

Phone: (519)255-6211

CITY HALL
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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 34/2022

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 1027458 Ontario Inc. operating as Coco Development (“**Coco**”) and its employees, contractors, agents, and assigns to enter part of Little River Corridor Park, legally described as (“**Little River Lands**”) and Peche Island, legally described as Part 1 on Plan 12R-17417 (“**Peche Lands**”) as shown on the aerial images attached as Appendices B and C;
 - b) Coco and/or its contractors, subcontractors, agents, employees and assigns will enter the Little River Lands for the purpose of constructing an artificial nesting platform (the “**Little River Work**”). Coco and/or its contractors, subcontractors, agents, employees and assigns will enter the Peche Lands for the purpose of constructing an artificial nesting platform and removing two existing artificial nesting platforms (the “**Peche Work**”). Such granting includes permission to bring all devices, machinery, vehicles and equipment necessary for the carrying out of the Little River Works and Peche Works (collectively the “**Works**”);
 - c) The term of this agreement shall commence on February 9, 2022 and terminate on May 31, 2022;
 - d) Access to the Little River Lands will be from the Florence Avenue and access to the Peche Lands will be from the Detroit River;

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- e) Coco agrees that, upon the termination of this agreement, any disturbance of the Little River Lands and Peche Lands, resulting from the carrying out of the Works, will be restored by Coco at its own cost to the satisfaction of the Senior Manager of Parks, or designate, acting reasonably;
- f) Prior to commencing the Works, Coco will provide the City Forester with construction details and the installation procedure as well as information regarding long term monitoring and possible maintenance needs for the nesting platforms;
- g) The cost for installation, materials and staff time will be covered in full by Coco;
- h) Any permits or approvals required for the completion of the Works shall be the sole responsibility of Coco;
- i) Upon completion of the Works, ownership of both nesting platforms, and the responsibility for their maintenance, will reside fully with the City of Windsor;
- j) During the undertaking of the Works, Coco shall secure all equipment and worksites, including but not limited to, signage, delineation and flagging as to protect residents using the Little River Lands and Peche Lands in a manner satisfactory to the Senior Manager of Parks, or designate;
- k) Coco 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. Coco 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;
- l) Coco will be required to provide the City with indemnification and require proof of insurance with the following minimal coverage, satisfactory to the City:
 - Commercial General Liability coverage with limits of no less than \$5,000,000 per occurrence, "The Corporation of the City of Windsor" listed



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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as an additional insured, cross-liability coverage and 30 days notice of cancellation.

- Each vehicle entering upon the Little River Lands and Peche 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 Coco for access to the Little River Lands and Peche 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 34/2022
Clerk's File: APM/14289

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
February 3, 2022

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