

The Corporation of the City of Kenora

By-Law Number 136 - 2024

A By-Law to Authorize the Execution of an Amended Lease Agreement between the Corporation of the City of Kenora and Tbaytel for the Telecommunications Site at Miikana Way & 7th Ave S (Anicinabe Park)

Whereas the Corporation of the City of Kenora entered into an initial five year lease agreement with Tbaytel for real property located in the District of Kenora legally described as PCL 18 SEC DKF; PT N PT MINING LOCATION K8 JAFFRAY AS IN PA140; EXCEPT PT 7, 23R8958; KENORA PIN: 42167-0136 commencing on September 1, 2020 and ending on August 31, 2025 with three (3) automatic five year extension periods in accordance with the agreement; and

Whereas By-law 117-2020 authorized the execution of a License Agreement between the Corporation of the City of Kenora and Tbaytel for the telecommunications site at Miikana Way and Seventh (7th) Avenue South; and

Whereas the City granted a lease to Tbaytel to build and maintain a telecommunications facility for a term of five (5) years commencing on September 1, 2020, and terminating August 31, 2025, with three (3) additional five (5) year automatic extensions; and

Whereas Industry Canada is the approval authority for cellular tower location, requiring consultation with the municipality; and

Whereas upon review of the agreement, the entire parcel of land legally described as PCL 18 SEC DKF; PT N PT MINING LOCATION K8 JAFFRAY AS IN PA140; EXCEPT PT 7, 23R8958; KENORA (PIN: 42167-0136) is encumbered by the Agreement; and

Whereas a survey of the telecommunications site, access, and utility corridors, which have been registered as parts 2, 3 and 4 Plan 23R-15066 to clearly define and delineate the Licensors lands and to amend the Master License; and

Now Therefore the Council of the Corporation of the City of Kenora enacts as follows:

1. That Council hereby authorizes Schedule "A" and Schedule "B" of the Master License executed by By-law 117-2020 be removed and replaced with the attached Schedule "A" and Schedule "B", being the amended Legal description of the Licensors lands ("SITE") and amended Description of premises (including access right) and registered as parts 2, 3, and 4 pertaining to these areas on Plan 23R-15066.
2. That this by-law shall come into force and be in effect from and after the final passing thereof.
- 3.

By-Law Read a First and Second Time this 15th day of October, 2024

By-Law Read a Third and Final Time this 15th day of October, 2024

The Corporation of the City of Kenora:-

Andrew Poirier, Mayor

Heather Pihulak, City Clerk