

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

CAO4943

APPROVED – March 5, 2019

That the request by the owner of the property at 759 Victoria Avenue identified as PLAN 381 LOTS 32 TO 37; CORNER; to permit the proposed landscape, shed, bench and ashtray encroachments as shown on attached Drawing C-3479, **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 conditions:

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

- f) Pay an annual encroachment fee of \$150.00, 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.

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- h) The applicant agrees to obtain a Street Opening Permit at a cost of \$212.00 for the subject encroachment.
- i) 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.
- 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 maintain said encroachments in good repair for the life of the agreement.

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 for encroachments.

SE2019

APPENDICES
Drawing C-3479

Internal Distribution
Technologist II (A)
Manager of Right of Way
City Engineer
City Solicitor
Chief Administrative Officer

External Distribution
Leigh Vachon
2276992 Ontario Inc o/a Victoria Manor
Ward – 3 Rino Bortolin
Risk Management Supervisor Corporate Services