

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

Phone: (519)255-6211

Fax: (519)255-6868

E-mail: clerks@citywindsor.ca

WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 285/2023

AMENDMENT APPROVED: Wednesday, December 06, 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. (the “**Grantee**”), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Malden Park, being the westerly part of said lands, east of Matchette Road and legally described as Part Lots 58 and 59 Concession 1, Sandwich West as in R141824, save and except Part 1 on Plan 12R-9106, R168709 and R617534; Windsor (the “**Consent Lands**”) as shown in the aerial image attached as Appendix B
 - b) The term of the agreement shall be a period which shall not exceed three (3) months, and will commence no earlier than March 1, 2024 and no later than May 31, 2024;
 - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of installing new electrical service for the Windsor Salt Ltd. (“**Windsor Salt**”) Well Field Expansion (the “**Works**”).
 - d) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will provide isolation to the existing pad mount transformer site located at 4255 Matchette Road, provide connections at the transformers and will re-energize following completion of the Works. Windsor Salt and/or the Grantee will be required to obtain all permits and permissions required in connection with their Works at their own costs;

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- e) Access to the Consent Lands will be from Matchette Road;
- f) 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;
- 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
 - 30 days 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; and

- i) While carrying out the Works, the Grantee will be required to adhere to the following requirements of the City Naturalist and Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
 1. Upon execution of this agreement, the Grantee will contact the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca so that they can discuss the scope of work and determine any necessary landscape reparation, public notification and restoration requirements.
 2. Complete training regarding Species at Risk (“SAR”)
 3. Use proper snake and turtle handling procedures to usher species off site as required following the Ontario SAR Handling Manual: For

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ESA Authorization Holders (MNR). These procedures will be further discussed during SAR training.

4. Drive cautiously in and out of the site and around the staging site
5. Perform wildlife inspection of machinery that has been left idle for over (1) hour or is parked overnight before (re)ignition
6. Immediately report all injured or deceased snakes or turtles using the SAR Hotline (519-816-5352)
7. Keep the work site clean and remove all food and beverage waste and containers at the end of each day

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign 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 285/2023

Approved: Thursday, November 02, 2023

- II. 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. (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Malden Park, being the westerly part of said lands, east of Matchette Road and legally described as Part Lots 58 and 59 Concession 1, Sandwich West as in R141824, save and except Part 1 on Plan 12R-9106, R168709 and R617534; Windsor (the "**Consent Lands**") as shown in the aerial image attached as Appendix B
 - b) The term of the agreement shall be a period which shall not exceed two (2) months, and will commence no earlier than December 1, 2023 and no later than January 31, 2024;
 - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of installing new

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electrical service for the Windsor Salt Ltd. (“**Windsor Salt**”) Well Field Expansion (the “**Works**”).

- d) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will provide isolation to the existing pad mount transformer site located at 4255 Matchette Road, provide connections at the transformers and will re-energize following completion of the Works. Windsor Salt and/or the Grantee will be required to obtain all permits and permissions required in connection with their Works at their own costs;
- e) Access to the Consent Lands will be from Matchette Road;
- f) 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;
- 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
 - 30 days 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; and

- i) While carrying out the Works, the Grantee will be required to adhere to the following requirements of the City Naturalist and Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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4. Drive cautiously in and out of the site and around the staging site
5. Perform wildlife inspection of machinery that has been left idle for over (1) hour or is parked overnight before (re)ignition
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7. Keep the work site clean and remove all food and beverage waste and containers at the end of each day

THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign 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 285/2023
Clerk’s File: APM/14495

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
December 7, 2023

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Senior Legal Counsel
Commissioner, Legal & Legislative



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Services
Executive Director of Parks and Facilities
Commissioner, Community Services
Chief Administrative Officer

External Distribution