

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

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 145/2024**

**Approved: Friday, June 28, 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 Alberici-Barton Mellow (the “**Grantee**”), its employees, contractors, agents and assigns to enter upon part of the City of Windsor lands along Banwell Road, south of E.C.Row Expressway and legally described as Lots 14 to 18, inclusive, on Plan 65 Sandwich East; Part Lot 13 on Plan 65 Sandwich East; Windsor being Part 56 on 12R-29419 and Lots 19 & 20, inclusive, on Plan 65 Sandwich East; Windsor being Parts 35, 36, 39, 40 on 12R-29419 (the “**Consent Lands**”) as shown on the survey image attached as Appendix B;
  - b) The term of the agreement shall be a period of one (1) year, which shall begin on Tuesday, July 2, 2024 and conclude no later than Monday, June 30, 2025;
  - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of grading and adding gravel on the Consent Lands to add additional parking areas for the NextStar Battery Plant (the “**Works**”);
  - d) Access to the Consent Lands will be from Banwell 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, as needed, at its own cost;

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- f) Prior to starting any work, the Grantee shall be required to obtain a right-of-way permit for the temporary construction of two additional culvert drive approaches from Banwell Road;
- g) The Grantee agrees that, upon completion of the Works, any disturbance of the Consent Lands resulting from its occupation will be restored at its own cost to the satisfaction of the City Engineer, or designate, acting reasonably;
- h) The Grantee acknowledges a new utility easement currently being finalized along the western extent of the NextStar leased lands. The easement will occupy a portion of the temporary parking and space will need to be accommodated for future utility poles. Exact location and terms are being negotiated and documented in a future Consent to Enter and Easement agreement;
- i) 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 Management 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 City Engineer, or designate.



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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*Anna Ciacelli*

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

### Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Acting City Solicitor
Acting Commissioner, Corporate Services
Acting Commissioner, Infrastructure Services
Chief Administrative Officer

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