

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 63/2021

Approved: March 4, 2021

- I. THAT APPROVAL BE GIVEN** pursuant to Delegation of Authority Bylaw 208-2008, Section 1.30 (c) "City as Grantee" Temporary Easements and Consents to Enter (Appendix A), to the entering into of the following Consent to Enter:
- a) N & D Supermarket Limited ("**N & D**") agrees to provide a Consent to Enter to The Corporation of the City of Windsor (the "**City**") for exclusive use of part of the lands municipally known as 1341 Grand Marais Road West, as shown on the aerial image attached as Appendix B and legally described as Part of Curry Avenue on Registered Plan 1343 Sandwich West closed by R252312 (the "**Exclusive Lands**");
 - b) N & D agrees to provide a Consent to Enter to the City for non-exclusive use of part of the lands municipally known as 1341 Grand Marais Road West, as shown on the aerial image attached as Appendix C and legally described as Part of Curry Avenue on Registered Plan 1343 Sandwich West closed by R252312 (the "**Non-Exclusive Lands**");
 - c) The term of the agreement shall be from March 15, 2021 to August 31, 2021;
 - d) The City and/or its contractors, subcontractors, agents, employees and assigns will enter upon the Exclusive Lands for the purpose of staging, storing and maneuvering construction equipment required for the reconstructing of the Curry Avenue bridge located immediately south of the Exclusive Lands (the "**Works**");
 - e) The City and/or its contractors, subcontractors, agents, employees and assigns will enter upon the Non-Exclusive Lands for the purpose of accessing the Exclusive Lands located immediately south of the Non-Exclusive Lands (the "**Access**");



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- f) The City, its employees, agents, and contractors will have free and unobstructed entry and access to the Non-Exclusive Lands from Grand Marais Road West at all times during the Term;
 - g) The City, its employees, agents, and contractors will use its best efforts to not block others from using the Non-Exclusive Lands for the purpose of accessing the lands east and west of the Non-Exclusive Lands at all times during the Term;
 - h) N & D will notify all persons, entities or parties under its control not to occupy the Exclusive Lands, as marked by the City, or its employees, agents, or contractors during the Term;
 - i) Upon termination of the Consent to Enter, any disturbance of the Exclusive Lands and Non-Exclusive Lands (collectively the “Lands”), resulting from the Works and Access, will be restored by the City to the satisfaction of N & D, acting reasonably;
 - j) The City will be required to provide N & D with indemnification and show proof of insurance which will contain a cross-liability clause and name N & D as an additional insured; and,
- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with N & D, approved as to form by the City Solicitor or designate and as to content by the City Engineer or designate.

Report Number: CAO 63/2021
Clerk’s File: SL/14012

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
March 5, 2021

Department Distribution

Lease Administrator (A)
Manager of Real Estate Services
City Solicitor and Corporate Leader of Economic Development and Public Safety



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City Engineer and Corporate Leader Environmental Protection and Transportation
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Chief Administrative Officer

External Distribution