



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CAO APPROVAL

The Acting Chief Administrative Officer approved the following recommendation:

Report Number: CAO 96/2022

Approved: April 21, 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 permanent utility easement to each of the Grantees:

a) **GRANTEES:**

Cogeco Connexion Inc.	Bell Canada	Managed Network Systems Inc.
950 Syscon Road	140 Bayfield St.	3363 Tecumseh Rd E
Burlington, ON L7R4S6	Barrie, ON L4M3B1	Windsor, ON N8W1H4

- b) **EASEMENT:** Permanent utility easement in favour of the Grantees for a guy wire and guy pole (the "**Guys**") at Central Park at 3301 Woodland Avenue (the "**Easement Lands**") to be further described on a future Reference Plan, as shown in the aerial image attached as Appendix B.

- c) **AREA:** Approximately 119 m² (1,280 sq ft)

- d) **PRICE:** \$1.00, plus registration costs of approximately \$373.71 (plus HST) and approximately \$2,000 in survey costs to be paid by The Corporation of the City of Windsor (the "**City**").

e) **TERMS & CONDITIONS:**

1. The Grantees are responsible for costs related to construction, installation, maintenance and restoration costs;

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2. The City is responsible for costs related to this transaction including, but not limited to, the costs of the survey and registration costs;
 3. In the event the Grantees need to enter the Easement Lands for the purpose of maintaining, repairing or replacing the Guys, the Grantees will restore the Easement Lands to a condition satisfactory to the Executive Director of Parks and Facilities or designate, acting reasonably; and,
- II. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign any required written documents satisfactory in form and content to the City Solicitor, in technical content to the Executive Director of Parks and Facilities and in financial content to the Chief Financial Officer and City Treasurer and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003 and that the City Solicitor or designate **BE AUTHORIZED** to sign any documents related to the completion of a real estate transaction; and,
- III. 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 each of the Grantees and their employees, contractors, agents, and assigns to enter upon Part of Central Park (the "**Consent Lands**") as shown in the aerial image attached as Appendix C;
 - b) The term of the agreement shall begin April 6, 2022 and will end October 31, 2022 or upon the registration of the easement in Recommendation I, whichever occurs first;
 - c) The Grantees and/or their contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of installing the Guys in a manner satisfactory to the Executive Director of Parks and Facilities or designate, acting reasonably;
 - d) Access to the Consent Lands will be from Richardie Boulevard;
 - e) During installation of the Guys the entire job site is considered hazardous. Before, during and after construction, the Grantees are responsible for securing the job site. The Grantees are responsible for barricading the premises and



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warning persons of the dangers at the job site as well as erecting signage as needed;

- f) The Grantees agree that, upon completion of the installation of the Guys, any disturbance of the Consent Lands resulting from its occupation will be restored at its own costs to the satisfaction of the Executive Director of Parks and Facilities or designate, acting reasonably;
- g) The Grantees 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
 - 30 days notice of cancellation

Or as such requirements may be amended, restated and/or supplemented by the City’s Risk and Insurance Department from time to time; and,

IV. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to sign a Consent to Enter Agreement with the Grantees for access to the Consent Lands, approved as to form by the City Solicitor or designate and as to content by the Executive Director of Parks and Facilities or designate.

Report Number: CAO 96/2022

Clerk’s File: APM/14289

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
April 25, 2022

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
Commissioner, Legal & Legislative Services
Executive Director, Parks & Facilities



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(Acting) Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
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(Acting) Chief Administrative Officer

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