

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

CAO5051

APPROVED – April 16, 2019

I. THAT **APPROVAL BE GIVEN** to enter into a License and Consent to Enter Agreement with Windsor Central Little League Incorporated for exclusive use of part of Optimist Memorial Park for the purpose of installation of a batting cage to be used by Windsor Central Little League Incorporated, in accordance with the following terms:

BASIC TERMS:

- | | |
|---------------------------------|---|
| a) Licensee | Windsor Central Little League Incorporated |
| b) Licensee's Address | Attention: Donna Standel
3070 Downing Street
Windsor ON N8T 2P3 |
| c) Commencement Date of License | May 1, 2019 |
| d) License Term | Five (5) years |
| e) License Termination Date | April 30, 2024 |
| f) Permitted Use | Installation of a batting cage, which is to be constructed in accordance with the specifications set out in Appendix A, and subsequent use of the batting cage by the Licensee |
| g) Licensed Space | A 1,360 square foot area within Optimist Memorial Park, as shown on the aerial diagram attached as Appendix B, as approved by the Manager of Parks Operations and the Manager of Parks Development, or their designates |
| h) Area of Licensed Space | 1,360 square feet |
| i) Operating Season | Licensee acknowledges that Parks Operating Season runs May 1 st to October 31 st each year. Licensee further acknowledges that between Parks Non-Operating Season of November 1 st through April |

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- 30th, Parks' staff may not conduct regular Parks maintenance including snow removal
- j) Annual License Fee** \$1.00, plus HST
- k) Security Deposit** \$1,500 (see Special Provisions)
- l) Land Taxes** N/A
- m) Utilities** In the event the Licensee requires hydro or other utility services, the locations of which are to be pre-approved by the Manager of Parks Operations and the Manager of Parks Development, or their designates, the costs for all such installations and monthly charges therefor are to be borne solely by the Licensee
- n) Insurance** General Liability Insurance
Minimum Limit \$5,000,000.00
The Corporation of the City of Windsor to be listed as additional insured and 30 days' notice of cancellation
- o) Renewal** A five (5) year option to renew on the following conditions:
- (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;
 - (ii) Licensor may arbitrarily or unreasonably withhold consent, failing which, the option is void;
 - (iii) 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
- p) Guarantor** None

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q) Special Provisions:

The Licensee can access the Licensed Space during the regular operational hours of the Park, in accordance with City By-law No. 200-2002

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

All batting cage construction costs and costs for maintenance of the Licensed Space will be borne by the Licensee.

The Licensee agrees to indemnify and hold the City harmless for any and all claims arising from the existence or use of the batting cage

The Licensee acknowledges that it is required to inspect and maintain the batting cage to ensure it is reasonably safe for users of the batting cage and its surroundings

The Licensee will pay a security deposit of \$1,500.00, to be held for the License Term in the Deposits account 001-1250. The security deposit will be used to rectify any deficiencies related to the Licensed Space noted by Parks' staff that the Licensee fails to remedy within the timeline prescribed by the Manager of Parks Operations, or designate. In the event that the Licensee abandons the Licensed Space, the cost of removal of the batting cage and restoration of the Licensed Space will be paid from the security deposit.

That the consent to enter is granted to the Licensee through Optimist Memorial Park in order to enter upon the Licensed Space shown at Appendix B

The term of the consent to enter shall commence April 19, 2019 and expire not later than April 30,

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2019. Upon expiration of the consent to enter, the License Term will commence

The Licensee will access the Licensed Space through Optimist Memorial Park for the purpose of constructing a batting cage in accordance with the specifications and requirements set out at Appendix A, to the satisfaction of the Manager of Parks Operations and the Manager of Parks Development or their designates

The Licensee will provide all construction plans to the Manager of Parks Development, or designate, and the Manager of Parks Operations, or designate for approval prior to the commencement of any work

Access to the Licensed Space will be from Ypres Avenue

The Licensee agrees that, upon expiration of the consent to enter, any disturbance of the lands within Optimist Memorial Park, including the Licensed Space, resulting from the Licensee's construction and installation of a batting cage, and its subsequent occupation of the Licensed Space, will be restored at its own costs to the satisfaction of the Manager of Parks Development, or designate, and the Manager of Parks Operations, or designate, acting reasonably

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

AL/13444

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APPENDICES

Appendix A – Batting Cage Requirements and Specifications

Appendix B – Licensed Space

Appendix C – By-law 208-2008, section 1.30 (a), (b), as amended

Internal Distribution

Lease Administrator

Manager of Real Estate Services

Corporate Leader Parks, Recreation & Culture and Facilities

City Solicitor

City Treasurer

Chief Administrative Officer

External Distribution

Donna Standel