

COMMITTEE OF THE WHOLE JUNE 14, 2011

CALVARY BAPTIST CHURCH CITY LEASE OF LANDS – SPORTS FIELDS – WARD 1

Recommendation

The Commissioner of Community Services, in consultation with Directors of Parks Development, Legal Services, Recreation and Culture and Parks and Forestry Operations recommends:

1) That a by-law be enacted to authorize the execution of a ten (10) year lease of lands owned by the Trustees of Calvary Baptist Church on Nashville Road for a nominal rent for two (2) senior soccer fields, two (2) mini soccer fields, a senior softball diamond and associated amenities.

Contribution to Sustainability

This report is consistent with the priorities previously set by Council in the Green Directions Vaughan, Community Sustainability Environmental Master Park Plan, Goal 2, Objective 2.2:

- To develop Vaughan as a City with maximum green space and an urban form that supports our expected population growth.

Economic Impact

The total capital funding requirement over the 10 year lease period is 50% of the cost of repairs to a maximum of \$105,000. The associated annual operating costs of \$10,000 are included in the Parks & Forestry Operations base budget.

Communications Plan

The Trustees of the Calvary Baptist Church will be advised of Council's decision.

Purpose

To obtain Council authorization to enter into a lease for recreational facilities two (2) senior soccer fields, two (2) mini soccer fields, a senior softball diamond and associated amenities on the Calvary Baptist Church property.

Background - Analysis and Options

In the last few years the sports clubs in Vaughan have experienced tremendous growth and in particular the Kleinburg Nobleton Soccer Club. In 2011, the KNSC will have 1320 registered soccer players according to the York Region Soccer Association and the demand for new fields as well as for retaining those currently in the inventory is increasing significantly. The lease with the Calvary Baptist Church will allow the City to continue to respond to the growing sports needs in Kleinburg including those of the Kleinburg Nobleton Soccer Club.

Responding to this need, the City of Vaughan approached the Calvary Baptist Church located at 6950 Nashville Road to inquire if they would consider the addition of sports facilities on their 25 acre parcel of land (refer to Attachment 1 – Location Plan). The dialogue resulted in the City of Vaughan and the Calvary Baptist Church entering into a lease agreement in 2005 that facilitated the design and construction of two (2) senior soccer fields, a softball diamond and associated amenities. The senior soccer fields and senior softball diamond were funded and constructed by the City of Vaughan in 2005. In 2008, two (2) mini soccer fields were added to the property and the lease agreement was amended accordingly. The recreational facilities are maintained by

Parks and Forestry Operations to City standards. The City of Vaughan permits the fields Mondays to Fridays (6pm to 9pm) and Saturdays (9am to 6pm) from April to October each year. The Church has the use of the fields at other times. The lease agreement has now expired.

City of Vaughan staff and the Calvary Baptist Church administrator have been discussing revised terms of the lease agreement for the past several months (refer to Attachment 2 – Draft Lease Agreement). The Church is generally agreeable to a lease for \$2.00 per year. The term of the lease is for ten (10) years and will expire on October 30, 2021. As a condition of the 10 year lease agreement, the Trustees of the Calvary Baptist Church requested that the City of Vaughan contribute 50% of the cost of repairing the asphalt parking lots that are used by the various permit holders. Staff assessed the request and suggest that 50% of the cost to repair the church's existing asphalt parking lots up to a total maximum of \$105,000 is required to achieve a reasonable commercial standard similar to or better than that of the existing parking lot construction. The \$105,000 will be included in a future capital budget. The year of the capital funding request is contingent upon receipt of written notification from the Calvary Baptist Church indicating their intent to proceed with the repair work in the parking lots. The source of funding is Taxation.

Relationship to Vaughan Vision 2020 / Strategic Plan

In consideration of the strategic priorities related to Vaughan Vision 2020, the project will provide:

- **STRATEGIC GOAL:**
Service Excellence - Providing service excellence to citizens.
- **STRATEGIC OBJECTIVES:**
Pursue Excellence in Service Delivery; and Enhance and Ensure Community Safety, Health and Wellness - To deliver high quality services and to promote health and wellness through design and program.

Regional Implications

Not Applicable

Conclusion

Staff support formalizing the lease agreement with the Calvary Baptist Church to facilitate continued use of the two (2) senior soccer fields, two (2) mini soccer fields, one senior softball field and associated amenities for permitting and use by City of Vaughan residents.

Attachments

Attachment 1 - Location Plan
Attachment 2 – Draft Lease Agreement

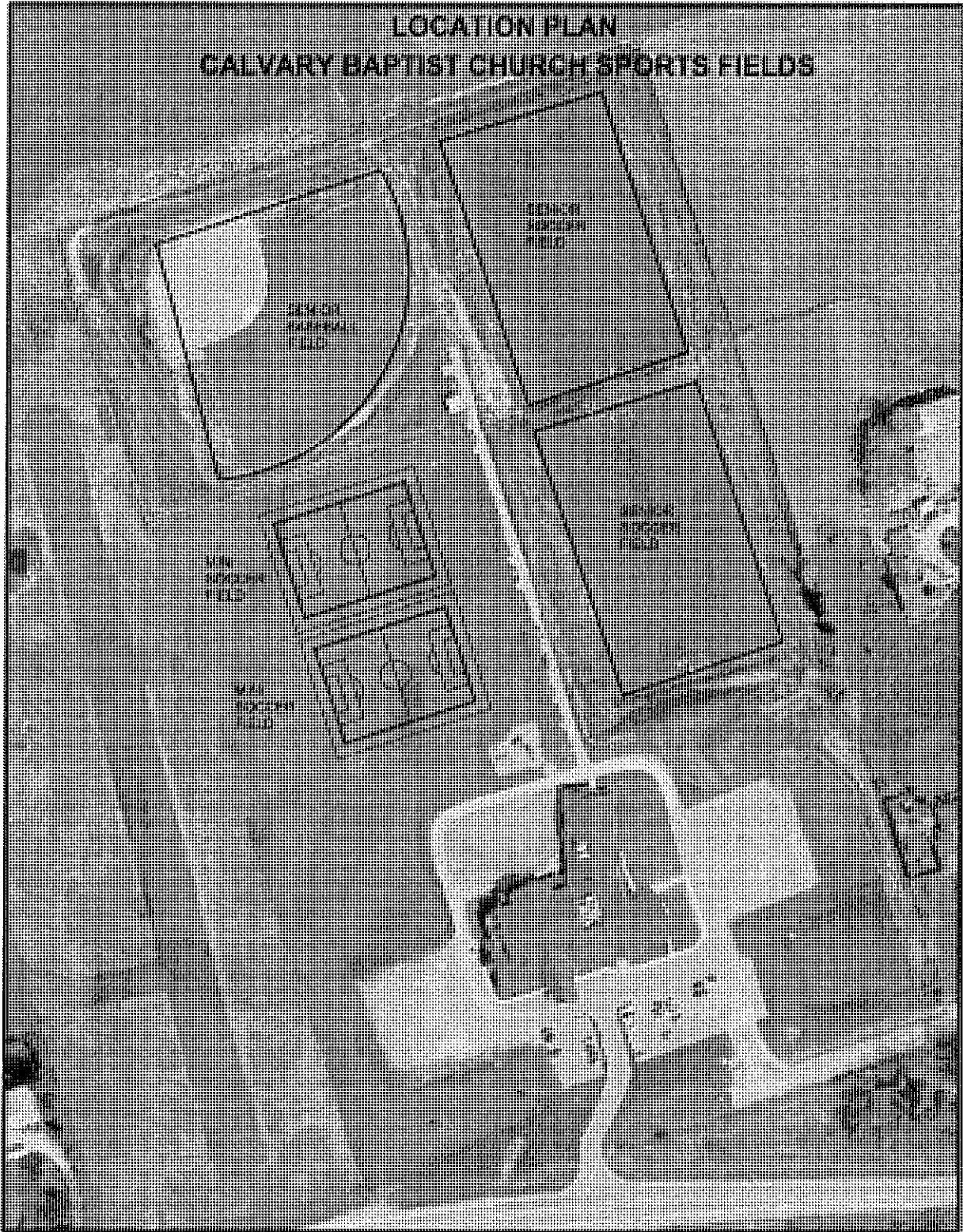
Report prepared by:

Paul Gardner, Director, Parks Development, Ext. 8858
Heather A. Wilson, Director of Legal Services, Ext. 8389

Respectfully submitted,

Marlon Kallideen,
Commissioner of Community Services

Attachment 1 – Location Plan



35.4

THIS LEASE made this _____ day of _____, 2011.

B E T W E E N:

THE CORPORATION OF THE CITY OF VAUGHAN
(the "City")

OF THE FIRST PART

-and-

TRUSTEES OF CALVARY BAPTIST CHURCH
(the "Church")

OF THE SECOND PART

WHEREAS the Church owns the lands and operates a Church and a School located at 6950 Nashville Road, Kleinburg, Ontario, L0J 1C0 (the "Lands");

AND WHEREAS the parties wish to enter into a Lease and agreement regarding the use and maintenance of one (1) unlit senior softball diamond (the "Baseball Diamond"), two (2) unlit senior soccer fields (the "Regular Soccer Fields"), and the use and maintenance of two (2) unlit mini soccer fields (the "Mini Soccer Fields"), (collectively the "Facilities");

NOW THEREFORE the parties hereto agree as follows:

1. The Church hereby authorizes and grants to the City the right to use and permit Facilities as specified hereunder and lease to use the grounds surrounding the Church building on the Lands (the "Premises"), for the purposes of the use and maintenance of the Baseball Diamond, use and maintenance of the Regular Soccer Fields, the use and maintenance of the Mini Soccer Fields, and the use of the west and east parking lots (the "Parking Lots"), as shown on Schedule 'A', on the terms contained herein, commencing from the commencement date of this Lease and continuing until termination.
2. The City shall pay rent in the amount of \$2.00 per year.
3. The term of this Lease shall be for a ten (10) year, four (4) month term commencing on July 1, 2011 and ending on October 30, 2021 (the "Term").
4.
 - a) The Lease of the Premises shall be for the sole purpose of granting the exclusive right to the City to issue permits to the public to use the Facilities and Premises as stipulated hereafter.
 - b) The City may, in its sole discretion, issue use permits to members of the public as follows:
 - (i) permits for use of the Baseball Diamond shall be issued for Monday to Friday, from the last week of April to the end of October inclusive, between the hours of 6:00 p.m. and 9:00 p.m., subject to weather conditions in the discretion of the City.
 - (ii) permits for use of the Baseball Diamond shall be issued for Saturdays, from the last week of April to the end of October inclusive, between the hours of 9:00 a.m. and 6:00 p.m., subject to weather conditions in the discretion of the City.

35.5

- (iii) permits for use of the Regular Soccer Fields and Mini Soccer Fields shall be issued for Monday to Friday, from May 1 to October 30 inclusive, between the hours of 6:00 p.m. and 9:00 p.m., subject to weather conditions in the discretion of the City.
 - (iv) permits for use of the Regular Soccer Fields and Mini Soccer Fields shall be issued for Saturdays, from May 1 to October 30 inclusive, between the hours of 9:00 a.m. and 6:00 p.m., subject to weather conditions in the discretion of the City.
 - c) The Church and School shall have the exclusive use of the Baseball Diamond, the Regular Soccer Fields and the Mini Soccer Fields at all times at their discretion except those set out above.
5. The City shall have the use of the Parking Lots evenings Monday to Friday (5:30 p.m. to 9:30 p.m.) and on Saturdays (9am to 6pm). The City shall be responsible for ensuring that permit holders do not park anywhere other than in the Parking Lots or on Roe Road, and shall provide sufficient signage on the Lands giving notice to permit holders regarding same. Where a Church event is planned that may conflict with the City use of the parking lots at times as identified above, the Church will provide written notice of such events to the City a minimum of two (2) weeks prior to the event. The Church events (limited to 3 per year) and use of the parking lots for these events will take priority over City of Vaughan permits.
 6. The City hereby indemnifies and saves harmless the Church and Church's School from any and all claims or actions, and any damage or injury to the Premises, the Church, the Church's School, or its members or students, resulting from or arising out of the negligence of the City's, and/or the permit holders' use of the Premises and the Facilities.
 7. The City acknowledges that the Church may wish, at some time during the Term, to expand and build an addition to its existing building located on the Lands. The City agrees, upon receipt of written notice from the Church within 1 year of the planned expansion date, to accommodate the Church and to reduce and/or modify the Premises and Facilities in this agreement in accordance with the requirements of the Church, acting reasonably.
 8. Access to the Church or Church School buildings by the City, public or permit holders shall not be permitted. Alcohol shall be strictly prohibited anywhere on the Premises at any time during the construction period or subsequent use of the Facilities by permit holders.
 9. The City shall provide regular maintenance to the City's standard to the Facilities as may be required, including but not limited to regular grass-cutting services to the Baseball Diamond, the Regular Soccer Fields and the Mini Soccer Fields, in accordance with Schedule 'B'.
 10. The City shall provide to the Church, prior to the first permitted use each year, a schedule of field use and permit holders, and shall be responsible for advising permit holders re same.
 11. The City shall provide the Church with proof of insurance for use and maintenance responsibilities on the Premises and shall include the Church and School as additional insureds.
 12. It is understood and agreed that the Baseball Diamond, Regular Soccer Fields and Mini Soccer Fields shall remain the property of the Church upon termination or expiration of this Lease, save and except for such equipment and fixtures as agreed between the parties, which equipment and fixtures shall be removed by the City at the City's expense.

- 13. The Church agrees to provide the City prior written notification of their intent to complete the parking lot repairs. This notification must be received by the City by July 1 and work is to be commenced by the Church in the following calendar year. The City agrees to reimburse the Church 50% of the total invoiced costs for repairs to the parking lots up to a maximum of \$105,000 within 30 days of receiving the invoiced costs. The repairs must be done to a reasonable commercial standard similar to, or better, than the existing parking lot construction.

IN WITNESS WHEREOF, the parties hereto have placed under the hand and seal of their respective signing officers duly authorized on their behalf.

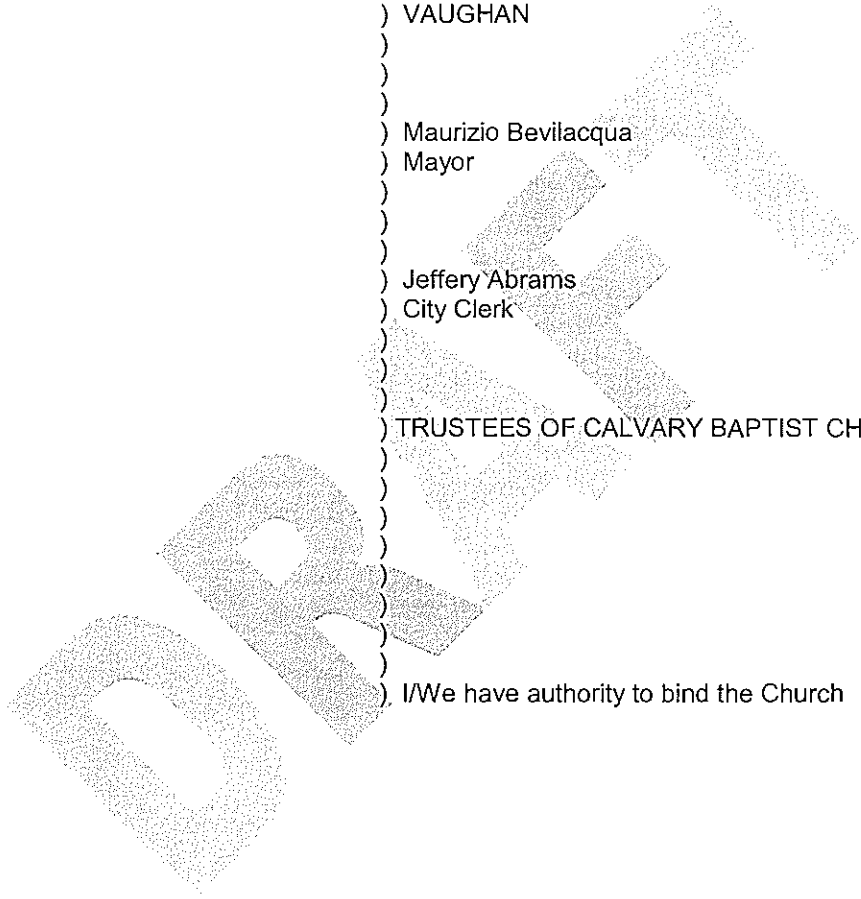
) THE CORPORATION OF THE CITY OF
) VAUGHAN

) Maurizio Bevilacqua
) Mayor

) Jeffery Abrams
) City Clerk

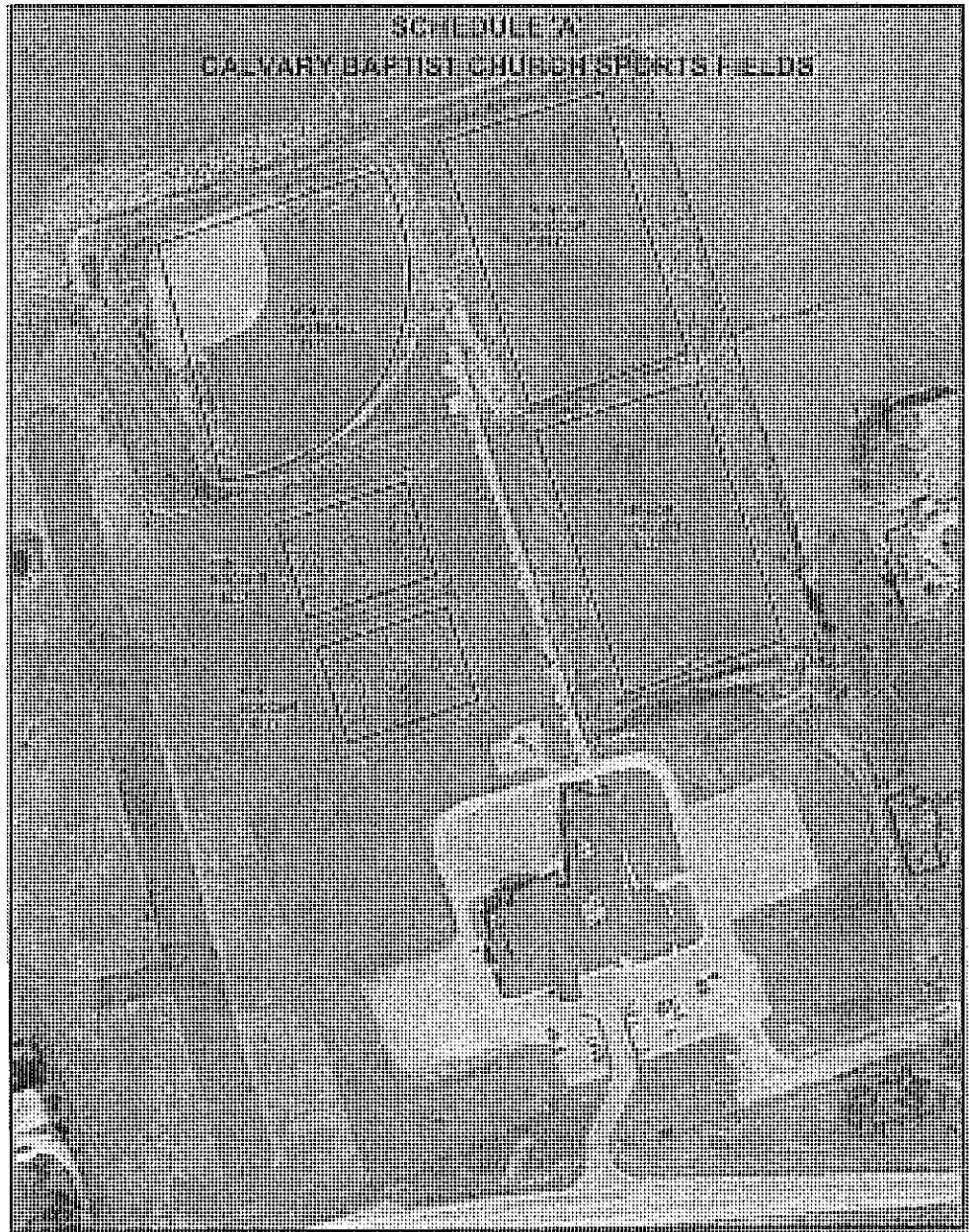
) TRUSTEES OF CALVARY BAPTIST CHURCH

) I/We have authority to bind the Church



35.7

Schedule 'A'



Schedule 'B'
Repair & Maintenance Schedule

Regular Soccer Fields / Mini Soccer Fields / Baseball Diamond Maintenance

- Grass trimmed and cut on a weekly rotation;
- Debris/garbage is removed on a weekly rotation;
- As required, the fields receive standard cultural maintenance including aeration, fertilization, top-dressing and over-seeding (sodding where necessary);
- Ruts in turf are repaired as required;
- Goal posts painted yearly;
- Minor maintenance/repairs as needed from time to time resulting from direct use of the sports facilities or parking lots by the permit users;
- Soccer nets are installed at the beginning of the season and checked weekly;
- Fields are lined as required with paint a minimum of every two weeks;
- Fields are closed and detail is updated on the soccer field hot-line when the Wet Field Policy is in effect;
- Facilities are monitored by City Parks Patrol for permitted use.

West Parking Lot (Gravel)

- Fill potholes, apply gravel as required and regrade the entire west parking lot each Spring (prior to May 1).