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## CAO APPROVAL

The Acting Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 97/2022**

**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:
- a) **GRANTEE:** Enwin Utilities Ltd.  
4545 Rhodes Drive  
Windsor, Ontario N8W 5T1  
(the "Grantee")
  - b) **EASEMENT:** Permanent utility easement in favour of the Grantee 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 24 m<sup>2</sup> (258 sq ft)
  - d) **PRICE:** \$1.00, plus registration costs of approximately \$124.57 (plus HST) to be paid by The Corporation of the City of Windsor (the "**City**").
  - e) **TERMS & CONDITIONS:**
    - 1. The Grantee is responsible for costs related to construction, installation, maintenance and restoration costs;
    - 2. The City is responsible for costs related to this transaction including, but not limited to, the costs of the survey and registration costs;

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3. In the event the Grantee needs to enter the Easement Lands for the purpose of maintaining, repairing or replacing the Guys, the Grantee 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 the Grantee 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 Grantee and/or its 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 Grantee is responsible for securing the job site. The Grantee is responsible for barricading the premises and warning persons of the dangers at the job site as well as erecting signage as needed;



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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- f) The Grantee agrees 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 Grantee 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 Grantee 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 97/2022  
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 of Parks & Facilities
(Acting) Commissioner, Corporate Service / Chief Financial Officer / City Treasurer



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COUNCIL SERVICES**

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(Acting) Chief Administrative Officer

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