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CAO APPROVAL

The (Acting) Chief Administrative Officer approved the following recommendation:

Report Number: CAO 200/2022

Approved: August 25, 2022

- 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 permanent utility easement:
- a) **GRANTEE:** Cogeco Connexion Inc.
950 Syscon Road
Burlington, Ontario L7R 4S6
(the “**Grantee**”)
 - b) **EASEMENT:** Permanent utility easement in favour of the Grantee for an aerial line (the “**Line**”) along the southern boundary of Jackson Park at 125 Tecumseh Road East (the “**Easement Lands**”) to be further described on a future Reference Plan, as shown in the aerial image attached as Appendix B.
 - c) **AREA:** Approximately 1,200 m² (12,916 sq ft)
 - d) **PRICE:** \$1.00, plus registration costs of approximately \$124.57 (plus HST) and survey costs of approximately \$6,000 (plus HST, if applicable) to be paid by The Corporation of the City of Windsor (the “**City**”).
 - e) **TERMS & CONDITIONS:**
 - 1. The Grantee is responsible for all costs related to the Line including, but not limited to, the costs of construction, installation, maintenance, restoration costs and traffic and pedestrian control;
 - 2. Even though the Line may become annexed or affixed to the Easement Lands, title to the Line shall nevertheless remain in the Grantee;

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3. The Grantee shall indemnify and save the City harmless from all actions, causes of actions, suits, claims and demands of every nature and kind whatsoever which may be made against the City relating to or arising out of the placement of the Line by the Grantee and for which the City, in law, is responsible. The Grantee shall ensure they have sufficient insurance over the Easement Lands to provide said indemnity;
 4. In the event the Grantee needs to enter the Easement Lands for the purpose of maintaining, repairing or replacing the Line, the Grantee will restore the Easement Lands to a condition satisfactory to the Executive Director of Parks and Facilities, acting reasonably; and,
- II.** That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any required written documents satisfactory in form and content to the City Solicitor, in technical content to the Executive Director of Parks and Facilities and in financial content to the Chief Financial Officer and City Treasurer and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003 and that the City Solicitor or designate **BE AUTHORIZED** to sign any documents related to the completion of a real estate transaction; and,
- III.** 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 Grantee and its employees, contractors, agents, and assigns to enter upon Part of Jackson Park (the "**Consent Lands**") as shown in the aerial image attached as Appendix C;
 - b) The term of the agreement shall begin July 18, 2022 and will end December 31, 2022 or upon the registration of the easement in Recommendation I, whichever occurs first;
 - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of installing the Line (the "**Works**") and will coordinate with the Jackson Park Greenhouse Contractor and City Parks department before and during construction in a manner satisfactory to the Executive Director of Parks and Facilities or designate, acting reasonably;

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- d) Access to the Consent Lands will be from McDougall Avenue;
- e) Before and during construction, the Grantee is responsible for securing the job site. The Grantee is responsible for erecting signage as needed. The Grantee shall ensure that access to the Parks Maintenance Yard Building and the new Greenhouse Site is maintained at all times during the Works;
- f) The Grantee agrees that, upon completion of the installation of the Line, any disturbance of the Consent Lands resulting from its occupation will be restored at its own costs to the satisfaction of the Executive Director of Parks and Facilities or designate, acting reasonably;
- g) The Grantee 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
 - 30 days notice of cancellation
 - Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario.

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

- IV.** That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with the Grantee for access to the Consent Lands, approved as to form by the City Solicitor or designate and as to content by the Executive Director of Parks and Facilities or designate.

Report Number: CAO 200/2022
Clerk’s File: APM/14289

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
August 25, 2022



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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