

**THE CORPORATION OF THE TOWNSHIP OF
DRUMMOND/NORTH ELMSLEY**

BY-LAW NO. 2012-013

AMENITIES & COST RECOVERY AGREEMENT

BEING a By-law to authorize the execution of agreements with Smiths Falls 3 ULC and the Township of Drummond/North Elmsley with respect to cost recovery expenses with regard to a solar energy generating facility and to provide meaningful benefit from the Project;

WHEREAS the Developer has entered into a Feed-In Tariff Contract dated April 15, 2010 (the “**Supply Contract**”) with the Ontario Power Authority for the supply of electricity from a proposed commercial solar energy generating facility (the “**Project**”) to be located on lands and premises within the Township, which lands and premises are more particularly described in Schedule “A” attached hereto (the “**Property**”);

AND WHEREAS in accordance with Section 47.4 of the *Environmental Protection Act* (Ontario) the Developer has applied for the approval of the MOE for the construction, installation, use, operation and maintenance of the Project;

AND WHEREAS the MOE has provided its approval for the Project pursuant to the REA;

AND WHEREAS the Township desires to recover certain expenses incurred by virtue of the Project and the Developer desires to contribute to the Township’s reasonable expenses that are directly attributable to the Project;

AND WHEREAS the Developer has agreed to provide certain payments to the Township such that the Township receives meaningful benefit from the Project;

AND WHEREAS the Township and the Developer have agreed to enter into these Agreements on the terms provided for herein;

NOW THEREFORE the Council of the Corporation of Township of Drummond/North Elmsley enacts as follows:

1. THAT the Reeve and Clerk are hereby authorized to execute agreements with Smiths Falls 3 ULC.
2. THAT a copy of the Cost Recovery agreement is attached hereto as Schedule “A”.
3. THAT a copy of the Amenities agreement is attached hereto as Schedule “B”.
4. THAT Schedule “A” and Schedule “B” shall form an integral part of this by-law as if the words contained therein were printed as part of this document.
5. The provisions of this by-law shall come into force and take effect on the as of the date of the signing of the said agreement.

Read a first and second time this 21st day of February, 2012

Read a third time and passed this 21st day of February, 2012

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk Administrator