

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

**CAO4723 AMENDMENT
AMENDMENT APPROVED – February 19, 2019**

An amendment has been requested to amend the parking encroachment fee and drawing number.

That the request by the owner of the property at 2544-2550 McDougall Street, identified as PLAN 748; LOTS 70; 71; 73 TO 75 & PT LOT 72; PT BLOCK B & PT CLOSED ALLEY; RP 12R22897; PARTS 1 & 2 to permit an encroachment equivalent to six parking spaces on the Holden Avenue right-of-way and a landscape rock on the corner of McDougall Street and Holden Avenue, as shown on attached Drawing C-3164, **BE APPROVED**, subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, to comply with the following terms and condition:

- a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
- b) Pay a \$229.25 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. **(PAID)**
- c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying section of the public right-of-way herein before listed and file with the Corporation a Certificate of Insurance evidencing proof of Commercial General Liability insurance with limits of at least \$2,000,000.00 per occurrence, with an endorsement naming the Corporation of the City of Windsor as an additionally insured, and including cross liability and 30 days notice of cancellation provisions.

The Certificate of Insurance must be satisfactory in form and content to the Risk Management Division and be provided to the Corporation at the commencement of this encroachment and annually thereafter.

- d) Pay a \$300.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner. **(PAID)**
- e) Pay a surcharge in the amount of \$102.00 to the Engineering Department, as required by M67-2015. **(PAID)**

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

- f) Pay an annual encroachment fee of \$1440.00 for the parking, calculated according to Council Resolution 425/81 (2011 fees) and \$25.00 for the Landscape rock calculated according to M67-2015, and any and all applicable provincial and federal land taxes, etc.
- g) Pay an annual inspection and billing fee of \$53.00 to the Engineering Department.
- h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- i) The applicant agrees to obtain a Street Opening Permit at a cost of \$212.00 for the subject encroachment. **(PAID)**
- j) The agreement shall be for 20 years from the agreement execution date or change of zoning or change in ownership, whichever occurs first.
- k) The applicant agrees to delineate the parking stalls and maintain the pavement and markings in good condition at the location shown on attached drawing C-3164.

And further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, in accordance with By-law 208-2008 as the authority of encroachments.

CAO4723
APPROVED – September 4, 2018

That the request by the owner of the property at 2544-2550 McDougall Street, identified as PLAN 748; LOTS 70; 71; 73 TO 75 & PT LOT 72; PT BLOCK B & PT CLOSED ALLEY; RP 12R22897; PARTS 1 & 2 to permit an encroachment equivalent to six parking spaces on the Holden Avenue right-of-way and a landscape rock on the corner of McDougall Street and Holden Avenue, as shown on attached Drawing C-3164, **BE APPROVED**, subject to the owner entering into an encroachment agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, to comply with the following terms and condition:

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

- a) Furnish a copy of the Registered Deed by which ownership to the property was acquired.
- b) Pay a \$229.25 (includes 5% G.I.S. charge) encroachment application fee to the Engineering Department. **(PAID)**
- c) Indemnify the City of Windsor against all claims which may arise by reason of its occupying section of the public right-of-way herein before listed and file with the Corporation a Certificate of Insurance evidencing proof of Commercial General Liability insurance with limits of at least \$2,000,000.00 per occurrence, with an endorsement naming the Corporation of the City of Windsor as an additionally insured, and including cross liability and 30 days notice of cancellation provisions.

The Certificate of Insurance must be satisfactory in form and content to the Risk Management Division and be provided to the Corporation at the commencement of this encroachment and annually thereafter.

- d) Pay a \$300.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner. **(PAID)**
- e) Pay a surcharge in the amount of \$102.00 to the Engineering Department, as required by M67-2015. **(PAID)**
- f) Pay an annual encroachment fee of ~~\$1465.00~~ for the parking, calculated according to Council Resolution 425/81 (2011 fees) and \$25.00 for the Landscape rock calculated according to M67-2015, and any and all applicable provincial and federal land taxes, etc.
- g) Pay an annual inspection and billing fee of \$53.00 to the Engineering Department.
- h) Remove the encroachment and restore the area within 60 days to the condition of the surrounding area upon receipt of written notice by the City Engineer to do so.
- i) The applicant agrees to obtain a Street Opening Permit at a cost of \$212.00 for the subject encroachment. **(PAID)**
- j) The agreement shall be for 20 years from the agreement execution date or change of zoning or change in ownership, whichever occurs first.

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

- ↳ The applicant agrees to delineate the parking stalls and maintain the pavement and markings in good condition at the location shown on attached drawing C-3169.

And further, that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement, satisfactory in form to the City Solicitor and in technical content to the City Engineer, in accordance with By-law 208-2008 as the authority of encroachments.

SE2019

APPENDICES

Drawing C-3164

Internal Distribution

Technologist II

Senior Manager Development, Projects & Right of Way

City Engineer

City Solicitor

Insurance & Risk Analyst

Chief Administrative Officer

External Distribution

1635626 Ontario Limited