

Phone: (519)255-6211

**CITY HALL
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E-mail: clerks@citywindsor.ca

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 230/2020

Approved: October 14, 2020

- I. 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 Essex Region Conservation Authority (the “**ERCA**”) and its employees, contractors, agents, and assigns to enter upon a portion of the property municipally known as Peche Island particularly described as Part 1 and Part 2 on reference plan 12R-17417 as referenced in Appendix B (hereinafter the “**Lands**”);
 2. The term of the agreement shall be from October 12, 2020 and expiring not later than December 31, 2021;
 3. ERCA will enter the Lands for the purpose of undertaking improvements (the “**Works**”) required as part of the Agreement for the Construction of Fish Habitat and Shoreline Works at Peche Island in Windsor between the City and ERCA dates as of June 7, 2019, which was approved by CR440/2019;
 4. The City makes no representations or warranties as to what may be present on the Lands. ERCA, its employees, contractors, agents and assigns will be fully responsible to wear personal protective equipment as required;
 5. ERCA agrees that, upon termination of the agreement, any disturbance of the Lands resulting from its occupation thereof will be restored at its own costs to the satisfaction of the Commissioner of Parks, Recreation, Culture and Corporate Facilities or designate, acting reasonably;
 6. ERCA will provide to the City Engineer a copy of the as-built drawings following the completion of the Works;



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7. ERCA will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:

- \$2,000,000 Commercial General Liability coverage and \$2,000,000 Environmental Impairment Liability Insurance
- “The Corporation of the City of Windsor” listed as Additional Insured
- Cross liability coverage
- 30 days notice of cancellation

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

8. ERCA will be required to provide the City with proof of insurance for any specialist retained by ERCA for any required design work, satisfactory to the City:

- \$2,000,000 Professional Liability Insurance

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 ERCA, approved as to form by the City Solicitor or designate and content by the Commissioner of Parks, Recreation, Culture and Corporate Facilities.

Report Number: CAO 230/2020
Clerk’s File: SL/13661

Steve Vlachodimos

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

Department Distribution

Lease Administrator (A)
Manager of Real Estate Services
City Solicitor and Corporate Leader, Economic Development and Public Safety



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Commissioner of Parks, Recreation, Culture and Corporate Facilities and Corporate Leader, Parks, Facilities, Recreation and Culture
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City Engineer and Corporate Leader, Environmental Protection and Transportation
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Chief Administrative Officer

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