

**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 262/2020 AMENDMENT
AMENDMENT APPROVED: January 22, 2021**

- 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 K+S Windsor Salt Ltd. ("**Windsor Salt**") and its employees, contractors, agents, and assigns to enter part of the lands municipally known as 4200 Malden Road, legally described as Part Lots 58 and 59 Concession 1, Sandwich West as in R141824, except Part 1 on 12R-9106 as shown on the aerial image attached as Appendix B (the "**Lands**");
 - b) Windsor Salt and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of surveying the Lands and that such granting includes permission to bring all devices, machinery, vehicles and equipment necessary for the carrying out of the scanning;
 - c) The term of this agreement shall commence on February 1, 2021 and terminate on March 31, 2021;
 - d) Access to the Lands will be from the Matchette Road;
 - e) Windsor Salt 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 Windsor Salt at its own cost to the satisfaction of the Senior Manager of Parks, or designate, acting reasonably;
 - f) Windsor Salt will comply with the most up to date regulations in place under the *Emergency Management and Civil Protection Act* and the *Reopening*

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Ontario (A Flexible Approach Response to COVID-19) Act, as they may be amended from time to time, regardless of the frequency of such amendments. Windsor Salt 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;

- g) Windsor Salt 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 Windsor Salt for access to the Lands, approved as to form by the City Solicitor or designate and as to content by the Senior Manager of Parks or designate.

Report Number: CAO 262/2020

Approved: November 25, 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 K+S Windsor Salt Ltd. (“**Windsor Salt**”) and its employees, contractors, agents, and assigns to enter part of the lands municipally known as 4200 Malden Road, legally described as Part Lots 58 and 59 Concession 1, Sandwich West as in R141824, except Part 1 on 12R-9106 as shown on the aerial image attached as Appendix B (the “**Lands**”);

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- b) Windsor Salt and/or its contractors, subcontractors, agents, employees and assigns will enter the Lands for the purpose of surveying the Lands and that such granting includes permission to bring all devices, machinery, vehicles and equipment necessary for the carrying out of the scanning;
- c) The term of this agreement shall commence on November 25, 2020 and terminate on December 31, 2020;
- d) Access to the Lands will be from the Matchette Road;
- e) Windsor Salt 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 Windsor Salt at its own cost to the satisfaction of the Senior Manager of Parks, or designate, acting reasonably;
- f) Windsor Salt will comply with the most up to date regulations in place under the *Emergency Management and Civil Protection Act* and the *Reopening Ontario (A Flexible Approach Response to COVID-19) Act*, as they may be amended from time to time, regardless of the frequency of such amendments. Windsor Salt 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;
- g) Windsor Salt 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 Windsor Salt for access to the Lands,



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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approved as to form by the City Solicitor or designate and as to content by the Senior Manager of Parks or designate.

Report Number: CAO 262/2020
Clerk's File: SL/13661

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
January 22, 2021

Department Distribution

Lease Administrator (A)
Manager of Real Estate Services
City Solicitor and Corporate Leader, Economic Development and Public Safety
Commissioner of Parks, Recreation, Culture and Corporate Facilities
Chief Administrative Officer

External Distribution