

THE CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2010 - 123

Being a By-law to authorize the execution of a Donation Agreement between Richard James Massen, The Rotary Club of Amherstburg and the Corporation of the Town of Amherstburg

WHEREAS it is deemed expedient to enter into a Donation Agreement with Richard James Massen and the Rotary Club of Amherstburg regarding the Amherstburg Miracle League Diamond;

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg hereby enacts as follows:

1. THAT the donation be recognized by naming the Score Clock located at the Miracle League Field within the United Communities Credit Union Complex;
2. That the Mayor and Clerk of the Town be hereby authorized to execute and affix thereto the Corporate Seal to the Agreement attached hereto as and forming part of this by-law;
3. That this by-law shall come into full force and effect upon the final passing thereof.

Read a first and second time, and FINALLY PASSED this 13th day of December 2010.



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY

1st Reading – December 13, 2010

2nd Reading – December 13, 2010

3rd Reading – December 13, 2010

THIS AGREEMENT made as of this 2nd day of December 2010 BETWEEN:

THE CORPORATION OF THE TOWN OF AMHERSTBURG

Hereinafter referred as the "Town"

OF THE FIRST PART

-AND-

ROTARY CLUB OF AMHERSTBURG

Hereinafter referred as the "Rotary"

OF THE SECOND PART

-AND-

RICHARD JAMES MASSEN

Hereinafter referred as the "Donor"

OF THE THIRD PART

In consideration of the mutual covenants and other considerations contained herein, the Parties agree that:

1. The Town grants to Richard James Massen certain naming rights on the premises described in paragraph 3 and 4 herein.
2. The naming rights for the Score Clock (herein, the Premises) located at the Miracle League Field within the Amherstburg Recreation Complex for a term to commence on the December 31, 2010 and to end at such time as the building constructed in the 2009/2010 containing the Amherstburg Recreation Complex ceases to exist as a culture and recreation complex for consideration of \$50,000.00 (FIFTY THOUSAND) DOLLARS paid in full to the Rotary Club of Amherstburg in December 2008.
3. From the date of commencement of this Agreement, the Town shall designate the Premises as the Jimmy Massen Score Clock and during the term of this Agreement the Premises shall at all times be known as the Jimmy Massen Score Clock.

4. The Town shall erect signage:
 - i. On the Score Clock;
 - ii. On the Miracle Field donor wall.
4. The Town shall be responsible for all design work, materials, construction and installation costs up to \$3,000.00 for the initial placement of the signage. Any costs above the initial \$3,000.000 will be the responsibility of the Donor. The design of the sign shall be done in consultation with the Donor. *
5. The Town shall be responsible for all maintenance of the Miracle Field Score Clock signage.
6. The Town reserves the right to approve of any changes to the signage and will be responsible for mounting of said signage. *
7. The Town represents and covenants with Rotary and Richard James Massen that the Town is the owner of the Premises, and has authority to make this Agreement. The Town further covenants, that if, at any time, during the term of this Agreement it transfers or relinquishes control of the Premises it will cause the party acquiring control of the Premises to assume this Agreement in full, including the continuing obligation under this section.
8. It is agreed that neither Party to this Agreement will be bound by any representation or Agreement, which is not written in this Agreement.
9. This Agreement will ensure to the benefit of and be binding upon successors and assigns of the Parties.
10. Erection of all signage will be completed within 60 days of completion of the construction project.
11. The Parties agree that any dispute pursuant to this Agreement will be determined pursuant to the Arbitration Act.

SIGNED AND DELIVERED

DATE December 10, 2010

DATE Dec 23/10

DATE Dec. 23/10

DATE December 10/10

DATE December 10/10

THE CORPORATION OF THE TOWN OF AMHERSTBURG

PER Mayor *Wayne Peters*

PER Clerk *B. Perry*

ROTARY PER *William Wark*

I have the authority to bind

WITNESS *Kristina Reed Dindo*

DONOR PER *Richard James Massen*

I have the authority to bind

WITNESS *James D. Mayo*