



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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 (Acting) Chief Administrative Officer approved the following recommendation:

Report Number: CAO 143/2022

Approved: June 22, 2022

I. That **APPROVAL BE GIVEN** for a license agreement between The Corporation of the City of Windsor and Walker Homesites Athletic Club for the license of the Clubhouse within Walker Homesite Park (1900 Sydney Avenue), in accordance with the following terms:

BASIC TERMS:

a) Licensee	Walker Homesites Athletic Club
b) Commencement Date	January 1, 2022
c) Term	Five (5) years
d) Termination Date	December 31, 2026
e) Licensed Premises	Clubhouse in Walker Homesite Park 1900 Sydney Avenue Windsor, Ontario
f) Area of Licensed Premises	2,310 square feet
g) Annual Basic Rent	\$1.00, plus HST
h) Security Deposit	None
i) Land Taxes	Not applicable
j) Utilities	Payable by Licensee



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k) Permitted Use

Storage / Meeting Facility

l) Insurance

General Liability Insurance

Minimum Limit \$2,000,000

Tenant's Legal Liability Insurance

Minimum Limit \$300,000

The Corporation of the City of Windsor to be listed as an additional insured, include cross liability and 30 days' notice of cancellation

m) Renewal

Five (5) year option to renew upon mutual consent and on the same terms and conditions, save and except rent

n) Guarantor

None

o) Special Provisions:

Licensee shall comply with the most up-to-date regulations in place under the *Emergency Management and Civil Protection Act*, as amended from time to time, regardless of the frequency of such amendments. Licensee shall also comply with any guidelines and best practices issued by the Province of Ontario or any other governing body in relation to limiting the spread of COVID-19

Licensee acknowledges and assumes responsibility for complying with the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17*, as may be amended from time to time, and all regulations, rules, and orders issued thereunder, including, without limitation, any masking requirements, physical distancing requirements, capacity limits, and proof



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of vaccination requirements (the “**COVID Rules**”). Licensee further agrees to indemnify and hold harmless The Corporation of the City of Windsor from any and all liability, fines, loss, claims, demands, costs and expenses arising in any way from any failure to comply with the COVID Rules

Licensee shall be responsible for ensuring garbage is placed in the appropriate receptacles around the parking lot and building for removal on the designated pick up days during the Term of the License

Licensee shall be responsible for maintenance and utilities at the Licensed Premises during the Term of the License. Licensor is responsible for roof systems and building envelope however, if damage is the result of Licensee’s operations, Licensee will be responsible for the repair / replacement of same. Licensee shall also be responsible for utilities and maintenance at the adjacent 590 square foot washroom facilities, including maintenance and repair of toilettes, faucets, fixtures, lighting, stalls, and doors within the existing washroom facilities during the Term of the License. Repair and / or replacement of any assets at the Licensed Premises will require that the Licensee use only City-approved vendors to complete such repair and / or replacement



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The City 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 Premises, 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. All 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 Premises 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 Premises



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Licensee shall provide the City with (2) sets of keys for the Licensed Premises for emergency access purposes. Licensee acknowledges that changing the locks at the Licensed Premises will require City approval and any costs associated therewith will be borne by the Licensee

Licensee acknowledges that it shall make the meeting room(s) within the Licensed Premises available to other community sporting clubs or to the City of Windsor, if required

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

City shall be responsible for all grass cutting during the Term of the License. Licensee acknowledges that the gravel parking lot is not maintained for winter control purposes as a priority

Licensee acknowledges that the baseball diamonds within Walker Homesite 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

City shall be responsible for maintenance of the baseball diamonds in Walker Homesite Park. Licensee may



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not make any improvements to the 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 shall only access the Licensed Premises during the regular operational hours of the Park, in accordance with City By-law No. 131-2019

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, in content to the Lease Administrator, the Executive Director of Recreation and Culture and the Executive Director of Parks and Facilities, and in financial content to the City Treasurer

Report Number: CAO 143/2022
Clerk's File: APM/14425

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services
June 23, 2022

Department Distribution

Lease Administrator
Manager of Real Estate Services
Deputy City Solicitor – Purchasing, Risk Management & POA
Commissioner, Legal & Legislative Services
Executive Director of Parks & Facilities
Executive Director of Recreation & Culture
Commissioner, Community Services
Commissioner, Corporate Services / Chief Financial Officer / City Treasurer



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(Acting) Chief Administrative Officer

External Distribution