

**THIS MEMORANDUM OF UNDERSTANDING** made as of the 17<sup>th</sup> day of **February, 2000.**

**BETWEEN:** Vancouver Park Board (VPB)

**AND:** Phoenix Gymnastics Club (PGC)

**AND:** Pacific Indoor Bowls Club (PIBC)

**AND:** Millennium Sport Facility Society (MSFS)

**WHEREAS:**

the VPB has approved in principle the use of a portion of Nat Bailey Stadium Park or Riley Park for the use of a lower level indoor bowls facility with an above grade gymnasium for the use by the PIBC and the PGC respectively.

**AND:**

**WHEREAS:**

the VPB has approved the preparation of a Master Plan for the Hillcrest\Nat Bailey\Riley Park area which would accommodate the gymnasium\indoor lawn bowling facilities at a location to be finalized in the Master Plan.

**AND:**

**WHEREAS:**

the two clubs have formed the Millennium Sport (MSFS) Facility Society to build the facility, the parties agree as follows:

1. Upon final site selection and completion of fund raising, the Park Board will agree to lease to the MSFS for up to 3 years for the construction of the facility for \$1.00 per year a site, adequate in size to accommodate the building, accessory landscaping and any required on-site parking.
2. Upon construction of this Park Board facility, the Park Board agrees to lease a portion of the building to the PGC and PIBC respectively for a term of 25 years for \$1.00 per year. Parties agree to discuss any potential future extensions to the lease in year 23 of the term.

- 2a. Should the above clauses exceed the Board's statutory powers as prescribed by the Vancouver Charter, the Board will endeavor to secure an alternative arrangement, which would involve the City of Vancouver, and which would achieve the objectives described in clauses 1, 2 and 10.
3. The building height shall not exceed 35 ft., and the gross floor area within the building shall not exceed 50,000 sq. ft, nor shall the building area (footprint) exceed 25,500 sq.ft. These square footage totals include consideration for future additions to the facility. Phase 1 shall not exceed 40,000 sq.ft. of which 18,500 sq ft must be below grade. Phase 2 shall not exceed 10,000 sq.ft. to be largely below grade. Should Phase 2 construction start after November 1, 2002, Phase 2 would be subject to a separate approval by the Park Board.
4. The indoor bowls facility shall be largely below the existing grade, while the gymnasium will be built above ground. Portions of the bowls club structure not covered by the gymnasium shall be landscaped or be developed by the MSFS for outdoor recreation use. The Park Board reserves the right to develop this area for indoor recreation. Should the Board exercise this right, the incremental cost of upgrading the facility to accommodate the Park Board indoor facility shall be the Board's responsibility.
5. The gymnasium will have minimum dimensions of 70 ft. by 110 ft, with a floor to roof/ceiling structure clearance of 27ft.
6. The quality of construction and appearance must be compatible with current VPB standards for new construction including furniture, fixtures and equipment (FF and E), with the view of ensuring low cost long term maintenance and an appropriate fit with the park environment. The reasonable determination of compatibility is to be made solely by the General Manager of the Park Board.
7. The MSFS agrees that a registered architect will be retained to design the facility. A registered quantity surveyor, acceptable to the VPB will prepare a cost estimate of the project and submit the same to the VPB, within 90 days of the commissioning of the architect and upon completion of the preliminary design.
8. MSFS to be responsible for securing all zoning, development and building permit approvals, including a review by the Urban Design Panel if deemed necessary by the VPB General Manager. The VPB agrees that it may be named as the applicant, subject to the VPB approving all application materials. Parking for the facility is intended to be provided to the maximum amount possible from existing Nat Bailey Stadium parking to the extent that it is permitted by law and is consistent with the lease on Nat Bailey Stadium.
9. Schematic design, design development, working drawings and specifications to be to the satisfaction of the General Manager, VPB.

10. VPB will not reasonably withhold the assignment of the lease(s) to a financial institution for the purposes of providing security for the MSFS, or its two constituent parties (PIBC, PGC) in arranging for loans that it (they) may wish to take out for the construction of the facility. VPB may consider other acceptable means of providing security at its sole discretion.
11. The MSFS shall be responsible for ensuring that all construction on the site shall be carried out in accordance with all applicable Workers Compensation Board laws and regulations.
12. Once constructed, all operating and maintenance cost of the facility and adjacent landscaping shall be to the account of the PGC and PIBC, subject an agreed costsharing formula between the parties.
13. The MSFS to carry sufficient fire, theft and liability insurance to the satisfaction of the General Manager both during construction and the PGC and PIBC will undertake the same during operation of facility.
14. The MSFS shall have until June 1, 2001 to arrange for all necessary funding, permits and the start of the construction. Construction shall not commence until all funds required for the completion of the project have been secured and a time table has been submitted, both to the satisfaction of the General Manager, VPB.
15. Membership and registration/participation in PGC and PIBC activities will be opened to the public and in fact actively promoted as such.
16. Subject to availability, appropriate sections of the facilities will be made available to other community organizations at a reasonable rental rate.
17. Any corporate sponsorship and exterior recognition associated with the development of the exterior for this facility shall be consistent with the Park Board policies and practices in effect at the time that the donations/sponsorship is secured. Interior recognition guidelines shall be at the discretion of the MSFS. Naming of the facility shall be consistent with Park Board policies and practices and shall be subject to a separate Park Board approval.

18. VPB agrees that donations for this project may be deposited in its accounts. VPB agrees to issue tax receipts to eligible donors. Interest payable on these funds is at the sole discretion of the City's Director of Finance. Withdrawals of funds so deposited shall be requested in writing and the VPB shall arrange for their release to the MSFS. Should the MSFS cease to function, the VPB will arrange for the release of remaining funds to donors.

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Alan Webster, President  
Pacific Indoor Bowls Club

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Alan Webster, President  
Millennium Sport Facility Society

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Kevin Tisshaw, President  
Phoenix Gymnastics Club

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Kevin Tisshaw, Chair  
Millennium Sport Facility Society

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Susan Mundick, General Manager  
Vancouver Board of Parks & Recreation

**APPROVED** by the Board of Parks and Recreation on February 07, 2000.