

**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 66/2026
Approved: Thursday, March 26, 2026

- I. THAT APPROVAL BE GIVEN** to the granting of the following Consent to Enter:
- a) That the Consent to Enter is provided to Enbridge Gas Inc. and its contractors, subcontractors, agents, employees and assigns (hereinafter collectively "**Enbridge**"), to enter 0 Walker Road legally described as Part Lots 3 and 4, Registered Plan 868, Sandwich East; designated as Parts 14 and 15 on Plan 12R-12023, s/t R1403237; 2801 Walker Road legally described as Lots 1 and 2, Registered Plan 868, Sandwich East except Turner Road, Registered Plan 1234; and 2808 Byng Road legally described as Lots 54 and 55, Registered Plan 1234, Sandwich East; Lots 162 and 163, Registered Plan 1234, Block B, Registered Plan 1234, Sandwich East (Part Alley closed by R268300) except Part 10 and 11 on Plan 12R-12023; Windsor, all as shown on the aerial diagram attached as Appendix A (the "**Consent Lands**").
 - b) The term of the agreement shall be for a period of approximately four (4) months commencing May 1, 2026, and concluding upon completion of the Works on the Consent Lands, which for greater certainty can be no later than November 30, 2026 (the "**Term**");
 - c) Enbridge will enter the Consent Lands for a retrofit project on an existing gas line, using construction equipment including, but not limited to excavator, backhoe, dumptruck, crane, crew vehicles and also for staging, equipment and storage (the "**Works**").
 - d) Access to the Consent Lands will be from Turner Road;

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- e) Prior to and during the Works, Enbridge will be responsible for securing the job site. Enbridge is responsible for erecting signage and fencing to ensure the public cannot access any materials or equipment, as required;
- f) Enbridge will ensure that the multi-use trail between Walker Road and Turner Road is re-routed for the duration of the Term. The temporary pathway will be constructed using either solid wood boards designed in accordance with the Ontario Building Code's pedestrian load requirements, or with compacted granular materials that will be regularly monitored to prevent uneven surfaces or potential trip hazards. Proper pedestrian-route signage will be posted along the temporary pathway to clearly identify designated crossing areas. The final determination of the construction materials for the temporary pathway will be made jointly by the Executive Director of Parks, Recreation and Facilities and Enbridge.
- g) Enbridge agrees that, upon the termination of this agreement, any disturbance of the Consent Lands resulting from the carrying out of the Works, will be restored by Enbridge at its own cost and to the satisfaction of the Executive Director of Parks, Recreation and Facilities, or designate, acting reasonably;
- h) Enbridge 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, which Enbridge may either maintain or choose to self-insure in lieu of insurance;
 - Each vehicle owned or leased used directly or indirectly in the performance of the Works must be insured with an Automobile Policy, with liability limits of no less than \$2,000,000 per occurrence

Insurance shall not be cancelled without thirty (30) days' written notice to the City. In the event Enbridge self-insures, Enbridge shall only be financially responsible for insurable costs from the first dollar up to the amount stated above.

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

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amended, restated and/or supplemented by the City's Risk Department from time to time;

- i) The project is occurring along a waterway (Grand Marais Drain), and has potential to encounter natural heritage features and functions.
 - I. Should Species at Risk be found at any time on or adjacent to the site, cease activity immediately and contact the City of Windsor SAR hotline (519-816-5352).
 - a) For a list of Species at Risk and other provincially tracked species with potential to be around the site, use the natural Heritage Information Centre (NHIC) Make a Map tool, found at <https://www.ontario.ca/page/make-natural-heritage-area-map>.
 - b) Of note, Turtles will be nesting and SAR snakes will be emerging from hibernation and moving to live birthing and nesting sites (Butlers Gartersnake and Eastern Foxsnake). Report all observations to the City Naturalist via the SAR hotline provided above. Mitigation measures can be provided to protect critical habitat.
 - II. Active nests of most bird species are protected under the Migratory Birds Convention Act (1994), the Fish and Wildlife Conservation Act (1997), and/or the Endangered Species Act (2007). If trees, shrubs or ground area on/adjacent to the site are to be removed, damaged, or disturbed during the breeding bird season (April 1 – August 31), then sweeps for nesting birds should be conducted to prevent contravention of these regulations. Protect any trees, shrub or ground area where an active nest is found and leave the nest unharmed until the young have permanently left the vicinity of the nest. Visit <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for more information. The City of Windsor is a Bird Friendly City.
 - III. Beaver dams and dens of fur-bearing mammals are protected under section 8 of the Fish and Wildlife Conservation Act (1997) and are not to be damaged or destroyed without the proper authorization and/or license.

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IV. Ontario has a list of Regulated Species in the Ontario Invasive Species Act (ISA) (2015). If any species on this list are identified on site, it is recommended that Best Management Practices be followed to remove the invasive species from the site prior to starting development activities. If guidance is required, report the occurrence to the City Naturalist. For a list of ISA Regulated species: [Ontario Invasive Species Act – Invasive Species Centre](#).

V. Requirements:

- c) All on-site personnel are to be made aware of the potential presence of SAR, including various species of turtles and their nests, Butler's Gartersnake and Eastern Foxsnake, and the protections afforded to them under section 9 of the Endangered Species Act (ESA, 2007);
- d) Conduct wildlife sweeps in vegetation or natural cover prior to any clearing activities. Inspect any pits or holes, created or existing, prior to filling; inspect trees, shrubs, and ground layer for bird nests and/or evidence of reptile nests
- e) Be attentive when moving or disturbing any materials left on site;
- f) Drive cautiously in and out of the site and perform wildlife inspections of any machinery parked on-site for over (1) one hour or overnight before (re)ignition;
- g) Qualified personnel are to use proper snake and turtle handling procedures to usher species off site, as required, following the Ontario SAR Handling Manual (MNR);
- h) Keep the work site clean and remove all food and beverage waste and containers at the end of each day.

II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with Enbridge, 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 66/2026
Clerk's File: APM/15084



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

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Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
March 27, 2026

Department Distribution

Manager of Real Estate Services
City Solicitor
Executive Director, Parks, Recreation & Facilities (A)
Commissioner, Community Services
Chief Administrative Officer