



OFFICE OF THE CITY CLERK COUNCIL SERVICES

CITY HALL
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CAO APPROVAL

The Chief Administrative Officer approved the following recommendation:

Report Number: CAO 272/2024

Approved: Wednesday, January 15, 2025

I. That, subject to formal approval of the 2025 Operating Budget by City Council, **APPROVAL BE GIVEN** to enter into a license agreement for a bus bay at the Windsor International Transit Facility located at 300 Chatham Street West, in accordance with the following terms:

BASIC TERMS:

- | | |
|----------------------------------|---|
| a) Licensee | FlixBus, Inc. |
| b) Commencement Date | December 1, 2024 |
| c) Term | One (1) year |
| d) Termination Date | November 30, 2025 |
| e) Licensed Area | One (1) Bus Bay at the Windsor International Transit Facility as shown on the aerial diagram attached as Appendix B |
| f) Area of Licensed Space | Approximately 540 square feet |
| g) License Fee | USD\$25.00 per departure, plus applicable taxes |
| h) Security Deposit | None |
| i) Land Taxes | Not applicable |



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- j) Utilities** Included in license fee
- k) Permitted Use** Bus Bay for Operation of Passenger Bus Service
- l) Insurance**
- General Liability Insurance
 - Minimum Limit \$5,000,000.00
 - Tenant's Legal Liability Insurance
 - Minimum Limit \$300,000.00
 - The Corporation of the City of Windsor to be listed as additional insured and 30 days' notice of cancellation
 - Auto Liability Insurance
 - Minimum Limit \$5,000,000.00
- m) Renewal**
- Option to renew up to five (5) additional terms of one (1) year each, under the same terms and conditions, save and except the license fee, which will increase each renewal Term by 2%, or the prior calendar year's average annual increase in the Consumer Price Index ("CPI") as published by Statistics Canada, whichever is higher. The renewal shall be automatically exercised without further notice or Council approval, unless the Licensee provides at least ninety (90) days' written notice to the Licensor that it does not intend to renew the license for an additional year
- n) Guarantor** None
- o) Special Provisions**
- Licensee can access the Licensed Space during the regular operational hours of the Windsor International Transit Facility, being 05:00 am to 02:00 am, seven days per week.
- Licensee is granted an exclusive license over the Licensed Area to operate passenger bus services to the public and for no other purpose
- Licensee is granted a non-exclusive license over the remainder of the Windsor International Transit



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Facility in common with others entitled to use the public areas, including washrooms, at the same times and in the same manner as for the usual purposes permitted to the public

Licensors will perform minor repairs and/or cleaning, if required, including tire replacements, oil changes, fluid top-ups, toilet dumps, bus washes, etc. for Licensee's buses at the rate of CAD\$175.00 per hour plus any applicable taxes. All major repairs will be directed to another vendor and all associated costs will be the sole responsibility of the Licensee. Fluids, (including fuel, oil lubricants, etc.), parts and other consumables will be charged at the Licensee's current cost (subject to change from time to time) plus a 30% mark-up. In each Renewal Term, the per hour fee for the foregoing work shall be subject to annual increases of 2%, or the prior calendar year's average annual increase in the CPI as published by Statistics Canada, whichever is higher

Either party may terminate the agreement upon the provision of ninety (90) days' written notice

Licensors shall supply and install signage at the Licensed Premises for a fee of \$350.00, plus HST, at the Licensee's entire cost, which will be 45 inches wide by 31 inches high in full colour vinyl with artwork included. The signage will be placed on the east end wall near the bus bays; and,

II. That the Chief Administrative Officer and City Clerk **EXECUTE** a License Agreement, to be satisfactory in form to the City Solicitor, in content to the Lease Administrator and the Executive Director of Transit Windsor or designate and in financial content to the City Treasurer.

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Clerk's File: AMP/14908



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Anna Ciacelli

Deputy City Clerk / Supervisor of Council Services
January 16, 2025

Department Distribution

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Manager of Real Estate Services
City Solicitor
Acting Senior Executive Director, Corporate Services
Commissioner, Community & Corporate Services
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Commissioner, Economic Development
Manager, Strategic Operating Budget Development & Control
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Chief Administrative Officer