



OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
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WEBSITE: www.citywindsor.ca

CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 35/2024
Approved: Tuesday, March 12, 2024

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 easement:

- a) **GRANTEE:** The Corporation of the Town of LaSalle
5950 Malden Road
LaSalle, Ontario N9H 1S4
- b) **EASEMENT:** Permanent utility easement in favour of the Grantee (the "**Easement**") for wastewater infrastructure (the "**Works**") at the Lou Romano Water Reclamation Plant municipally known as 4155 Ojibway Parkway, legally described as part of Part Lot A, Registered Plan 1004, to be further described on a Reference Plan to be registered as shown on the aerial diagram attached as Appendix B (the "**Easement Lands**");
- c) **AREA:** Approximately 503 m² (5,414.25 sq ft)
- d) **PRICE:** \$1.00 plus document preparation costs of approximately \$263.56 (plus HST) and registration costs of approximately \$82.00 to be deposited to 001-6650-5119-02942-0125230.
- e) **TERMS & CONDITIONS:**



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1. The Grantee is responsible for all costs related to its Works including, but not limited to, the costs of construction, installation, maintenance, restoration costs and pedestrian control;
2. Even though the Works may become annexed or affixed to the Easement Lands, ownership of the Works shall nevertheless remain in the name of the Grantee;
3. The Grantee shall indemnify and save the City harmless of all actions, causes of actions, suits, claims and demands of every nature and kind whatsoever which may be made against the City relating to or arising out of the placement of the Works by the Grantee and for which the City, in law, is responsible. The Grantee shall ensure they have sufficient insurance over the Easement Lands to provide said indemnity;
4. The Grantee shall provide the City at least 48-hours' prior notice that they will be entering and accessing the Easement Lands for any reason including, but not limited to, maintaining, repairing and/or inspecting the Works. For any engineered project, the Grantee shall provide the City with a minimum of ten (10) business days' prior notice to project tender to allow the City time to provide direction and comment. In the case of an emergency, the Grantee may access the Easement Lands on an as needed basis as approved by the City's Executive Director of Pollution Control, or designate. In the instance of such an emergency, the Grantee shall follow all orders and directives from the City. This notice shall apply to its workmen, servants, agents, contractors, vehicles, supplies and equipment at all times and for the all purposes and things necessary for the purpose of this easement;
5. In the event the Grantee needs to enter the Easement Lands for the purpose of maintaining, repairing or replacing the Works, the Grantee will restore the Easement Lands to a condition satisfactory to the City Engineer or designate, acting reasonably;

II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** any required written documents satisfactory in form and content to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer and that the transaction **BE COMPLETED** electronically pursuant to By-Law 366-2003 and that the

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City Solicitor or designate **BE AUTHORIZED** to sign and 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 Corporation of the Town of LaSalle, its contractors, employees, agents and/or assigns (collectively "**LaSalle**"), to enter part of the Lou Romano Water Reclamation Plant ("**LRWRP**"), municipally known as 4155 Ojibway Parkway and legally described as part of Part Lot A, Registered Plan 1004, as shown on Appendix C attached. (the "**Consent Lands**");
- b) LaSalle will enter the Consent Lands for the purpose of supplying all materials, labour and equipment for the modification and upgrade of the existing precast concrete drop structure including but not limited to all removals and demolitions, temporary bypass pumping station, piping, concrete repair/rehabilitation, new structural lining system of drop chamber, new concrete chamber roof (collectively the "**Works**");
- c) The term of the agreement shall be from March 4, 2024 until the earlier of October 31, 2024, or registration of the Easement on title to the Easement Lands (the "**Term**");
- d) Access to the Consent Lands will be from Sandwich Street
- e) LaSalle will restrict entry to Gate 1 and may exit through Gate 1 or 3, if required;
- f) LaSalle will alert and coordinate activity with the LRWRP Plant Manager and Pollution Control Project Engineer;
- g) LaSalle will ensure that access adjacent to the Consent Lands are kept free and clear of any debris and/or equipment at all times and that its occupation of the Lands will not impede normal operation of LRWRP;

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- h) LaSalle 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 LaSalle at its own cost and to the satisfaction of the Executive Director of Pollution Control or designate;
- i) In the event of a failure of the temporary pumping system, the contractor shall stop the work and put the drop chamber in service immediately. Alternatively, the City and/or the Ontario Clean Water Association (“OCWA”) may shut down LaSalle Pump Station No. 1 and utilize the bypass mechanism at the pump station. Once levels recede to the satisfaction of the Project Lead for Pollution Control and/or the Plant Manager or designate, LaSalle will be permitted to resume the Works;
- j) LaSalle 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;
 - Each vehicle entering upon the Lands must be insured with an Automobile Policy with liability limits of no less than \$5,000,000 per occurrence;
 - \$2,000,000 Environmental Liability Insurance coverage with “The Corporation of the City of Windsor” listed as an additional insured;

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.

IV. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with LaSalle, approved as to form and content by the City Solicitor, or designate and content by the City Engineer, or designate.



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Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services

March 13, 2024

Department Distribution

Coordinator of Real Estate Services
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