

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

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## **CAO APPROVAL**

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 308/2023**

**Approved: Thursday, November 23, 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 Windsor-Essex Children's Aid Foundation and its employees, agents, partners and volunteers (collectively "**CAS**"), to enter the lands municipally known as 3115 College Avenue, as shown on the diagram attached as Appendix B, and legally described as Lots 40 to 42, Registered Plan 1092 and Part Herbert Street, Registered Plan 1092 (aka College Avenue) closed by R533130, City of Windsor (the "**Site**");
- b) CAS will enter the Site for the purpose of receiving and distributing clothing, food, gift cards, toys and personal items to Windsor families in need of assistance through CAS' Holiday Program;
- c) The term of the agreement shall be for one (1) month and twenty-six (26) days commencing November 24, 2023 and expiring on January 19, 2024 (the "**Term**");
- d) Cost for the Consent to Enter will be \$2,200.00, plus HST, being the total of the estimated costs of utilities during the Term and estimated costs of conducting preliminary cleaning and maintenance at the Site. Funds will be deposited to 001-6417-5127-10429-0125240;
- e) Access to the Site will be from College Avenue;
- f) CAS acknowledges that The Corporation of the City of Windsor (the "**City**") makes no representations or warranties as to the security of stored goods at the Site;

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- g) CAS acknowledges that it shall be responsible for ensuring that all exterior doors are locked and the alarm is properly armed when the Site is not being used. CAS will also be responsible for ensuring that the exterior gate on the southwest side of the building is locked at all times when goods are not being received;
- h) The City will continue to be responsible for landscaping and snow removal and salting at the Site. CAS will be responsible for all caretaking at the Site during the Term;
- i) CAS will be open to receive and distribute items Monday to Friday from 9:00 am to 6:00 pm during the Term, as well as Saturday, December 2, 2023 to set up with volunteers. CAS acknowledges that snow removal at the Site may not be prioritized outside of the foregoing days/times.
- j) CAS agrees that, upon the termination of this agreement, any disturbance of the Site resulting from its occupation thereof will be restored at its own cost to the satisfaction of the Manager Facilities Operations, or designate, acting reasonably;
- k) CAS will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City's Risk and Insurance Department, as amended, restated and/or supplemented from time to time:
  - \$5,000,000 Commercial General Liability coverage
  - "The Corporation of the City of Windsor" listed as Additional insured
  - Cross liability coverage
  - 30 days' cancellation notice

II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with CAS, approved as to form and content by the City Solicitor, or designate, and as to financial content by the City Treasurer.

Report Number: CAO 308/2023  
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 24, 2023

### Department Distribution

Manager of Real Estate Services
Senior Legal Counsel
Acting City Solicitor
Acting Commissioner, Corporate Services
Executive Director, Parks & Facilities
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Commissioner, Finance / City Treasurer
Chief Administrative Officer

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