



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CITY HALL  
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### CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 33/2022**

**Approved: February 3, 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 Consent to Enter:
  - a) That the Consent to Enter is provided to Rogers Communications Inc. and its employees, agents and contractors (collectively "**Rogers**"), to enter part of the lands municipally known as 6755 Wyandotte Street East (the "**Site**");
  - b) Rogers will enter the Site for the purpose of completing maintenance and repairs on its telecommunication tower and will store its genie lift on the Site for the duration of the repair work;
  - c) The term of the agreement shall be for three (3) weeks commencing on February 7, 2022 and expiring February 28, 2021 (the "**Term**");
  - d) Access to the Site will be from Ontario Street;
  - e) Rogers acknowledges that The Corporation of the City of Windsor (the "**City**") makes no representations or warranties as to the security of stored goods at the Site;
  - f) Rogers will restrict access to the Site from the balance of the park path north of the Site within Riverside Baseball Park by installing construction fencing and ensuring proper signage is in place, to ensure only authorized personnel access the Site while repairs to the telecommunications tower are underway. All fencing and signage shall be maintained by Rogers, to the satisfaction of the Senior Manager of Parks, or designate, for the duration of the Term;

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- g) Rogers agrees that, upon the termination of this agreement, any disturbance of the lands around the Site resulting from the carrying out of maintenance and repairs on the telecommunication tower, will be restored by Rogers at its own cost and to the satisfaction of the Senior Manager of Parks, or designate, acting reasonably;
- h) Rogers 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. Rogers agrees to also comply with any guidelines and best practices issued by the Province of Ontario or any other governing body in relation to limiting the spread of COVID-19;
- i) Rogers acknowledges and assumes responsibility for complying with the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*, S.O. 2020, c. 17, as may be amended from time to time, and all regulations, rules, and orders issued thereunder, including, without limitation, any masking requirements, physical distancing requirements, capacity limits, and proof of vaccination requirements (the “**COVID Rules**”). Rogers further agrees to indemnify and hold the City harmless from any and all liability, fines, loss, claims, demands, costs and expenses arising in any way from any failure to comply with the COVID Rules;
- j) Rogers 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 that includes crane and overhead lift coverage, with “The Corporation of the City of Windsor” listed as an additional insured and cross-liability coverage and 30 days’ notice of cancellation;

The City reserves the right to amend, restate and/or supplement the above requirements as determined by the City’s Risk and Insurance Department from time to time.

- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with Rogers, approved as to form and content by the City Solicitor, or designate and Senior Manager of Parks.



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*Anna Ciacelli*

Deputy City Clerk/Supervisor of Council Services  
February 4, 2022

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