

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

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WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 294/2023

Approved: Thursday, November 09, 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 the University of Windsor and its employees, agents and contractors (collectively "**UW**"), to enter City-owned lands within the National Urban Park study area (collectively "**NUP**"), as shown on the aerial diagram attached as Appendix B at locations agreed upon by the City Naturalist, National Urban Park project and the City Naturalist & Outreach Coordinator (the "**Consent Lands**");
- b) UW will enter the Consent Lands for the purpose of soil and water sample testing, vegetation photos using drone-based cameras, and any other necessary activities related to the study as agreed upon by the City Naturalist, National Urban Park project and the City Naturalist & Outreach Coordinator (the "**Works**"). Prior to the commencement of any Works in the Consent Lands, UW will contact the City Naturalist, National Urban Park project at kcedar@citywindsor.ca and the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca, so that they can discuss scope of work and determine any necessary landscape reparation and public notification requirements.
- c) As part of the Works, UW's Unmanned Air Vehicle ("**UAV**") operator, Sarika Sharma, will enter the Consent Lands for the purpose of using same for take-off and landing a UAV to capture footage and vegetation photos from various parts of the NUP to be used in the study;

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- d) UW and its UAV operator are required at all times to comply with the conditions and regulations contained in the Special Flight Operations Certificate (Drone Basic Operations License #: PC2324335299) issued to the UAV operator by Transport Canada August 31, 2023;
- e) The term of the agreement shall be from October 9, 2023 until December 31, 2023 (the “**Term**”);
- f) During the Term, UW will apply through the City Parks department for any necessary permits to further conduct the Works in the Consent Lands beyond the Term;
- g) Access to the Consent Lands will be from Matchett Road, Titcombe Road, and/or Fazio Drive for various parts of the NUP or as determined by the City Naturalist, National Urban Park project and the City Naturalist & Outreach Coordinator working with UW and its agents;
- h) UW agrees that, upon the termination of this agreement, any disturbance of the Consent Lands resulting from the carrying out of the Works, will be restored by UW at its own cost and to the satisfaction of the City’s Manager of Forestry and Natural Areas or designate;
- i) UW 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 in the City’s standard form, such policy 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, to be primary and non-contributing, and satisfactory in form and content, to the City;
 - The coverage must specifically acknowledge the Consent Lands are included on the proof of insurance.

Notwithstanding the foregoing, UW will be required to ensure that its UAV operator carries sufficient insurance at all times in order to comply with Transport Canada requirements.

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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.

j) UW will be required to adhere to the following requirements of the City Naturalist National Urban Park project and the City Naturalist & Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:

1. All tools, waders, boots will be thoroughly disinfected between study sites to prevent cross-contamination and reduce the spread of invasive species;
2. Vehicles must drive slowly through the area to allow slow-moving animals a chance to avoid being run over. Should a snake be found in the work area, UW will phone the City's Species at Risk hotline (519-816-5352) and City staff will attend the site as quickly as possible to remove the snake from harm. The same phone number shall be used to report any snakes or other animals found injured or dead;
3. Wherever possible cut native vegetation should be left in place to allow for natural decomposition and provide cover for wildlife in areas being cleared;
4. Disturbance off-trail will be kept to a minimum to protect vegetation and ground-dwelling wildlife;
5. As soon as the work is completed, UW shall contact the City Naturalist, National Urban Park project at kcedar@citywindsor.ca and the City Naturalist & Outreach Coordinator at kaalexander@citywindsor.ca, so that they can determine the necessary landscape reparation.
6. Monitoring of the affected area in the summer of 2025 by City staff will be required in order to determine if invasive species control is necessary as part of the landscape reparation. There is a particular concern regarding phragmites (<https://www.ontario.ca/page/phragmites-fact-sheet>) taking advantage of the disturbance and spreading into affected areas. Should invasive species control be required, UW will be responsible for the cost of same.

II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with UW, approved as to form and content by the City Solicitor and content by the Executive Director of Parks and Facilities.

Report Number: CAO 294/2023
Clerk's File: APM/14495



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
November 9, 2023

Department Distribution

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Manager of Real Estate Services
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