

Phone: (519)255-6211

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

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 77/2022

Approved: March 25, 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 Pupatello & Sons Ltd. (hereinafter "**Pupatello**"), to enter part of the lands municipally known as 2307 McDougall Street, being part of Jackson Park, as shown on the aerial image attached as Appendix B (the "**Lands**");
 - b) Pupatello will enter the Lands for the purpose of effecting repairs to the existing batting cage, as shown on Appendix B. The Lands are licensed to the Cavaliers Cricket Club of Windsor 2020, Inc ("**Cavaliers**") by license agreement expiring August 31, 2026;
 - c) The term of the agreement shall be for six (6) months commencing April 1, 2022; and expiring on September 30, 2022 (the "**Term**");
 - d) Access to the Lands will be from McDougall Street;
 - e) Pupatello will ensure that its equipment and materials at the Lands are secured at all times and that the Lands are not accessible to the public.
 - f) Pupatello agrees that, upon the termination of this agreement, any disturbance of the Lands or within Jackson Park, resulting from the repairs undertaken on the batting cage lands, will be restored by Pupatello at its own cost and to the satisfaction of the Executive Director of Parks & Facilities, or designate, acting reasonably;

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- g) Pupatello 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. The Club will 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;
- h) Pupatello 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**”). Pupatello 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;
- i) Pupatello 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;

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 Pupatello, approved as to form by the City Solicitor, or designate and as to technical content by the Executive Director of Parks & Facilities.

Report Number: CAO 77/2022
Clerk’s File: APM/14289

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
March 28, 2022



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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