

# CORPORATION OF THE TOWNSHIP OF HORTON

## BY-LAW NO. 2018-57

### A BY-LAW TO AUTHORIZE AN AGREEMENT FOR ACCESS TO THE MILLENIUM TRAIL LANDS BETWEEN THE CORPORATION OF THE TOWNSHIP OF HORTON AND COGECO CONNEXION INC.

**WHEREAS** Cogeco Connexion is a “telecommunications common carrier” as defined in the *Telecommunications Act*, S.C. 1993, c.38 (“**Telecom Act**”) or “distribution undertaking” as defined in the *Broadcasting Act*, S.C. 1991, c.11 (collectively, a “**Carrier**”) and is subject to the jurisdiction of the Canadian Radio-television and Telecommunications Commission (the “**CRTC**”);

**AND WHEREAS**, in order to operate as a Carrier, Cogeco Connexion requires to construct, maintain and operate its Equipment in, on, over, under, across or along (“**Within**”) the former CN rail lands and road crossings, bridges or viaducts in Horton Township related to the former CN rail lands as shown on the attached **Schedule “D”** which are under the jurisdiction of Horton Township (collectively the “**Millenium Trail Lands**” or “**Trail**”);

**AND WHEREAS**, pursuant to section 43 of the Telecom Act, Cogeco Connexion requires The Township of Horton’s consent to construct its Equipment Within the ROWs and other public places such as the Millenium Trail Lands and the Municipality is willing to grant Cogeco Connexion a non-exclusive right to access and use the Trail; provided that such use will not unduly interfere with the public use and enjoyment of the Trail, nor any rights or privileges previously conferred or conferred after the Effective Date by the Municipality on Third Parties to use or access the Trail;

**AND WHEREAS** the Parties have agreed that it would be mutually beneficial to outline the terms and conditions pursuant to which the Municipality hereby provides its consent;

**NOW THEREFORE** in consideration of the mutual terms, conditions and covenants contained herein, the Parties agree and covenant with each other as follows:

#### **NOW THEREFORE BE IT ENACTED:**

1. That the attached agreement between The Corporation of the Township of Horton and Cogeco Connexion is hereby authorized and the agreement provided for therein is hereby granted.
2. That the Mayor and the Clerk are hereby authorized and instructed on behalf of the Corporation to enter into and execute under its corporate seal and deliver the aforesaid agreement, which agreement is hereby incorporated into and shall for part of this By-Law.
3. That this By-Law shall come into force and take effect upon the passing thereof.

READ a first and second time this 4<sup>th</sup> day of September, 2018

READ a third time and passed this 4<sup>th</sup> day of September, 2018

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MAYOR Robert Kingsbury

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CAO/CLERK Hope Dillabough