RECOMMENDATION

THAT Council receive Report OPS 19-38 Rogers Utility Lease Amending and Extension Agreement Renewal;

AND FURTHER THAT a By-law to execute the Lease Amending and Extension Agreement with Rogers Communications Inc. be brought forward for Council consideration.

SUMMARY

The Town and Rogers Wireless Inc., entered into a Telecommunications Site Agreement and Co-Location Agreement in 2004 for a small area at 10 Lisgar Avenue. The Agreements allowed Rogers (the Tenant) to construct a telecommunications tower on the site and for the Town (the Landlord) to install and operate equipment on the lower portion of the tower. The Town does not pay fees for the tower use, but is responsible for power consumption of Town equipment on the tower. The terms of the original agreement were a five (5) year period, with annual rent of $7,500/yr. The original agreement had a provision for 3 additional 5 year extensions.

The Town entered into a Lease Amending & Extension Agreement with Rogers in 2009 at the expiration of the previous agreement term on August 31, 2009, which constituted the first 5-year extension. The agreement was amended to address a corporate amalgamation to Rogers Communications Inc., inclusion of an option for a fourth 5-year extension, as well as to renew the terms of the lease for the next five (5) years at the same annual rental rate of $7,500/yr.

In 2015 the Town entered into the second 5-year extension in accordance with the original agreement. The agreement was amended to increase the annual rental rate to $8,250/yr and to limit the Landlord from assigning or transferring the lease independently from the remainder of the Property.

The Tenant has now applied to renew the agreement for another 5-year term expiring in 2024. This constitutes the third 5-year extension in accordance with the original agreement. The terms of the previous Telecommunications Site, Co-Location and Lease Amending & Extension Agreements are still all applicable, with two exceptions: an increased annual rental rate of $9,075/yr and the inclusion of an option for a fifth 5-year extension that would commence on September 1, 2029 and expires in 2034, unless the Tenant provides notice not to exercise such option.
CONSULTATION/COMMUNICATION

The Director of Operations has connected directly with the Rogers Real Estate Analyst regarding this project file.

FUNDING IMPACT/ FUNDING SOURCE

The new rental rate would result in an annual increase of $825 from the terms of the previous lease extension agreement. These lease funds will continue to be allocated to the Customer Service Centre building operating budget.

COMMUNITY STRATEGIC PLAN (CSP)

This initiative supports Objective 1 – Excellence in Local Government of the Community Strategic Plan.
Report Approval Details

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<td>Attachments:</td>
<td>- OPS 19-38 Attachment 1 - Rogers Lease Amending and Extension Agreement.pdf</td>
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This report and all of its attachments were approved and signed as outlined below:

**Dave Rushton** - Aug 1, 2019 - 1:32 PM

![Signature]

**David Calder** - Aug 1, 2019 - 1:42 PM

**Donna Wilson** - Aug 6, 2019 - 9:29 AM