enter upon part of the City of Windsor lands, known as Little River Dragonfly Park and legally described as Part Lot 127 Concession 3 (McNiff); designated as Parts 5 & 6 on Plan 12R-15400; Windsor and part of the City of Windsor lands, known as McGill Drain and legally described as Part Lot 127 Concession 3 (McNiff); designated as Part 4 on Plan 12R-16977; 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 one (1) year, which shall begin on Monday, April 22, 2024 and conclude no later than Saturday, May 31, 2025;
  - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of removal of all soil and fill on the Consent Lands from the abutting property known municipally as 3630 Munich Court, to repair any damage to the bank of the Little River and McGill Drains and complete re-grading of the Consent Lands and restoration of the area as meadow, suitable for Butler’s garter snake and other species at risk, in order to return the Consent Lands to their former condition, prior to the disturbance of same caused by the work conducted at 3630 Munich Court (the “**Works**”);

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- d) Access to the Consent Lands will be from 3630 Munich Court;
- 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, as needed, at its own cost;
- f) Prior to starting any work, the Grantee shall be required to obtain a right-of-way permit for the temporary construction access off Munich Court.
- g) The Grantee agrees that, upon completion of the Works, any further disturbance of the Consent Lands resulting from its occupation will be restored at its own cost to the satisfaction of the Executive Director of Parks and Facilities or designate and City Engineer, or designate, acting reasonably;
- h) The Grantee will be required to provide the Corporation of the City of Windsor (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
  - 30-day notice of cancellation
  - 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;

- i) While carrying out the Works, the Grantee will be required to adhere to the following requirement of the City Naturalist and Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
  - 1) Use proper snake and turtle handling procedures to usher species off site as required following the Ontario SAR Handling Manual: For ESA Authorization Holders (MNR). These procedures will be further discussed during SAR training.

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- 2) All staff, contractors, representatives of BRI-DON SERVICES INC. and biologists from Natural Resource Solutions Inc. on site must complete training regarding Species at Risk ("SAR")
- 3) Drive cautiously in and out of the site and around the staging site.
- 4) Perform wildlife inspection of machinery that has been left idle for over (1) hour or is parked overnight before (re)ignition.
- 5) Immediately report all injured or deceased snakes or turtles using the SAR Hotline (519-816-5352).
- 6) Keep the work site clean and remove all food and beverage waste and containers at the end of each day.
- 7) Do not disturb any active bird nest.
- 8) Complete all landscape reparation to the satisfaction of the City's Naturalist and Outreach Coordinator in accordance with the Restoration Report prepared by Natural Resource Solutions Inc.
- 9) Upon execution of this agreement, NRSI Biologists will contact the City Naturalist and Outreach Coordinator at [kalexander@citywindsor.ca](mailto:kalexander@citywindsor.ca) so that they can discuss the scope of the Works and determine any necessary landscape reparation and restoration requirements. A Restoration Plan that includes specific measures of success, will be submitted and approved by the City Naturalist and Outreach Coordinator.

- 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 and City Engineer, or designate.

**Report Number: CAO 88/2024**

**Approved: Tuesday, April 23, 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:

- a) That the Consent to Enter is provided to BRI-DON SERVICES INC. (the "**Grantee**"), its employees, contractors, agents and assigns to enter upon part of the City of Windsor lands, known as Little River Dragonfly Park

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and legally described as Part Lot 127 Concession 3 (McNiff); designated as Parts 5 & 6 on Plan 12R-15400; Windsor and part of the City of Windsor lands, known as McGill Drain and legally described as Part Lot 127 Concession 3 (McNiff); designated as Part 4 on Plan 12R-16977; 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 six (6) weeks, which shall begin on Monday, April 22, 2024 and conclude no later than Friday, May 31, 2024;
- c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of removal of all soil and fill on the Consent Lands from the abutting property known municipally as 3630 Munich Court, to repair any damage to the bank of the Little River and McGill Drains and complete re-grading of the Consent Lands and restoration of the area as meadow, suitable for Butler’s garter snake and other species at risk, in order to return the Consent Lands to their former condition, prior to the disturbance of same caused by the work conducted at 3630 Munich Court (the “**Works**”);
- d) Access to the Consent Lands will be from 3630 Munich Court;
- 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, as needed, at its own cost;
- f) Prior to starting any work, the Grantee shall be required to obtain a right-of-way permit for the temporary construction access off Munich Court.
- g) The Grantee agrees that, upon completion of the Works, any further disturbance of the Consent Lands resulting from its occupation will be restored at its own cost to the satisfaction of the Executive Director of Parks and Facilities or designate and City Engineer, or designate, acting reasonably;
- h) The Grantee will be required to provide the Corporation of the City of Windsor (the “**City**”) with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:

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- \$5,000,000 Commercial General Liability coverage with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage
- 30-day notice of cancellation
- 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;

- i) While carrying out the Works, the Grantee will be required to adhere to the following requirement of the City Naturalist and Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
  - 1) All staff, contractors and representatives on site must complete training regarding Species at Risk (“**SAR**”)
  - 2) Use proper snake and turtle handling procedures to usher species off site as required following the Ontario SAR Handling Manual: For ESA Authorization Holders (MNR). These procedures will be further discussed during SAR training.
  - 3) Drive cautiously in and out of the site and around the staging site.
  - 4) Perform wildlife inspection of machinery that has been left idle for over (1) hour or is parked overnight before (re)ignition.
  - 5) Immediately report all injured or deceased snakes or turtles using the SAR Hotline (519-816-5352).
  - 6) Keep the work site clean and remove all food and beverage waste and containers at the end of each day.
  - 7) Do not disturb any active bird nest.
  - 8) Complete all landscape reparation to the satisfaction of the City’s Naturalist and Outreach Coordinator.

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 and City Engineer, or designate.



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Clerk's File: APM/14706

*Anna Ciacelli*

Deputy City Clerk / Supervisor of Council Services  
May 2, 2024

### Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Acting City Solicitor
Commissioner, Corporate Services (Interim)
Executive Director of Parks and Facilities
Commissioner, Community Services
Commissioner, Infrastructure Services & City Engineer (Interim)
Chief Administrative Officer

### External Distribution