



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 Chief Administrative Officer approved the following recommendation:

Report Number: CAO 22/2022

Approved: January 28, 2022

I. THAT **APPROVAL BE GIVEN** to enter into a renewal of license agreement with Windsor Athletic Association for exclusive use of space at the Malden Park Yard, off Matchette Road, Windsor, in accordance with the following terms:

BASIC TERMS:

- | | |
|----------------------------------|--|
| a) Licensee | Windsor Athletic Association |
| b) Commencement Date | March 1, 2022 |
| c) Term | One (1) year |
| d) Termination Date | February 28, 2023 |
| e) Operating Season | Licensee may conduct business relating to the operation of a Baseball Program including a concession stand to support Licensee-run events from May 1, 2022 to October 31, 2022 |
| f) Non-Operating Season | Licensee may use the Licensed Space for the Storage of equipment related to the operation of the Basement Program from March 1, 2022 to April 30, 2022 and November 1, 2022 to February 28, 2023 |
| g) Licensed Space | Storage Space 560 square feet
Washroom Space 50 square feet
within Malden Park Yard |
| h) Area of Licensed Space | 610 square feet |



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- i) **Annual License Fee** \$1,586.00, plus HST
- j) **Monthly License Fee** \$ 132.17, plus HST
- k) **Security Deposit** None
- l) **Land Taxes** Not Applicable
- m) **Utilities** Included in license fee
- n) **Permitted Use** Equipment Storage Space
- o) **Insurance** General Liability Insurance
Minimum Limit \$2,000,000.00
Licensee's Legal Liability Insurance
Minimum Limit \$300,000.00
The Corporation of the City of Windsor to be listed as
additional insured and 30 days' notice of cancellation
- p) **Renewal** One (1) 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 license
fee, 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



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The term recommended herein represents the renewal period

p) Guarantor

None

q) Special Provisions:

Licensee can access the Licensed Space during the regular operational hours of the Park, in accordance with City By-law No. 131-2019

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

Licensee is responsible for cleaning and maintaining the washroom space within the Licensed Space at its own cost

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 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



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

Report Number: CAO 22/2022

Clerk's File: SR/13776

Anna Ciacelli

Deputy City Clerk/Supervisor of Council Services

January 28, 2022

Department Distribution

Lease Administrator
Manager of Real Estate Services
Commissioner, Legal & Legislative Services
Senior Manager of Parks
Executive Director of Recreation & Culture
Commissioner, Community Services
Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
Chief Administrative Officer

External Distribution