

**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 70/2025 AMENDMENT

AMENDMENT APPROVED: Thursday, April 24, 2025

- 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 Discovery Landscaping Inc. (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Garry Dugal Park, municipally located at 1247 Drouillard Road and legally described as Lots 84 and 85 on Registered Plan 913, Ford City; Lots 7 and 8 on Registered Plan 1018, Village of Ford City; Part Lot 6 on Registered Plan 1018, Village of Ford City; Part Alley on Registered Plan 1018, Ford City; Windsor (the "**Consent Lands**") as shown in the aerial image attached as Appendix B
 - b) The term of the agreement shall be a period of one (1) month, which shall begin on May 1, 2025 and conclude no later than May 31, 2025;
 - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of fence replacement for 1308 St. Luke Road, trimming of trees and general landscaping clean up (the "**Works**");
 - d) Access to the Consent Lands will be from St. Luke Road through the south-west portion of Garry Dugal Park;
 - a) Prior to and during the Works, the Grantee will be responsible for securing the job site. The Grantee is responsible for erecting signage and fencing to ensure the public cannot access any materials or equipment, as required;

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- b) The Grantee agrees to an on-site meeting with the City's Forester or designate, acting reasonable, to review the following:
- The objectives for the overall fence clearing project as it pertains to arboriculture work on the City owned trees;
 - Site access requirement will be reviewed to ensure no damage to the site and trees will occur during the project: this includes possible requirement or using mats to limit soil compaction;
 - The current condition of all trees will be assessed prior to commencing tree work of any kind;
 - Trim requirements will be determined in advance for each individual tree on-site and approved by a City Certified arborist;
 - Proper arboricultural technique will be reviewed with the staff who will conduct the trimming operations;
 - Follow-up tree protection will be reviewed for all other activities required to repair/clear the fence line;
- c) The City's Forestry department requires that all tree work be completed under the supervision of an ISA – Certified Arborist/Registered Professional Forester;
- d) The Grantee will ensure that all park lands adjacent to the Consent Lands are kept free and clear of any debris, materials and/or equipment at all times and its occupation of the Consent Lands will not damage trees or impede use of the park lands by the general public.
- e) The Grantee agrees that, upon completion of the Works, any disturbance of the Consent Lands resulting from its occupation of the Consent Lands will be restored at its own costs to the satisfaction of the Executive Director of Parks, Recreation and Facilities or designate, acting reasonably. The City's Forestry department may require compensation for excessive damage to trees caused by improper Arboricultural practices or any other activity undertaken during the fence line repairs;
- f) The Grantee will be required to indemnify and defend the City and provide proof of insurance with coverage levels satisfactory to the City, including the following minimum coverage:
- \$5,000,000 Commercial General Liability coverage with "The Corporation of the City of Windsor" listed as an additional insured and cross-liability coverage

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- Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario.

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

- II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** 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, Recreation and Facilities or designate.

Report Number: CAO 70/2025

Approved: Tuesday, April 15, 2025

- 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 Discovery Landscaping Inc. (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Garry Dugal Park, municipally located at 1247 Drouillard Road and legally described as Lots 84 and 85 on Registered Plan 913, Ford City; Lots 7 and 8 on Registered Plan 1018, Village of Ford City; Part Lot 6 on Registered Plan 1018, Village of Ford City; Part Alley on Registered Plan 1018, Ford City; Windsor (the "**Consent Lands**") as shown in the aerial image attached as Appendix B
 - b) The term of the agreement shall be a period of one (1) month, which shall begin on April 9, 2025 and conclude no later than May 9, 2025;
 - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of fence replacement for 1308 St. Luke Road, trimming of trees and general landscaping clean up (the "**Works**");
 - d) Access to the Consent Lands will be from St. Luke Road through the south-west portion of Garry Dugal Park;

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- e) Prior to and during the Works, the Grantee will be responsible for securing the job site. The Grantee is responsible for erecting signage and fencing to ensure the public cannot access any materials or equipment, as required;
- f) The Grantee agrees to an on-site meeting with the City's Forester or designate, acting reasonable, to review the following:
 - The objectives for the overall fence clearing project as it pertains to arboriculture work on the City owned trees;
 - Site access requirement will be reviewed to ensure no damage to the site and trees will occur during the project: this includes possible requirement or using mats to limit soil compaction;
 - The current condition of all trees will be assessed prior to commencing tree work of any kind;
 - Trim requirements will be determined in advance for each individual tree on-site and approved by a City Certified arborist;
 - Proper arboricultural technique will be reviewed with the staff who will conduct the trimming operations;
 - Follow-up tree protection will be reviewed for all other activities required to repair/clear the fence line;
- g) The City's Forestry department requires that all tree work be completed under the supervision of an ISA – Certified Arborist/Registered Professional Forester;
- h) The Grantee will ensure that all park lands adjacent to the Consent Lands are kept free and clear of any debris, materials and/or equipment at all times and its occupation of the Consent Lands will not damage trees or impede use of the park lands by the general public.
- i) The Grantee agrees that, upon completion of the Works, any disturbance of the Consent Lands resulting from its occupation of the Consent Lands will be restored at its own costs to the satisfaction of the Executive Director of Parks, Recreation and Facilities or designate, acting reasonably. The City's Forestry department may require compensation for excessive damage to trees caused by improper Arboricultural practices or any other activity undertaken during the fence line repairs;

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j) The Grantee will be required to indemnify and defend the City and provide proof of insurance with coverage levels satisfactory to the City, including the following minimum coverage:

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- Each vehicle owned or leased used directly or indirectly in the performance of the Work must be insured with an Automobile Policy in accordance with the laws of the Province of Ontario.

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

IV. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** 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, Recreation and Facilities or designate.

Report Number: CAO 70/2025
Clerk's File: APM/14909

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
April 25, 2025

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Corporate Services
Executive Director of Parks, Recreation and Facilities
Acting Senior Executive Director, Community Services
Commissioner, Community and Corporate Services
Chief Administrative Officer