



OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 134/2024

Approved: Thursday, June 27, 2024

I. THAT **APPROVAL BE GIVEN** to amend the lease agreement, approved by CR253/2022, between The Corporation of the City of Windsor and DS ACTIMO Canada Inc., previously known as DS C&K Inc. (the "Lease"), as follows:

Delete Sections 1.1(42) and 1.1(43) in their entirety:

1.1 (42) "Phase 1 Completion Date" means the date which is the date that is 18 months from the date of the Conditions Precedent having been either waived or satisfied, provided that such date shall be extended by a period equal to any period of time lost as a result of Force Majeure or as otherwise provided for in this Agreement and may be extended by the mutual written agreement of the Parties.

1.1 (43) "Phase 2 Completion Date" means the date which is the date that is 18 months from the Phase 1 Completion Date provided that such date shall be extended by a period equal to any period of time lost as a result of Force Majeure or as otherwise provided for in this Agreement and may be extended by the mutual written agreement of the Parties.

And replace with:

1.1 (42) "Phase 1 Completion Date" means the date which is the date that is 24 months from the date of the Conditions Precedent having been either waived or satisfied, provided that such date shall be extended by a period equal to any period of time lost as a result of Force Majeure or as otherwise provided for in this Agreement and may be extended by the mutual written agreement of the Parties.



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1.1 (43) "Phase 2 Completion Date" means the date which is the date that is 24 months from the Phase 1 Completion Date provided that such date shall be extended by a period equal to any period of time lost as a result of Force Majeure or as otherwise provided for in this Agreement and may be extended by the mutual written agreement of the Parties.

II. THAT all other terms and conditions contained in the Lease **REMAIN THE SAME**; and,

III. THAT the Chief Administrative Officer and City Clerk **EXECUTE** a Lease Amendment Agreement, to be satisfactory in form to the City Solicitor, in content to the Lease Administrator and Executive Director, Economic Development, and in financial content to the City Treasurer.

Report Number: CAO 134/2024
Clerk's File: APM/14708

Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
June 28, 2024

Department Distribution

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| Lease Administrator |
| Manager of Real Estate Services |
| City Solicitor |
| Acting Commissioner, Corporate Services |
| Executive Director, Economic Development |
| Commissioner, Economic Development |
| On behalf of Commissioner, Finance / City Treasurer |
| Chief Administrative Officer |

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