

## AMENDING AND RENEWAL AGREEMENT

**THIS AMENDING AND RENEWAL AGREEMENT** made effective November 15, 2020 (the “Effective Date”).

**BETWEEN:**

**The City of Merritt**

(“City”)

- and -

**Shaw Cablesystems Limited**

(“Shaw”)

### **PREAMBLE:**

A. By a Facilities Attachment License Agreement between the City and Shaw, made effective November 15, 2015 (the “Agreement”), the City granted Shaw rights to access and use certain City facilities for the purpose of the provision of Shaw’s Wi-Fi services..

B. The Parties wish to extend the Term of the Agreement under the same terms and conditions except as amended by this Amending and Renewal Agreement.

**AGREEMENT:** The parties agree as follows:

1. **Defined Terms:** All defined terms contained in this Amending and Renewal Agreement shall have the same meanings ascribed in the Agreement, unless expressly defined otherwise herein.
2. Section 1 of the Agreement shall be deleted in its entirety and replaced with the following:

**Grant:** The City hereby consents and grants Shaw a non-exclusive right and license to access and attach in, on or to the City’s facilities, including, but not limited to Attaching to, on or within traffic lights, crosswalk poles, aerial structures, vehicle and/or public transportation corridors, lands and/or civic buildings owned by the City, all as described in more detail in the attached Schedule “A” (collectively, “**Facilities**”), to install, operate and maintain certain telecommunications devices, cable and related equipment (the “**Work**”) used for the purposes of transmission, emission or reception of signs, signals, writings, images, sounds or intelligence of any nature related to Shaw's Wi-Fi services (the “**Purposes**”).

3. The attached Schedule “A” shall be attached to and form part of the Agreement.
4. **Term:** The term of the Agreement shall be extended for a period of five (5) years, expiring on November 14, 2025.

5. **General Provisions:**

- a. Except as amended by this Amending and Renewal Agreement, the terms and conditions of the Agreement shall remain in full force and effect with the intention that the Agreement should be read in conjunction with and construed with this Amending and Renewal Agreement.
- b. This Amending and Renewal Agreement shall be binding upon the parties and their respective successors, assigns and permitted assigns, as the case may be.

**EXECUTION:** The parties agree to execute this Amending and Renewal Agreement as of the Effective Date.

**THE CITY OF MERRITT**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**SHAW CABLESYSTEMS LIMITED**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**SCHEDULE “A”**

**List of Facilities**

<b>Facility Name</b>	<b>Facility Address</b>
Nicola Valley Memorial Centre	2075 Mamette Ave