



Council Report

Report Number: RS2021-013

Meeting Date: February 23, 2021

Title: **Proposed License Agreement between the City of Kawartha Lakes and Xplornet Communications Inc. at 50 Tower Road, Kirkfield**

Description: The License Agreement is for a Replacement Telecommunication Tower on the City of Kawartha Lakes Property municipally known as 50 Tower Road, Kirkfield

Author and Title: Christine Oliver, Law Clerk – Realty Services

Recommendations:

That Report RS2021-013, **Proposed License Agreement between the City of Kawartha Lakes and Xplornet Communications Inc. at 50 Tower Road, Kirkfield**, be received; and

That the Mayor and Clerk be authorized to execute the proposed License Agreement attached as Appendix D on behalf of the Corporation of the City of Kawartha Lakes for the purpose of constructing a new telecommunications tower for a five-year term, which will replace an existing tower.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

The Corporation of the City of Kawartha Lakes has been in an agreement (attached as Appendix B) with Xplornet Communications Inc. since May 1, 2008 for licensing a portion of 50 Tower Road, Kirkfield to allow for a 30m tower and support equipment.

Appendix A is a general location map.

The property municipally known as 50 Tower Road, Kirkfield is currently vacant with the exception of two towers. One tower is owned by Xplornet Communications Inc. and the other tower is owned by Netcom Ontario Inc. The City of Kawartha Lakes currently has infrastructure collocated on the Netcom Ontario Inc. tower.

Xplornet Communications Inc. proposes to demolish the existing 30m tower and replace it with a 36m tower, identified in a photo diagram attached as Appendix C. This proposal does not result in an increase in tower size in excess of 25%, which in turn would trigger additional review by the Planning Department per the City's Telecommunication and Antenna System Siting Policy, CP2018-014.

The new license agreement between The City of Kawartha Lakes and Xplornet Communications Inc., attached as Appendix D, will impose a \$13,000.00 annual fee for a term of five (5) years in accordance with the City Lands Encroachment By-Law 2018-017, section 3.01(b). As this amount exceeds \$10,000.00, in accordance with the City's signing by-law being By-Law 2016-009, section 5.05(2), the Mayor and City Clerk are authorized to sign the agreement upon Council approval.

The purpose of this report is to provide Council with an opportunity to consider the terms of the proposed license agreement and for Council to provide direction to execute this agreement as outlined in the draft by-law attached as Appendix E.

Rationale:

Xplornet Communications Inc.'s current agreement was executed and has been in effect since May 1, 2008. To proceed with Xplornet Communication Inc.'s investment in their infrastructure to improve their service to clients in the City of Kawartha Lakes, they require support of The City of Kawartha Lakes to allow the license agreement for the space required. Xplornet Communications Inc. confirmed the proposed infrastructure will not interfere with the existing tower on site.

Other Alternatives Considered:

Council could direct that the License Agreement not be renewed. This is not recommended in this circumstance as Xplornet Communications Inc. would lack the ability to make the upgrades required for the connectivity between their infrastructure.

Alignment to Strategic Priorities

The applicable strategic priority within the 2020-2023 Kawartha Lakes Strategic Plan is Good Government. The Good Government enabler is to partner and advocate to maintain and encourage expansion of demanded community infrastructure and institutions. This enabler supports this report for a request that the City of Kawartha Lakes enter into a License Agreement with Xplornet Communications Inc. to support their investment in improving existing infrastructure.

Financial/Operation Impacts:

The current agreement between The City of Kawartha Lakes and Xplornet Communication Inc. has compensation in the amount of \$10,000.00 annually. The City of Kawartha Lakes is proposing the new annual fee be \$13,000.00 as per the fees set out in By-Law 2018-017.

Consultations:

Land Management Committee

Attachments:

Appendix A – Map



Appendix A -
Map.pdf

Appendix B – Current Agreement



Appendix B -
Current Agreement.

Appendix C – Photo of Towers



Appendix C - Photo
of Towers.pdf

Appendix D – Proposed License Agreement



Appendix D -
Proposed License Ag

Appendix E – Draft By-Law



Appendix%20E%20-
%20Bylaw.pdf

Department Head E-mail: rcarlson@kawarthalakes.ca

Department Head: Robyn Carlson

Department File: L17-20-RS047