
HALDIMAND COUNTY

Report CDP-14-2022 Fields and Parks Management Program – Haldimand Youth Soccer Club Sub-Lease Request



For Consideration by Council in Committee on November 1, 2022

OBJECTIVE:

To seek approval of a request from the Haldimand Youth Soccer Club to enter into a Sub-Lease Agreement with Roy A. Cox Farms Ltd. to farm a portion of the McClung Road Caledonia Soccer Complex.

RECOMMENDATIONS:

1. THAT Report CDP-14-2022 Fields and Parks Management Program – Haldimand Youth Soccer Club Sub-Lease Request be received;
2. AND THAT the Haldimand Youth Soccer Club's request to enter into a Sub-Lease Agreement for the purposes of farming a portion of the McClung Road Caledonia Soccer Complex property, in accordance with the Haldimand Youth Soccer Club's original Head Lease with Haldimand County be approved;
3. AND THAT the Haldimand Youth Soccer Club be required to provide Haldimand County with a signed copy of the Sub-Lease Agreement once executed;
4. AND THAT the Haldimand Youth Soccer Club be required to obtain and provide Haldimand County with complete Certificates of Insurance from the Sub-Tenant according to the terms of the Sub-Lease Agreement.

Prepared by: Sheryl Sawyer, Senior Community Partnership Liaison

Reviewed by: Katrina Schmitz, Manager, Community Development & Partnerships

Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager of Community & Development Services

Approved: Craig Manley, MCIP, RPP, Chief Administrative Officer

EXECUTIVE SUMMARY:

In 2006, the Haldimand Youth Soccer Club (HYS) entered into a Lease Agreement (the "Head Lease Agreement") with Haldimand County to lease the property known as the McClung Road Caledonia Soccer Complex (Attachment 1) for a term of 21 years less a day (ending September 10, 2027).

The Haldimand Youth Soccer Club (HYS) wishes to enter into the enclosed Sub-Lease Agreement with a local farmer for a portion (approximately 10 acres or 20% as shown on Attachment 2 as "Approximate Location of Sub-Premises") of the lands they use and maintain under lease from Haldimand County. The current Head Lease agreement with HYS requires Council approval of such arrangements.

BACKGROUND:

The Haldimand Youth Soccer Club (HYS) is a member of Haldimand County's Fields & Parks Management program (Fields and Parks Management Policy 2019-04), operating in three locations: McClung Road Caledonia Soccer Complex, Cayuga Broechler Park, and under a shared-use agreement with the Grand Erie District School Board for permission to operate on the Hagersville Secondary School field.

HYS and Haldimand County have a Head Lease Agreement ending in September 2027 for the use and control of the property known as the McClung Road Caledonia Soccer Complex ("Caledonia site"). In 2016, HYS received permission to sublet a portion of the property to A.J. Farms (PED-COM-09-2016) for the purposes of farming. The agreement with A.J. Farms has expired as of April 2022 after one written extension agreement. It is the desire of HYS to enter into a new Sub-Lease Agreement with Roy A. Cox Farms Ltd.

The purpose of this report is to request permission from Council for the Haldimand Youth Soccer Club to offer a local farmer (Roy A. Cox Farms Ltd.) the opportunity to sublease approximately 10 acres of lands surplus to the immediate recreational needs of HYS, effective November 10, 2022 until the end of the term of the Head Lease on September 10, 2027.

ANALYSIS:

The Haldimand Youth Soccer Club has been in operation since the mid-1980s, formalizing its relationship with Haldimand County in 2006 and then again in 2019 as a member of the Haldimand County's Fields & Management Program. The incorporated volunteer group receives a seasonal grant for operation of the park, an amount roughly equal to 35% of what it would otherwise cost Haldimand County to maintain the property with County staff and resources.

In order to support ongoing care of the facility, the volunteer group has accessed grants and raised funds to purchase several tractors, related maintenance equipment and to construct improvements to the roofed pavilion. In 2018, the Haldimand Youth Soccer Club was recognized by Ontario Soccer, winning the prestigious Club Recognition Award.

HYS has been operating under a formal agreement with the County since 2006 at the Caledonia site and has developed and maintained the property to an excellent standard. Currently, there are 17 soccer fields, a clubhouse/storage facility including a full kitchen and indoor washrooms. The covered pavilion was upgraded in 2019 including structural repairs, a new concrete pad, a new sidewalk, and enhanced drainage, partly funded through the Community Partnership Program capital grant stream (CDP-08-2019).

Historically, the 10 acre portion of the McClung Road Caledonia Soccer Complex was farmed through an informal agreement with a local farmer. In 2016, HYS sought permission to formalize this arrangement and entered into a Sub-Lease Agreement with A.J. Farms (PED-COM-09-2016). Allowing the property to be farmed, supports weed control efforts and ensures the area remains neat and safe, while allowing for potential future HYS expansion of recreational space.

The Sub-Lease Agreement with A.J. Farms was extended in 2019 and has since fully expired. HYS currently wishes to enter into a new Sub-Lease Agreement with Roy A. Cox Farms Ltd. It is to the benefit of the County to allow this arrangement to ensure proper risk management measures are enacted given the County is the owner of the lands.

Staff reviewed the request in the context of the existing Head Lease Agreement between the County and the Haldimand Youth Soccer Club, as well as any limitations related to zoning.

The Planning & Development Division confirmed the request and use of the property in this manner going forward are permitted based upon the Official Plan and zoning.

Legal & Support Services reviewed the Head Lease Agreement between the County and the Haldimand Youth Soccer Club and confirmed that the ability to sublet a portion of the property was allowed, provided HYS had written consent from Haldimand County to do so and as long as not all or substantially all of the lands would be sublet through the Sub-Lease Agreement. As well, the term of the Sub-Lease Agreement cannot extend beyond the term of the original Head Lease Agreement which ends on September 10, 2027. The Haldimand Youth Soccer Club, as Tenant, remains fully responsible and liable under the Head Lease Agreement, even for the sublet portion of lands. It is also noted that the County maintains current land lease agreements for farming purposes elsewhere throughout the County.

While there is no requirement through the original Head Lease Agreement that the Sub-Tenant provides liability insurance for the portion of property it is farming, Legal and Support Services staff recommended that the Sub-Tenant be obligated, through the Sub-Lease Agreement, to provide appropriate Certificates of Insurance at specific intervals, as set out in the Sub-Lease Agreement.

Staff have asked that the Haldimand Youth Soccer Club be required to provide a copy of the signed Sub-Lease Agreement and active and ongoing Certificates of Insurance, as provided by the Sub-Tenant, to Haldimand County.

It is the recommendation of staff that the Haldimand Youth Soccer Club be permitted to enter into a Sub-Lease Agreement with Roy A. Cox Ltd. for farming of the McClung Road Caledonia Soccer Complex Sub-Premises with the above-noted requirements. Staff are satisfied that these requirements are included and that the agreement can be executed. The draft is included as Attachment 3 hereto.

FINANCIAL/LEGAL IMPLICATIONS:

There are no budget or financial implications for the County related to this request. The terms of the Sub-Lease include payment of \$500 per year from Roy A. Cox Farms Ltd. to the Haldimand Youth Soccer Club.

Legal & Support Services reviewed the Head Lease Agreement between the County and the Haldimand Youth Soccer Club and identified that the ability to sublet a portion of the property was permitted, provided HYS acquired written consent from Haldimand County to do so and as long as not all or substantially all of the lands would be sublet through the Sub-Lease Agreement. As well, the term of the Sub-Lease Agreement cannot extend beyond the term of the original Head Lease Agreement, and that the Haldimand Youth Soccer Club remains fully responsible and liable under the Head Lease Agreement, even for the sublet portion of lands.

Legal and Support Services also reviewed the enclosed Sub-Lease Agreement between HYS and Roy A. Cox Farms Ltd., adding suitable language – although not required by the original Head Lease Agreement – that Haldimand County and the Haldimand Youth Soccer Club be named as additional insured on that portion of the property named as the Sub-Premises and that HYS provide Haldimand County with copies of active Certificates of Insurance on the schedule prescribed in the Sub-Lease Agreement.

STAKEHOLDER IMPACTS:

This request was reviewed by staff in the Legal & Support Services, Finance, Facilities, Parks, Cemeteries & Forestry Operations, and Planning & Development Divisions.

REPORT IMPACTS:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

REFERENCES:

1. [Fields and Parks Management Policy 2019-04](#)

ATTACHMENTS:

1. Head Lease.
2. Location Map.
3. Sub-Lease Agreement.