

The Corporation of the Town of Tecumseh

By-Law Number 2024-093

Being a by-law to authorize the execution of a Municipal Access Agreement between The Corporation of the Town of Tecumseh and Xplore Fibre L.P.

Whereas The Corporation of the Town of Tecumseh (Town) is the owner of certain lands within the Town of Tecumseh;

And whereas Xplore Fibre Inc (Company) is a telecommunications carrier company as defined in the *Telecommunications Act*, S.C. 1993, c.38 or distribution undertaking” as defined in the *Broadcasting Act*, S.C. 1991, c.11 and is subject to the jurisdiction of the Canadian Radio-television and Telecommunications Commission;

And whereas in order to construct, operate and service equipment (herein called “Infrastructure”) installed by Xplore Fibre L.P (Company); the Company wishes to enter on certain lands within the jurisdiction of the Town from time to time for the purpose of constructing, maintaining, operating and removing certain Infrastructure;

And whereas the Company must obtain municipal consent to construct its equipment within the right of ways (ROWs) and the municipality is willing to grant the Company a non-exclusive right to access and use the ROWs; provided that such use will not unduly interfere with the public use and enjoyment of the ROWs,

And whereas the Town and Company have agreed that it would be mutually beneficial to outline the terms and conditions pursuant to an Municipal Access Agreement which shall be provided by the Town to the Company in the form of a non-exclusive right;

And whereas under Section 5 of *the Municipal Act* 2001, S.O. 2001 c.25, the powers of a municipality shall be exercised by its Council by by-law.

Now Therefore the Council of The Corporation of The Town of Tecumseh enacts as follows:

1. **That** the Mayor and Clerk be and is hereby authorized and empowered on behalf of The Corporation of the Town of Tecumseh, to execute an Agreement between The Corporation of the Town of Tecumseh and Xplore Fibre L.P dated the 12th day of November 2024, a copy of which Agreement is attached hereto and forms part of the by-law and to do such further and other acts which may be necessary to implement the said Agreement.

Read a first, second, third time and finally passed this 12th day of November, 2023.

Gary McNamara, Mayor

Robert Auger, Clerk