



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

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### CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

**Report Number: CAO 277/2023**

**Approved: October 25, 2023**

I. THAT **APPROVAL BE GIVEN** to enter into a License Agreement with The Windsor West Little League (1993) Inc. for exclusive use of part of Mic Mac Park for concession, storage and meeting space in accordance with the following terms:

#### **BASIC TERMS:**

- |                                    |   |
|------------------------------------|---|
| a) <b>Licensee</b>                 | The Windsor West Little League (1993) Inc.  |
| b) <b>Commencement Date</b>        | October 1, 2023   |
| c) <b>License Termination Date</b> | September 30, 2024  |
| d) <b>License Term</b>             | One (1) year  |
| e) <b>Permitted Use</b>            | Concession, storage and meeting space relating to, and in support of, the operation of a baseball program   |
| f) <b>Licensed Space</b>           | Meeting/ Equipment Storage/ Concession Space: Approximately 1,420 sq ft within Mic Mac Park as shown on the aerial diagram attached as Appendix B   |
| g) <b>Operating Season</b>         | Licensee acknowledges that Parks Operating Season runs May 1 <sup>st</sup> to October 31 <sup>st</sup> each year. Licensee further acknowledges that between Parks Non-Operating Season of November 1 <sup>st</sup> through April 30 <sup>th</sup> , Parks' staff may not conduct regular Parks maintenance, including snow |



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removal, and the Licensed Space may not be accessible during the Non-Operating Season

- |                              |  |
|------------------------------|--|
| <b>h) Annual License Fee</b> | \$1.00, plus HST   |
| <b>i) Security Deposit</b>   | None   |
| <b>j) Land Taxes</b>         | N/A  |
| <b>k) Utilities</b>          | Included in license fee  |
| <b>l) Insurance</b>          | General Liability Insurance<br>Minimum Limit \$5,000,000.00 per occurrence<br>The Corporation of the City of Windsor to be listed as additional insured and 30 days' notice of cancellation. The policy shall contain a cross-liability/separation clause  |
| <b>m) Renewal</b>            | One (1) year option to renew on the following conditions: <ul style="list-style-type: none"><li>(i) Licensee provides written notice of its intent to exercise the renewal option no later than three (3) months' prior to the expiration of the original Term;</li><li>(ii) Any renewal will be on the same terms and conditions herein, save and except the security deposit, which will be negotiated and mutually agreed upon by the parties within the thirty-day period following provision of notice of the Licensee's intent to exercise its option, failing such mutual agreement, the option is void</li></ul> |



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**n) Guarantor**

None

**o) Special Provisions:**

Licensee can access the Licensed Space during the regular operational hours of Mic Mac Park, being between 5:00 am and 11:00 pm, in accordance with City By-law No. 131-2019

Licensee is granted a non-exclusive license through Mic Mac Park during the Term, strictly for the purpose of accessing the Licensed Space

Licensee shall be responsible for minor maintenance and repair at the Licensed Space. Licensor shall be responsible for roof systems and building envelope. Should damage be the result of Licensee's operations or negligence, Licensee will be responsible for the repair / replacement of same to the satisfaction of the City's Executive Director of Parks and Facilities, or designate

Licensor shall be responsible for winterizing the water system in the Fall and turning the water back on in the Spring

Licensee shall be allowed to repair and renovate the Licensed Space, at its own expense, provided that no alterations or additions to the existing structure are undertaken without the pre-approval to any plans by the City's Executive Director of Parks and Facilities or designate and, that all renovations are completed according to applicable code and to the satisfaction of the City acting reasonably and that the Licensee shall be responsible for obtaining all necessary permits and inspections. Repair and / or replacement of any assets at the Licensed Space will require that the Licensee use only City-approved vendors to complete such repair and / or replacements. All



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such alterations and improvements shall immediately become the property of the City

Licensee shall pay promptly, when due, all costs incurred in connection with such repair, replacement or renovation, whether for work, services or materials, at the Licensee's own cost and expense, keep the interest of the City and the Licensed Space free of liens, charges and encumbrances of any nature and shall defend, indemnify and save harmless the City against all cost of the work and all liens arising therefrom and to forthwith discharge and/or vacate any construction liens and/or certificates of action which may affect any portion of the Licensed Space

Licensee agrees to indemnify and hold the City harmless against any and all claims, demands, liabilities, actions or causes of action, or fines which may arise from the existence or use of the Licensed Space, as may be advanced by any party, including third parties

Licensee shall not use any existing mechanical / service room where City infrastructure is present (i.e. irrigation system, water main, backflow, electrical controls, club car, maintenance tools, etc.) for storage

Licensee acknowledges that the baseball diamonds within Mic Mac Park are not included in this License and that the Licensee is responsible to book and pay for diamond use as per the Sport Field Allocation Policy and Procedures

Licensors shall be responsible for maintenance of the baseball diamonds within Mic Mac Park. Licensee shall not make any improvements to the



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baseball diamonds, including infrastructure, without prior written approval of the City's Executive Director of Parks and Facilities or designate. If approved, any such improvements will be will be at the Licensee's sole cost

Licensee acknowledges that, upon termination of the license agreement, Licensee will deliver up and surrender possession of the Licensed Space, to be restored at the Licensee's own cost to the satisfaction of the Executive Director of Parks and Facilities, or designate, acting reasonably; and,

II. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a License Agreement, to be satisfactory in form to the City Solicitor, satisfactory in content to the Lease Administrator, the Executive Director of Parks and Facilities and the Executive Director of Recreation and Culture, and satisfactory in financial content to the City Treasurer.

Report Number: CAO 277/2023  
Clerk's File: APM/14498

*Anna Ciacelli*

Deputy City Clerk  
October 26, 2023

### Department Distribution

Title
Manager of Real Estate Services
Senior Legal Counsel
Commissioner, Legal & Legislative Services
Executive Director, Recreation & Culture
Executive Director, Parks & Facilities
Commissioner, Community Services
On behalf of Commissioner, Corporate Services CFO/City Treasurer
Chief Administrative Officer