

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

Phone: (519)255-6211

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WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 196/2020

Approved: August 21, 2020

- 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 Mario Petrilli ("**Petrilli**") and its employees, contractors, agents, and assigns to enter the lands upon which a concrete break wall is situate, between the south shore of Lake St. Clair and northerly limit of 11820 Riverside Drive East, legally described as Part of Lots 148 and Water Lot in Front of Lot 148, Concession 1, Sandwich East (the "**Petrilli Property**"), as set out in Letters Patent registered as Instrument Number R6939 Riverside, and as shown on the aerial image attached as Appendix B (the "**Lands**");
 - b) Petrilli and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of installing a seasonal boatlift (the "**Boatlift**") within Lake St. Clair adjacent to the municipal break wall and reasonably related persons, structures, forms, assemblies, and works (collectively referred to as the "**Works**"), and that such granting includes permission to bring all devices, machinery, vehicles and equipment necessary for the carrying out of the Works. Furthermore, Petrilli, its employees, agents, and contractors, will have free and unobstructed entry and access to the Lands at all times during the term in a manner satisfactory to the City Engineer or designate, as appropriate, acting reasonably;
 - c) The term of this agreement shall commence on August 10, 2020 and terminate upon removal of the Boatlift by Petrilli or upon written notice from the City Engineer that repairs to the break wall are required, in the sole and unfettered discretion of the City;

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- d) Access to the Lands will be from the Petrilli Property;
- e) Petrilli agrees to install two (2) steel pilings, located fifteen (15) feet apart, in front of the existing concrete break wall on the Lands that will be used for two (2) rotating personal watercraft lifts, in the approximate location as indicated on the sketch attached as Appendix C. Petrilli agrees that the pilings will not be attached to the break wall on the Lands, and that the lifts will rotate to the landside above the break wall on the Lands;
- f) Petrilli agrees that, upon the termination of this agreement, any disturbance of the Lands, resulting from the carrying out of the Works, will be restored by Petrilli at its own cost to the satisfaction of the City Engineer, or designate, acting reasonably;
- g) The City, and its employees, agents and contractors shall be permitted to enter onto the Petrilli Property at any time during the Term in order to inspect the condition of the Lands and break wall;
- h) Petrilli will comply with the most up to date regulations in place under the *Emergency Management and Civil Protection Act*, as amended from time to time, regardless of the frequency of such amendments. Petrilli will also comply with any guidelines and best practices issued by the Province of Ontario and any other governing body in relation to limiting the spread of COVID-19;
- i) Petrilli 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 coverage with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage and 30 days notice of cancellation
 - Each vehicle entering upon the Lands must be insured with an Automobile Policy, with liability limits of no less than \$2,000,000 per occurrence

Or as such requirements that may be amended, restated and/or supplemented by the City’s Risk and Insurance Department from time to time; and

- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Petrilli for access to the Lands, approved as to**



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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form by the City Solicitor or designate and as to content by the City Engineer or designate.

Report Number: CAO 196/2020
Clerk's File: SL/13661

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
August 21, 2020

Department Distribution

Coordinator of Real Estate Services
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

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