

**CITY HALL  
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## **CAO APPROVAL**

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 270/2023**

**Approved: Wednesday, October 18, 2023**

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 Enwin Utilities Ltd. and its employees, agents and contractors (collectively "Enwin"), to enter the vacant lands on Riverside Drive West, being part of the Legacy Beacon site, as shown on the aerial image attached as Appendix B, and legally described as Water Lot in front of Lot 76, Part Lots 76 and 77, Part Water Lot in front of lot 77 Concession 1 as shown as Part 2 on Plan 12R014305 Subject to interest of the Crown, City of Windsor (the "Consent Lands");
- b) Enwin will enter the Consent Lands for the purpose of supplying power to the Legacy Beacon site (the "Works");
- c) The term of the agreement shall commence on October 23, 2023 and run for a period of a maximum of 90 days (the "Term");
- d) Access to the Consent Lands will be from the driveway east of Caron Avenue and Riverside Drive West. Enwin will ensure that the sidewalks and roadways adjacent to the Consent Lands are kept free and clear of any debris and/or equipment at all times and that its occupation of the Consent Lands will not impede use of the adjacent sidewalks and/or roadways;
- e) Enwin acknowledges that there is sewer infrastructure within the Consent Lands. The approximate location of the sewer infrastructure is indicated on the aerial diagram of the Consent Lands attached as Appendix B. Enwin shall complete



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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the work in accordance with the Offer to Connect and Connection Agreement executed between the City of Windsor (“the City”) and Enwin on May 16, 2023. During the Term, the Grantee is responsible for securing the job site. The Grantee is responsible for erecting signage and fencing, as needed;

- f) Upon the termination of the Consent to Enter, any disturbance of the Consent Lands or other City property, resulting from Enwin’s occupation of the Lands, will be restored by Enwin at its own cost;
- g) Enwin will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:
  - Enwin will provide and maintain comprehensive general liability insurance in the City’s standard form, containing endorsements naming the City as an additional insured and including a cross-liability/separation of insureds clause, with a 30-day notice of cancellation provision, and in the amount of at least five million dollars (\$5,000,000.00) per occurrence, to be primary and non-contributing, and satisfactory in form and content, to the City;
  - Each vehicle, whether owned or leased and used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in the amount of at least two million dollars (\$2,000,000) and in accordance with the laws of the Province of Ontario.

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.

II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Enwin, approved as to form and content by the Commissioner, Legal & Legislative Services.

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Clerk’s File: APM/14495



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*Anna Ciacelli*

Deputy City Clerk / Supervisor of Council Services  
October 18, 2023

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