



Pre-License Deposit Terms for a Private Suite in the
Proposed Kingston Sports and Entertainment Centre

Suites at Kingston Sports and Entertainment Centre (LVEC)

The City of Kingston is proposing to construct a 5,000 seat regional sports and entertainment centre on the North Block located in downtown Kingston. The planned opening date is December 2007.

Among the many amenities in the new building will be a limited number of private suites on the second concourse level overlooking the ice surface staging area. These suites will be licensed to individuals and corporations who show their commitment now by providing the City with the deposit described in this document. The following features are planned for every Suite at Kingston Sports and Entertainment Centre:

- Suites will have similar characteristics and amenities as private suites in other similar sized new event facilities in Ontario
- Suites will be located on the upper concourse level, thirty to forty feet above ice level
- Suites will vary in size from eight seats (8) seats to twelve (12) seats, depending on the location around the arena bowl
- Suite licensees will have their own entrance to the facility
- Suites licensees will be entitled to free parking in designated locations. The number of parking locations will vary according to the size of the suite. At this time it is anticipated that an eight person suite will receive two (2) parking spaces and ten and twelve seat suites will receive three (3) parking spaces.
- Suites will have catered in-suite food and beverage services
- Eight (8) to twelve (12) 22 inch wide padded seats overlooking the ice surface staging area
- Bar rail and bar stools overlooking the seats
- Cable TV, fibre optic cabling and VOIP services
- Telephone
- Closet, cabinet lock-up, bar fridge, sink and counter
- Licensees can choose one of three (3) suite decoration packages. In addition, subject to the prior approval of the facility manager, Licensees will have the option of receiving an allowance and finishing their suite.
- Large wall mounted flat screen TV

The Business Plan currently calls for the license of twenty-five (25) suites. The City reserves the right to increase or decrease this number at its sole discretion. A lottery system will be developed to prioritize suite selection and location.

How to Reserve Your Opportunity

Suites will be offered under a License agreement. Individuals or corporations can purchase a License. In the event that a group wishes to purchase a License, one person shall be designated by the group to represent the group and to agree to both these terms and any further documents, including the License Agreement.

The following terms are expected to be included in each License to a suite:

Kingston Sports and Entertainment Centre (LVEC)

- Depending on the size of the suite and location, the annual licensing fee will vary from \$12,000 to \$18,000 plus applicable taxes
- Suites will be licensed for terms of three (3), five (5) and seven (7) years. Prior to licensing the suites, appropriate incentives will be developed to encourage the Licensee to choose one of the longer term Licenses
- Every Licensee may be required to purchase season tickets for the Kingston Frontenacs regular season games in addition to the licensing fee. This will be determined before the licensing of the suites is finalized.
- Licensees will have a first right of refusal for purchasing tickets for all other events.

To reserve the opportunity to License a suite, each Potential Suite Licensee is being asked to sign these terms and to make a deposit of \$1,000. This deposit will be held by the City in trust without interest subject to the outcome of the suite license plan and the sales process. Return of the deposit may also be requested after December 31, 2006. In the event that the Potential Licensee is successful in obtaining a suite and has executed the required documentation, the deposit shall be fully applied to the final license fee. Once a deposit has been returned to a Potential Suite Licensee, the opportunity to a priority License for a suite will be lost.

Terms and Conditions

The undersigned acknowledge that:

- The management organization responsible for operating the Kingston Sports and Entertainment Centre will establish the final suite design, license pricing and terms and the process for finalizing the licensing of suites to Potential Suite Licensees.
- The Potential Suite Licensee acknowledges that City Council may, at their discretion, make a decision to not proceed with the construction of Kingston Sports and Entertainment Centre or to postpone the construction.
- These terms constitutes the entire agreement between the City and the undersigned Potential Suite Licensee which relates only to the Pre-License Deposit. There are no representations, warranties or conditions expressed or implied, statutory or otherwise, other than those contained herein.
- The City, in its sole discretion, reserves the right to return the deposit. Should this occur the Potential Suite Licensee will only be entitled to receipt of the deposit, without any other liability or obligation to the Potential Licensee whatsoever.

It is agreed and understood by the Potential Licensee that it cannot assign these terms and the agreement they form to any other party without the written consent of the City which may be withheld. The City may assign this Agreement to any facility management company without approval from the Potential Licensee.

It is further acknowledged and understood by the Potential Licensee that the terms and conditions of the Final Suite Sales Process may differ from the terms outlined herein and that only the terms contained in the Final Suite Sales Process will be the actual terms that will form a final binding commitment other than in relation to the deposit.

I, the undersigned signed the terms set out above and made the required deposit on the _____ of April 2006 and acknowledge and agree to be bound by the above.

) Potential Suite Licensee
) _____
Acknowledgement of Deposit:) Signature
) _____
_____) Name: Please Print
Received by Don Gedge,) _____
LVEC Project Director) _____
) _____
) Address

Kingston Sports and Entertainment Centre (LVEC)