



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 105/2024

Approved: Wednesday, May 22, 2024

I. THAT **APPROVAL BE GIVEN** to amend the license agreement between The Corporation of the City of Windsor and Windsor Central Little League Incorporated, by deleting subsection (q) from the Basic Terms in its entirety, and replacing it with the following:

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, being from 5:00 am and 11:00 pm

All maintenance and repair costs for the batting cage 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 has paid a security deposit of \$1,500.00, which will continue 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



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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.

The Licensee acknowledges its obligations in accordance with City By-law No. 131-2019 and City By-law No. 113-2006, and specifically that it shall not possess, consume, serve or sell alcohol, or engage in smoking any lighted or heated equipment used to smoke or vaporize any tobacco or non-tobacco product, within the Licensed Space.

II. THAT **APPROVAL BE GIVEN** to renew the license agreement with Windsor Central Little League Incorporated, for exclusive use of part of Optimist Memorial Park for the existing batting cage in accordance with the amended subsection (q) above, and the following Basic 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 | May 1, 2024 |
| d) License Term | Five (5) years |
| e) Termination Date | April 30, 2029 |
| f) Permitted Use | Use of the existing batting cage by the Licensee |

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- g) Licensed Space** A 1,360 square foot area within Optimist Memorial Park, as shown on the aerial diagram attached as Appendix B
- h) Area of Licensed Space** 1,360 square feet
- i) Operating Season** Licensee acknowledges that Parks Operating Season runs May 1st to October 31st each year. Licensee further acknowledges that between Parks Non-Operating Season of November 1st through April 30th, Parks' staff may not conduct regular Parks maintenance, including snow removal and the Licensed Space may be inaccessible
- 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 Executive Director of Parks and Facilities or designate, the costs for all such installations by a licensed electrician and associated permit costs, as well as monthly charges therefor, are to be borne solely by the Licensee
- n) Insurance** General Liability Insurance
Minimum Limit \$5,000,000.00 per occurrence
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
- o) Renewal** A five (5) year option to renew on the following conditions:



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- (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) The Licensor may arbitrarily or unreasonably withhold consent to renew the license in which case the option to renew 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

The term recommended represents the renewal period

p) **Guarantor**

None

and,

III. THAT the Chief Administrative Officer and City Clerk **EXECUTE** a License Amending and Renewal Agreement, to be satisfactory in form to the City Solicitor, satisfactory in content to the Lease Administrator and the Executive Director of Parks and Facilities, and satisfactory in financial content to the City Treasurer.

Report Number: CAO 105/2024
Clerk's File: APM/14705

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
May 22, 2024



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