

Phone: (519)255-6211

**CITY HALL
WINDSOR, ONTARIO
N9A 6S1**

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 159/2024 AMENDMENT
AMENDMENT APPROVED: Friday, July 19, 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 the Essex County Field Naturalists Club and its employees, agents and contractors (collectively "**ECFNC**"), to enter City-owned lands within the Ojibway Prairie Complex (collectively "**OPC**"), as shown on the aerial diagram attached as Appendix B, and East Riverside Park (collectively "**ERP**"), as shown on the aerial diagram attached as Appendix C, at locations agreed upon by the City Naturalist & Outreach Coordinator and ECFNC (the "**Consent Lands**");
- b) ECFNC will enter the Consent Lands for the purpose of cutting, and/or spading phragmites in various parts of the OPC and ERP including, but not limited to, Ojibway Park, Tall Grass Prairie Heritage Park, Spring Garden Natural Area and Blue Heron Lake (the "**Works**"). Prior to the commencement of any Works in the Consent Lands, ECFNC will contact the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca, so that they can discuss scope of work, exact location of work and determine any necessary landscape reparation and public notification requirements.
- c) The term of the agreement shall be from July 22, 2024 until December 31, 2024 (the "**Term**");
- d) During the Term, ECFNC will apply through the City Parks department for any necessary permits to further conduct the Works in the Consent Lands beyond the Term;

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- e) Access to the Consent Lands will be from Matchett Road for Ojibway Park; Titcombe Road for Tall Grass Prairie Heritage Park; Elgin Ave for Spring Garden Natural Area; Little River Blvd, Blue Heron Drive or Savannah Street for Blue Heron Lake, or as determined by the City Naturalist & Outreach Coordinator working with ECFNC and its agents;
- f) ECFNC 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 ECFNC at its own cost and to the satisfaction of the City's Manager of Forestry and Natural Areas or designate;
- g) ECFNC 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 in the City's standard form, such policy containing endorsements naming the City as an additional insured and including a cross-liability/separation of insureds clause, with a 30-day notice of cancellation provision, to be primary and non-contributing, and satisfactory in form and content, to the City;
 - The coverage must specifically acknowledge the Consent Lands are included on the proof of insurance.

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.

- h) ECFNC will be required to adhere to the following requirements of the City Naturalist & Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
 - 1. All tools, waders, boots will be thoroughly disinfected between study sites to prevent cross-contamination and reduce the spread of invasive species;
 - 2. Vehicles must drive slowly through the area to allow slow-moving animals a chance to avoid being run over. Should a snake be found in the work area, ECFNC will phone the City's Species at Risk hotline (519-816-5352) and City staff will attend the site as quickly as possible to remove the snake from harm. The same phone number shall be used to report any snakes or other animals found injured or dead;

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3. Wherever possible cut native vegetation should be left in place to allow for natural decomposition and provide cover for wildlife in areas being cleared;
4. Disturbance off-trail will be kept to a minimum to protect vegetation and ground-dwelling wildlife;
5. As soon as the work is completed, ECFNC shall contact the City Naturalist & Outreach Coordinator at kaalexander@citywindsor.ca, so that they can determine the necessary landscape reparation.
6. Monitoring of the affected area in the summer of 2025 by City staff will be required to determine if invasive species control is necessary as part of the landscape reparation. There is a particular concern regarding phragmites (<https://www.ontario.ca/page/phragmites-fact-sheet>) taking advantage of the disturbance and spreading into affected areas. Should invasive species control be required, ECFNC will be responsible for the cost of same.
7. Disturbance off-trail will be kept to a minimum to protect vegetation and ground-dwelling wildlife;
8. A minimum of 48-hours notice to the City Naturalist is required, by phone or email, along with site location, estimated start and end times and estimated number of volunteers.

II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with ECFNC, approved as to form and content by the City Solicitor and content by the Executive Director of Parks and Facilities.

Report Number: CAO 159/2024

Approved: Thursday, July 18, 2024

II. 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 Essex County Field Naturalists Club and its employees, agents and contractors (collectively "**ECFNC**"), to enter City-owned lands within the Ojibway Prairie Complex (collectively "**OPC**"), as shown on the aerial diagram attached as Appendix B at locations agreed upon by the City Naturalist & Outreach Coordinator and ECFNC (the "**Consent Lands**");

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- b) ECFNC will enter the Consent Lands for the purpose of cutting, and/or spading phragmites in various parts of the OPC including, but not limited to, Ojibway Park, Tall Grass Prairie Heritage Park and Spring Garden Natural Area (the “Works”). Prior to the commencement of any Works in the Consent Lands, ECFNC will contact the City Naturalist and Outreach Coordinator at kaalexander@citywindsor.ca, so that they can discuss scope of work, exact location of work and determine any necessary landscape reparation and public notification requirements.
- c) The term of the agreement shall be from July 15, 2024 until December 31, 2024 (the “Term”);
- d) During the Term, ECFNC will apply through the City Parks department for any necessary permits to further conduct the Works in the Consent Lands beyond the Term;
- e) Access to the Consent Lands will be from Matchett Road for Ojibway Park; Titcombe Road for Tall Grass Prairie Heritage Park; Elgin Ave for Spring Garden Natural Area or as determined by the City Naturalist & Outreach Coordinator working with ECFNC and its agents;
- f) ECFNC 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 ECFNC at its own cost and to the satisfaction of the City’s Manager of Forestry and Natural Areas or designate;
- g) ECFNC 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 in the City’s standard form, such policy containing endorsements naming the City as an additional insured and including a cross-liability/separation of insureds clause, with a 30-day notice of cancellation provision, to be primary and non-contributing, and satisfactory in form and content, to the City;
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- h) ECFNC will be required to adhere to the following requirements of the City Naturalist & Outreach Coordinator in order to protect Species at Risk in the area of the Consent Lands:
9. All tools, waders, boots will be thoroughly disinfected between study sites to prevent cross-contamination and reduce the spread of invasive species;
 10. Vehicles must drive slowly through the area to allow slow-moving animals a chance to avoid being run over. Should a snake be found in the work area, ECFNC will phone the City's Species at Risk hotline (519-816-5352) and City staff will attend the site as quickly as possible to remove the snake from harm. The same phone number shall be used to report any snakes or other animals found injured or dead;
 11. Wherever possible cut native vegetation should be left in place to allow for natural decomposition and provide cover for wildlife in areas being cleared;
 12. Disturbance off-trail will be kept to a minimum to protect vegetation and ground-dwelling wildlife;
 13. As soon as the work is completed, ECFNC shall contact the City Naturalist & Outreach Coordinator at kaalexander@citywindsor.ca, so that they can determine the necessary landscape reparation.
 14. Monitoring of the affected area in the summer of 2025 by City staff will be required to determine if invasive species control is necessary as part of the landscape reparation. There is a particular concern regarding phragmites (<https://www.ontario.ca/page/phragmites-fact-sheet>) taking advantage of the disturbance and spreading into affected areas. Should invasive species control be required, ECFNC will be responsible for the cost of same.
 15. Disturbance off-trail will be kept to a minimum to protect vegetation and ground-dwelling wildlife;
 16. A minimum of 48-hours notice to the City Naturalist is required, by phone or email, along with site location, estimated start and end times and estimated number of volunteers.



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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II. THAT the Chief Administrative Officer and the City Clerk **EXECUTE** a Consent to Enter Agreement with ECFNC, approved as to form and content by the City Solicitor and content by the Executive Director of Parks and Facilities.

Report Number: CAO 159/2024

Clerk's File: APM/14706

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services

July 19, 2024

Department Distribution

Coordinator of Real Estate Services
Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Corporate Services
City Forester / Manager of Forestry & Natural Areas, Parks & Facilities
Executive Director, Parks & Facilities
Commissioner of Community and Corporate Services
Chief Administrative Officer

External Distribution