

DATE OF MEETING FEBRUARY 6, 2023

AUTHORED BY SEAN REILLY, PROPERTY AGENT, REAL ESTATE

**SUBJECT License to Nanaimo Amateur Football Association – 6706 Dover Road**

## **OVERVIEW**

### **Purpose of Report**

To provide background information and obtain Council approval to enter into a License of Use Agreement with Nanaimo Amateur Football Association for a portion of May Richards Bennett Pioneer Park.

### **Recommendation**

That Council:

1. approve the License of Use Agreement with Nanaimo Amateur Football Association for a portion of City park property known as May Richards Bennett Pioneer located at 6700 Dover Road for a term of 20-years;
2. direct Staff to proceed with public notice as required by the *Community Charter*; and
3. authorize the Mayor and Corporate Officer to execute the License of Use Agreement.

## **BACKGROUND**

The Nanaimo Amateur Football Association (the “Amateur Football”) has been based at May Richards Bennett Pioneer Park (the “Park”) located at 6700 Dover Road, Attachment “A” for over 45 years.

The Park is improved with a variety of outdoor recreational facilities including, two softball fields, tennis courts, skate park, rugby field, and a football field. Additionally there is an observation tower, storage unit, clubhouse building with change rooms/concession, and a rugby pavilion leased to the Nanaimo Hornets Rugby Club.

Amateur Football entered into a License of Use Agreement with the City to occupy portions of the Park in 2001-JAN-01, for a 5-year term and was renewed in 2006-JAN-01 for a second 5 year term. The Agreement with Amateur Football has been in overholding since expiry of the second term 2010-DEC-31.

Amateur Football has requested a new non-exclusive License of Use Agreement (the “Agreement”) for a total term length of twenty-years to use the observation tower, storage unit and change rooms/concession building located at 6706 Dover Road, (the “Football Facility”), illustrated on Attachment “B”. The football field will be rented to Amateur Football on an hourly and daily rate as outlined in the “City of Nanaimo Fees and Charges Bylaw 2021 NO. 7336” (the “Fees and Charges Bylaw”).

## **DISCUSSION**

Staff is seeking Council's approval of the License Agreement on the following terms:

Term	10 years, plus two 5 year renewal terms
Commencement Date	February 20, 2023
Rent	\$1.00 for the term, plus hourly field rental fees
Documentation Fee	\$250.00
Other Expenses	Paid by tenant (including taxes and user rates)
Termination	Option of either party to request termination given notice of six months.

License Area: Observation tower, storage unit, clubhouse building with change rooms/concession.

Amateur Football responsibilities: All interior building maintenance, repair and janitorial work of the observation tower, storage unit and clubhouse building with change rooms/concession. All utilities including telephone and electricity, and hydro bills based on their usage of the license area.

City responsibilities: Exterior building maintenance and repair of the observation tower, storage unit and clubhouse building with change rooms/concession, including access roads and parking lot maintenance, irrigation and field maintenance.

Licensee Insurance: \$5,000,000 comprehensive general liability insurance

Property Taxes: Licensee responsible for property taxes (unless approved for a Permissive tax Exemption).

Assignment: Upon approval by City.

Historically Amateur Football has not paid for their use of the field. Moving forward the new agreement includes a field rental amount as outlined in the Fees and Charges Bylaw. Given the proposed term length of this agreement, approval is required by Council. ]

## **OPTIONS**

That Council:

1. approve the License of Use Agreement with Nanaimo Amateur Football Association for a portion of City park property known as May Richards Bennett Pioneer located at 6700 Dover Road for a term of 20-years;
  2. direct Staff to proceed with public notice as required by the *Community Charter*; and
  3. authorize the Mayor and Corporate Officer to execute the License of Use Agreement.
    - The advantages: Amateur Football is able to maintain continuity for its users and remain at the same fields and facilities.
    - The disadvantages: none identified
    - Financial Implications: Entering into this new agreement, the Association will now pay user fees based on their use of the football field.
2. That Council deny the license agreement.
- The advantages of this option: none identified.
  - The disadvantages of this option: Amateur Football has a longstanding relationship with the City. This portion of the Park has historically been used by Amateur Football and denying the license would require them to relocate to another field within the City.

- Financial Implications: none identified.

### **SUMMARY POINTS**

- The Nanaimo Amateur Football Association has been based out of May Bennett Pioneer park for the past 45 years.
- The Nanaimo Amateur Football Association is looking to enter into a new License of Use Agreement with the City for non-exclusive possession of portions of May Bennett Pioneer park.
- The license area includes the observation tower, storage unit and clubhouse building with change rooms/concession and rental of the football field.
- The term of the Agreement would be for 10 years with two optional 5 year renewal terms.
- The Nanaimo Amateur Football Association will now pay for field use in alignment with the City's Fees and Charges Bylaw 2021 NO. 7336.

### **ATTACHMENTS:**

Attachment A: Location Plan

Attachment B: License Area

#### **Submitted by:**

Bill Corsan  
Director, Corporate and Business  
Development

#### **Concurrence by:**

Richard Harding  
General Manager, Parks, Recreation &  
Culture