



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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### CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 152/2024**

**Approved: Wednesday, July 10, 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 consent to enter:
  - a) That the Consent to Enter is provided to Art Gallery of Windsor (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Paterson Park, 3063 Sandwich Street and legally described as Part Indian Reserve on Registered Plan 40 Town of Sandwich abstracted in Indian Reserve on Registered Plan 41 as in TS21129 and TS23235 Except R251721; Lot 29 to 33, inclusive, on Registered Plan 1073 Town of Sandwich except R1165854; Subject to R1422181; 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) year, which shall begin on Tuesday, July 2, 2024 and conclude no later than Monday, June 30, 2025;
  - c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of installing four (4) replicated art works (the "**Works**");
  - d) Access to the Consent Lands will be from Sandwich Street, Detroit Street and/or Alexander Avenue;

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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 will ensure that 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 impede use of the adjacent sidewalks and trails by pedestrians.
- g) 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 and Facilities or designate, acting reasonably;
- h) 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
  - 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 and Insurance 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 and Facilities or designate.



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*Anna Ciacelli*

Deputy City Clerk / Supervisor of Council Services

July 11, 2024

### Department Distribution

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

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