THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 08-080

BEING A BY-LAW TO AUTHORIZE THE EXECUTION OF AN AGREEMENT BETWEEN THE CORPORATION OF THE CITY OF PETERBOROUGH AND THE CORPORATION OF THE TOWNSHIP OF CAVAN-MONAGHAN

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

1. That the Mayor and Clerk be hereby authorized to execute an agreement between The Corporation of the City of Peterborough and The Corporation of the Township of Cavan-Monaghan in the form attached hereby as Schedule “A”, and to affix the Seal of the Corporation thereto.

By-law read a first, second and third time this 14th day of April, 2008

______________________________
D. Paul Ayotte, Mayor

______________________________
Nancy Wright-Laking, City Clerk
SCHEDULE “A”

AGREEMENT made this 14th day of April, 2008.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF CAVAN-MONAGHAN
hereinafter referred to as the “Township”

OF THE FIRST PART

- and -

THE CORPORATION OF THE CITY OF PETERBOROUGH
hereinafter referred to as the “City”

OF THE SECOND PART

WHEREAS the City is the owner of the Peterborough Municipal Airport (the “Airport”), which is located within the geographic limits of the Township;

AND WHEREAS the Township and the City wish to enter into an agreement pursuant to which the City will administer the planning and building permit requirements for aeronautically-related development at the Airport, as well as ensuring that adequate fire protection is provided;

NOW THEREFORE THE PARTIES HERETO COVENANT AND AGREE AS FOLLOWS:

1. In this agreement, “aeronautically-related development” shall mean the development or use of land, including site alteration and/or the construction of buildings and structures, principally for purposes which are related to aeronautics in a manner which is subject to regulation by the Government of Canada pursuant to the Constitution Act, 1982. Without limiting the generality of the foregoing, such purposes include the storage, fueling, distribution, maintenance, servicing, assembly, manufacturing or refurbishment of aircraft and aircraft parts, as well as passenger and air freight services.

2. The Township and the City hereby agree that the City shall have responsibility for any and all planning and building approvals with respect to any aeronautically-related development at the Airport. The parties also acknowledge and agree that this agreement shall have no effect with respect to any development at the Airport which is not aeronautically-related.

3. The parties acknowledge that the City has been providing, and will continue to provide, adequate fire protection including suppression, inspection,
prevention and training, for the Airport. Annual fire inspection reports shall be
provided to the Township. The City agrees to fully indemnify and save harmless
the Township in respect of any such matters.

4. The City acknowledges and agrees that all new aeronautically-related
development at the Airport shall be developed with regard for the general intent
and purpose of the Township’s Official Plan and Zoning By-law.

5. The parties acknowledge and agree that, in respect of its responsibility
pursuant to section 2 of this Agreement, the City shall not require the issuance of
building permits pursuant to the Building Code Act of Ontario, and need not
require formal site plan approval pursuant to section 41 of the Planning Act.
The parties also acknowledge that aeronautically-related development is not
subject to development charges. However, the City undertakes to have due
consideration for building and site development standards, in the fulfillment of its
role as a prudent landlord in respect of any new development on leased land at
the Airport. The City shall provide notice to the Township Clerk, by facsimile or
e-mail transmission, prior to the commencement of construction of any such
development.

4. This agreement shall apply to the Airport lands described in Schedule A
attached hereto. Any future expansion to the Airport shall require a formal
amendment to this Agreement before the provisions of this Agreement apply to
any such expanded portion of the Airport.

IN WITNESS WHEREOF the parties hereto have hereunto set their
respective hands and seals.

SIGNED, SEALED AND DELIVERED

THE CORPORATION OF THE TOWNSHIP OF CAVAN MONAGHAN

in the presence of:

Neal Cathcart, Reeve

Gail Empy, Clerk

THE CORPORATION OF THE CITY OF PETERBOROUGH

D. Paul Ayotte, Mayor

Nancy Wright-Laking, Clerk