

**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 114/2019

Approved: October 7, 2019

THAT **APPROVAL BE GIVEN** pursuant to the Delegation of Authority By-Law Number 208-2008, section 1.30 (b), as amended (Appendix A), for the Consent to Enter on City-Owned Property in accordance with the following terms:

1. That the Consent to Enter is provided to The Walker Power Building Inc. ("**Walker**") and its contractors, subcontractors, agents, employees and assigns to enter upon the lands known municipally as 0 Devonshire Road, 0 Chilver Road and 274 Chilver Road, legally described as Part Lots 94 and 95, Concession 1, Part Lots 1 and 2, Registered Plan 262, Part Block A, Registered Plan 211 and Part Alley, Registered Plan 211, designated as Parts 3, 4, 5, 11-15, inclusive, 20, 21, 25, 26, 28-30, inclusive, and 35, on Plan 12R-26104 as shown on the reference plan attached as Appendix B (collectively the "**Lands**");
2. The term of the agreement shall commence on October 2, 2019, and shall terminate upon completion of the acquisition of Parts 5, 13 and 29, Plan 12R-26104 and entering into a lease agreement for Parts 3, 4, 11, 12, 14, 15, 20, 21, 25, 26, 28, 30 and 35, Plan 12R-26104, respectively, of the Lands between Walker and The Corporation of the City of Windsor (the "**City**");
3. Walker and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of access to commence site servicing including but not limited to the installation of sewers and the construction of a parking lot for Walker's lands located at 325 Devonshire Road;
4. Access to the Lands will be from Devonshire Road and / or Chilver Road;
5. Walker agrees that it will closely monitor use of heavy loads and / or equipment used in connection with its site servicing works in order to ensure that the City's Retention Treatment Basin infrastructure (the "**RTB**") and other municipal sewer

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infrastructure, located within the Lands are not damaged. The approximate location of the RTB infrastructure is shown on the aerial diagram attached as Appendix C;

6. Walker agrees that, should any damage be caused to the RTB and other municipal infrastructure, it will notify the Executive Director of Operations/Deputy City Engineer or the Manager of Contracts, Field Services and Maintenance at the earliest possible opportunity. Walker will be solely responsible for the costs of repairing same, to the satisfaction of the City Engineer or designate;
7. Walker will be required to provide the City with indemnification and require proof of insurance prior to occupation of the Lands with the following minimal coverage, satisfactory to the Deputy City Solicitor, Risk, Purchasing and Provincial Offences:
 - \$5,000,000 Commercial General Liability coverage, including Environmental Impairment Liability Coverage
 - "The Corporation of the City of Windsor" listed as an additional insured
 - Cross liability coverage
 - 30 days' notice of cancellation

Or as such requirements may be amended, restated and/or supplemented by the Deputy City Solicitor, Risk, Purchasing and Provincial Offences from time to time

8. Walker is responsible for ensuring that all vehicles entering the Lands have automobile liability insurance with limits of not less than \$2M per occurrence, and the City reserves the right to request proof of same at its sole discretion.
9. Walker will maintain in good standing coverage under the *Workplace Safety Insurance Act, 1997*, as may be required, and will strictly observe and fulfill all occupational health and safety standards and requirements in the completion of the Work.
10. Walker agrees that it is bound by the provisions of the letter from the Ministry of Tourism, Culture and Sport dated October 1, 2019 attached as Appendix D; and,

That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign the Consent to Enter Agreement with Walker approved as to form by the City Solicitor or designate and content by the City Engineer.



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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Report Number: CAO 114/2019

Clerk's File: AL/13444

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services

October 8, 2019

Department Distribution

Lease Administrator
Manager of Real Estate Services
City Solicitor and Corporate Leader, Economic Development and Public Safety
City Engineer and Corporate Leader Environmental Protection and Transportation
Chief Administrative Officer