



The Municipal Corporation of the Town of Fort Erie

By-law No. 73-2020

Being a By-law to Authorize the Entry into a Renewal Agreement with Fort Erie Underwater Recovery Unit Inc. (Kinsmen Pool)

Whereas The Corporation of the Town of Fort Erie is the owner of a public pool facility known as the "Kinsmen Pool", (the "facility") located in the Lion's Sugarbowl Park at 100 Gilmore Road ; and

Whereas at the Council-in-Committee meeting held on April 7, 2015, Council approved Report No. IS-08-2015 and authorized the entry into a Lease and Operating Agreement with the Fort Erie Underwater Recovery Unit Inc. (the "Unit") for the use and operation of the facility; and

Whereas The Corporation of the Town of Fort Erie entered into a Lease and Operating Agreement with the Fort Erie Underwater Recovery Unit Inc. (the "Lease") commencing July 1, 2015 for a term of five (5) years, expiring on June 30, 2020; and

Whereas the Unit has requested a renewal of the Lease to commence on July 21, 2020 and end on September 21, 2020; and

Whereas Council authorized a renewal of the Lease by Resolution No. 5A passed at the Council meeting held on July 20, 2020; and

Whereas the parties wish to renew the Lease from July 21, 2020 to September 21, 2020 on the same terms and conditions as set forth in the Lease, save and except any provisions for renewal; and

Whereas it is deemed desirable to enter into a Renewal Agreement with the Unit effective July 21, 2020 to September 21, 2020;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** the entry into a Renewal Agreement for the Lease and Operating Agreement with the Fort Erie Underwater Recovery Unit for the use and operation of the facility known as the "Kinsmen Pool" located in the Lion's Sugarbowl Park at 100 Gilmore Road, effective July 21, 2020 to September 21, 2020, substantially in the form of Schedule "A" attached hereto and forming part of this by-law, is authorized and approved.
2. **That** the Mayor and Clerk are authorized to execute the Renewal Agreement, and to affix the corporate seal thereto.

- Read a first, second and third time and finally passed this 28th day of July, 2020.**

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true certified copy of By-law No. 73-2020 of the said Town. Given under my hand and the seal of the said Corporation,
this day of , 20

Schedule “A” to By-law No. 73-2020

RENEWAL AGREEMENT

THIS AGREEMENT made the _____ day of _____, 2020.

BETWEEN:

THE CORPORATION OF THE TOWN OF FORT ERIE
(hereinafter referred to as the “Town”)

and

FORT ERIE UNDERWATER RECOVERY UNIT INC.
(hereinafter referred to as the “Unit”)

WHEREAS:

1. The parties entered into a Lease and Operating Agreement dated August 14, 2015 (the “Lease”), for the use and operation of the “Kinsmen Pool”, located in the Lion’s Sugarbowl Park at 100 Gilmore Road, and the exemption of the premises from municipal and school taxes; and
2. The term of the Lease was five (5) years, commencing on July 1, 2015, expiring on June 30, 2020; and
3. The Unit has requested a renewal of the Lease to commence on July 21, 2020 and end on September 21, 2020; and
4. The Town and the Unit wish to renew the Lease from July 21, 2020 to September 21, 2020 on the same terms and conditions as set forth in the Lease, save and except any provisions for renewal; and
5. By-law No. 73-2020 was passed by the Municipal Council of the Town of Fort Erie on July 28, 2020 authorizing the entry into a Renewal Agreement with Fort Erie Underwater Recovery Unit Inc. effective July 21, 2020 to September 21, 2020,

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the mutual covenants and agreements herein and subject to the terms and conditions in this agreement the parties agree as follows:

1. To renew the Lease and Operating Agreement dated August 14, 2015, from July 21, 2020 to September 21, 2020, upon the same terms and conditions as set out therein, save and except any provisions for renewal.
2. This Renewal Agreement may be executed in counterparts and by facsimile or electronic transmission, and when each party has executed a counterpart either

originally or by facsimile transmission or by way of an electronically transmitted document and signature, each such counterpart shall be deemed to be an original, and all of such counterparts when taken together shall constitute one and the same document, and each such signature shall be deemed to be an original signature binding the parties to this Agreement.

3. This Renewal Agreement and the Lease and Operating Agreement dated August 14, 2015 together constitute the entire agreement between the parties.

IN WITNESS WHEREOF the parties have set their hands and seals.

SIGNED, SEALED AND DELIVERED

in the presence of:

**THE CORPORATION OF
THE TOWN OF FORT ERIE**

MAYOR

CLERK

**FORT ERIE UNDERWATER RECOVERY
UNIT INC.**

Name: _____

Title:

Name:

Title:

I/We have authority to bind the corporation.