



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 179/2024

Approved: Tuesday, August 13, 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 Powerserve Inc. (the "**Grantee**"), its employees, contractors, agents, and assigns to enter upon part of the park lands known as Lake Como Park South, Trail Park, 4300 Southwood Lakes Boulevard and legally described as Block 10 on Registered Plan 12M-291, Windsor and Lake Trail Park, 846 Lake Trail Drive and legally described as Block 6 on Registered Plan 12M-321; Windsor (collectively the "**Consent Lands**") as shown in the aerial image attached as Appendix B;
- b) The term of the agreement shall be a period of six (6) weeks, which shall begin on August 1, 2024 and conclude no later than September 13, 2024;
- c) The Grantee and/or its contractors, subcontractors, agents, employees and assigns will enter the Consent Lands for the purpose of a lay-down areas for equipment and materials (the "**Works**");
- d) Access to the Consent Lands will be from Lake Trail Drive;
- 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;



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- f) The Grantee will ensure that all trees in the vicinity will be protected and that sidewalks and trails 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 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 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
 - 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 and Facilities or designate.

Report Number: CAO 179/2024
Clerk’s File: APM/14706

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
August 16, 2024



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