

CAO APPROVAL NOTICE

The Chief Administrative Officer approved the following recommendation:

**CAO4937 AMENDMENT
AMENDMENT APPROVED – May 24, 2019**

An amendment has been requested and below is the new recommendation.

THAT **APPROVAL BE GIVEN** to enter into a license agreement with the 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) **Licensee's Address** Attention: Ron Smith
3458 Girardot Street
Windsor ON N9C 1W2
- c) **Commencement Date** March 1, 2019
- d) **Term** One (1) year
- e) **Termination Date** February 29, 2020
- f) **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, 2019 to October 31, 2019
- g) **Non-Operating Season** Licensee may use the Leased Premises for the storage of equipment related to the operation of a Baseball Program from March 1, 2019 to April 31, 2019 and November 1, 2019 to February 29, 2020
- h) **Licensed Space**

Storage Space	560 square feet
Washroom Space	50 square feet
Within Malden Park Yard	
- i) **Area of Licensed Space** 610 square feet

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The Chief Administrative Officer approved the following recommendation:

- j) Annual License Fee** \$1,372.50, plus HST
- k) Monthly License Fee** \$ 114.38, plus HST
- l) Security Deposit** None
- m) Land Taxes** In the event that taxes are assessed against the Licensed Space, the Licensee will be responsible for same
- n) Utilities** Included in license fee
- o) Permitted Use** Equipment Storage Space
- p) 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
- q) 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
- p) Guarantor** None

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The Chief Administrative Officer approved the following recommendation:

- 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

AND 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 and the Executive Director of Recreation & Culture, and satisfactory in financial content to the City Treasurer.

CAO4937

APPROVED – March 1, 2019

THAT **APPROVAL BE GIVEN** to enter into a license agreement with the 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) Licensee's Address | Attention: Ron Smith
3458 Girardot Street
Windsor ON N9C 1W2 |
| c) Commencement Date | March 1, 2019 |
| d) Term | One (1) year |
| e) Termination Date | February 29, 2020 |

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The Chief Administrative Officer approved the following recommendation:

- f) **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, 2019 to October 31, 2019
- g) **Non-Operating Season** Licensee may use the Leased Premises for the storage of equipment related to the operation of a Baseball Program from March 1, 2019 to April 31, 2019 and November 1, 2019 to February 29, 2020
- h) **Licensed Space**

Storage/Office Space	560 square feet
Washroom Space	50 square feet

Within Malden Park Yard
- i) **Area of Licensed Space** 610 square feet
- j) **Annual License Fee** ~~\$3,294.00, plus HST~~
- k) **Monthly License Fee** ~~\$ 274.50, plus HST~~
- l) **Security Deposit** None
- m) **Land Taxes** In the event that taxes are assessed against the Licensed Space, the Licensee will be responsible for same
- n) **Utilities** Included in license fee
- o) **Permitted Use** ~~Baseball Program Office / Equipment Storage Space~~
- p) **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
- q) **Renewal** One (1) year option to renew on the following conditions:

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The Chief Administrative Officer approved the following recommendation:

- (iv) 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;
 - (v) Licensor may arbitrarily or unreasonably withhold consent, failing which, the option is void;
 - (vi) 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
- r) **Guarantor** None
- s) **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~~

AND 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 and the Executive Director of Recreation & Culture, and satisfactory in financial content to the City Treasurer.

SR2019

APPENDICES

Appendix A – By-law 208-2008, section 1.30, as amended

Internal Distribution

Lease Administrator
Manager of Real Estate Services
Executive Director, Recreation & Culture
City Treasurer

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The Chief Administrative Officer approved the following recommendation:

City Solicitor
Chief Administrative Officer

External Distribution