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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 97/2024

Approved: Monday, May 6, 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 Sterling Ridge Infrastructure Inc. (the "**Grantee**"), its employees, contractors, subcontractors, agents, and assigns to enter upon part of the park lands known as Factoria Park, located west of Factoria Road at Milloy Street and legally described as Lots 155 to 158 inclusive on Registered Plan 1028, Ford City; Part of Lot 159 on Registered Plan 1028, Ford City; and Part of Milloy Street on Registered Plan 1028 Ford City closed by R233539; Windsor (the "**Consent Lands**") as shown in the aerial images attached as Appendix B and C;
 - b) The term of the agreement shall begin Monday, May 6, 2024 and conclude no later than Tuesday, December 31, 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 in relation of the ENWIN Feedermain Project (the "**Works**"). The equipment and materials will include, but are not limited to, an enclosed trailer/sea can for storage, granular/clay material, concrete and pvc piping;
 - d) Access to the Consent Lands will be from Factoria Road;
 - 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;

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- f) The Grantee will ensure that any trees in the vicinity will be protected and that sidewalks and play areas on 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 sidewalks and play areas by pedestrians. For greater certainty, the Grantee will ensure at all times that the sightlines from the adjacent basketball court to the Factoria Road / Milloy Street intersection remain unblocked at all times;
- 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:
 - \$5,000,000 Commercial General Liability coverage with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage, with 30 day prior notice of cancelation.
 - 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; and,

- 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 97/2024
Clerk’s File: APM/14706



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Anna Ciacelli

Deputy City Clerk
May 8, 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
Chief Administrative Officer

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