



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 25/2022

Approved: March 10, 2022

That the request by the owner of the property at 1280 Ouellette Avenue identified as PLAN 358 PT BLK 7 LOT 6;PT LOT 7; to permit three (3) retaining walls, four (4) benches, curbs, parking area, picnic table, sign, concrete garbage area, six (6) flower boxes, front wall of building, building overhang and awning encroachments as shown on attached Drawing C-3648, **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 the Engineering Department. **(PAID)**
- c) Pay a \$336.60 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.



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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) One-time encroachment fee previously paid through annual encroachment fees.
- g) 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.
- h) The applicant agrees to obtain a Street Opening Permit at a cost of \$212.00 for the subject encroachment. **(PAID)**
- i) The agreement shall be for 20 years from the agreement execution date or change of zoning or change in ownership, whichever comes first.
- j) The owner agrees to keep the subject encroachments in good repair for the life of the agreement

and,

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 Bylaw 208-2008 as the authority of encroachments.

Report Number: CAO 25/2022

Clerk's File: SE2022

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services

March 11, 2022

Department Distribution

Technologist I
Manager of Right-of-Way
Executive Director of Engineering / Deputy City Engineer
Commissioner, Infrastructure Services



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Commissioner, Legal & Legislative Services
Insurance & Risk Analyst
City Councillor, Ward 3
Chief Administrative Officer

External Distribution