

**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 50/2019

Approved: July 30, 2019

That the request by the owner of the property at 343 Josephine Avenue, identified as PLAN 520; LOT 54, to permit a concrete porch step encroachment into the Josephine Avenue right-of-way, as shown on attached Drawing C-3389, **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 condition:

- 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 \$300.00 fee to the Engineering Department for the preparation of the agreement, to be signed by the property owner. **(PAID)**
- d) Pay a surcharge in the amount of \$102.00 to the Engineering Department, as required by M67-2015. **(PAID)**
- e) Indemnify the City of Windsor against all claims which may arise by reason of its occupying sections of the public right-of-way herein before listed and file with the Risk Management Supervisor a Certificate of Insurance with a minimum amount of \$2,000,000.00 per occurrence Commercial General Liability, a cross liability endorsement, the Corporation of the City of Windsor as an additional insured and 30 days notice of cancellation.

The Certificate of Insurance must be satisfactory in form to the Risk Management Supervisor and provided to the Risk Management Supervisor with the commencement of this encroachment and annually thereafter.



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- f) Pay a one-time encroachment fee of \$100.00, calculated according to M67-2015, and any and all applicable provincial and federal land taxes, etc.
- 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.
- i) The agreement shall be for 20 years from the agreement execution date or change of zoning or change in ownership, whichever comes first.

And further, 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 By-law 208-2008 as the authority of encroachments.

Report Number: CAO 50/2019
Clerk's File: SE2019

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
July 31, 2019

Department Distribution

Title
Technologist I (A)
Manager of Right-of -Way
City Engineer and Corporate Leader Environmental Protection and Transportation
City Solicitor and Corporate Leader



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COUNCIL SERVICES**

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Title
Economic Development and Public Safety

External Distribution