



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 48 OF 2024

BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AND AFFIX THE CORPORATE SEAL TO AN AGREEMENT BETWEEN SUNSET SUP/YOGA DEN AND 360 BIKES AND BOARDS AND THE CORPORATION OF THE TOWN OF GODERICH

WHEREAS the Council of the Corporation of the Town of Goderich deems it necessary and desirable to execute an Agreement for the use of space at the Main Beach with Sunset SUP/Yoga Den and 360 Bikes and Boards and Rentals;

AND WHEREAS this Agreement is attached hereto and forms part of this By-Law;

AND WHEREAS the Corporation of the Town of Goderich is agreeable to the terms of this Agreement;

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be and are hereby authorized to execute and affix the Corporate Seal to an Agreement between Sunset SUP/Yoga Den and 360 Bikes and Boards and the Corporation of the Town of Goderich and that the 2024 approval pursuant to this By-Law be at the pleasure of Council.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 8th DAY OF APRIL 2024.

MAYOR, Trevor Bazinet

CLERK, Andrea Fisher

AGREEMENT

THIS AGREEMENT (“Agreement”) is made this 8th day of April, 2024.

BETWEEN:

SUNSET SUP/YOGA DEN AND 360 BIKES AND BOARDS

(hereinafter “Sunset SUP/Yoga Den and 360 Bikes and Boards” of the First Part)

-and-

THE CORPORATION OF THE TOWN OF GODERICH

(hereinafter “the Town” of the Second Part)

IN CONSIDERATION of payment by Sunset SUP/Yoga Den and 360 Bikes and Boards and the Town to the other of the sum of two dollars (\$2.00) lawful money of Canada and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. The Town will provide Sunset SUP/Yoga Den and 360 Bikes and Boards a space (the “Space”) at the Main Beach in Goderich to provide standup paddleboards, surfboards, other related equipment, and instructional lessons. A 10 feet x 10 feet space and the exact location of such space to be determined by the Director of Operations of the Town of Goderich.
2. The Space is to be used by Sunset SUP/Yoga Den and 360 Bikes and Boards for the rental of standup paddleboards, surf boards and other related equipment, as well as instructional lessons.
3. The rental of the Spaces is to be at the pleasure of Council of the Town for the 2024 summer season from (June 28, 2024, to September 30, 2024).
4. On a completely without precedent basis, there will be no charge to Surfsup for the use of the Space during the 2024 summer season. The question of rental or permit charge will be revisited by the Town if the use is granted in subsequent summer seasons.
5. Sunset SUP/Yoga Den and 360 Bikes and Boards will at all times have the rental Spaces manned by persons qualified to instruct renters in the use of standup paddleboards and related activities.
6. Sunset SUP/Yoga Den and 360 Bikes and Boards will at all times have in force a policy of insurance covering liability for damages or injury for the rental and use of such paddleboards in the minimum amount of two million (\$2,000,000.00) dollars with the Town to be listed as an additional insured on such policy.
7. Sunset SUP/Yoga Den and 360 Bikes and Boards, on their behalf hereby indemnifies the Town and holds the Town, its employees, servants, agents, elected officials, successors, administrators, and assigns harmless from all claims, actions, demands, causes of action, suits, and liabilities of whatever nature and kind, at law or in equity, which the Town may incur as a result of the actions of Surfsup pursuant to this Agreement.
8. This Agreement does not provide/guarantee reserved parking spaces by the Town of Goderich.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

WITNESS

Clare Day

Sunset SUP/Yoga Den and 360 Bikes and Boards
I have the authority to bind the Corporation

**THE CORPORATION OF THE TOWN
OF GODERICH**

Per: _____
Mayor, Trevor Bazinet

Per: _____
Clerk, Andrea Fisher

We have the authority to bind the Municipal
Corporation