

ARRÊTÉ CSF SMITHERS ELECTRICAL AND COMMUNICATION DISTRIBUTION RIGHT-OF-WAY BYLAW 2024

WHEREAS Conseil scolaire francophone de la Colombie-Britannique (the “**CSF**”) is a francophone education authority continued under the *School Act* (British Columbia) and, under the authority of Sections 166.29(1) and 96(3) of the *School Act* (British Columbia), may acquire and dispose of land or improvements it owns or administers, subject to the Orders of the British Columbia Minister of Education and Child Care (the “**Minister**”);

AND WHEREAS the *Interpretation Act* (British Columbia) defines the word “dispose” to mean to transfer by any method and includes, among other things, grant and charge;

AND WHEREAS the Minister issued Order M193/08 (Disposal of Land or Improvements Order) effective September 3, 2008 requiring fee simple sales and leases of land or improvements for a term of ten years or more to be specifically approved by the Minister, unless the transferee is an independent school or another school board;

AND WHEREAS a disposal of land or improvements by way of a grant of a statutory right of way does not require approval from the Minister pursuant to Order M193/08 (Disposal of Land or Improvements Order);

AND WHEREAS Section 166.21(4) of the *School Act* (British Columbia) requires a francophone education authority to exercise a power with respect to the acquisition or disposal of property owned or administered by a francophone education authority only by bylaw;

AND WHEREAS:

- (i) the CSF owns the land and improvements located at 3344 Third Avenue and 1036 Vancouver Street, Smithers, British Columbia (the “**Property**”);
- (ii) the legal description of the Property is:
Parcel Identifier: 031-966-624,
Legal Description: Lot 2 District Lots 1053 and 5289 Range 5 Coast District Plan EPP126178;
- (iii) the CSF requires electrical distribution services for the Property from British Columbia Hydro and Power Authority (“**BC Hydro**”) and BC Hydro has asked the CSF to grant it a statutory right-of-way (the “**Electrical Statutory Right-of-Way**”) to permit BC Hydro to construct and operate a structure for electrical distribution to be located on the Property approximately as shown on Schedule A attached hereto;
- (iv) the CSF requires communication distribution services for the Property from Telus Communications Inc. (“**Telus**”) and Telus has asked the CSF to grant it a statutory right-of-way (the “**Communication Statutory Right-of-Way**”, and together with the Electrical Statutory Right of Way, the “**Statutory Rights of Way**”) to permit Telus to construct and

operate a structure for communication distribution to be located on the Property approximately as shown on Schedule A attached hereto;

- (v) the CSF is satisfied that it would be in the best interests of the CSF to grant the Statutory Rights-of-Way and that the granting of the Statutory Rights-of-Way will not interfere with the CSF's use of the Property for educational purposes.

NOW THEREFORE BE IT RESOLVED as a Bylaw of the CSF that the CSF enter into the Statutory Rights-of-Way and grant the Statutory Rights-of-Way to BC Hydro and Telus, respectively, in the forms required by BC Hydro and Telus, subject to such amendments as the Acting Secretary Treasurer may, in his or her discretion, consider advisable, and register the Statutory Rights-of-Way against title to the Property in the Land Title Office.

BE IT FURTHER RESOLVED as a Bylaw of the CSF that the Acting Secretary Treasurer be and is hereby authorized, on behalf of the CSF, to execute and deliver the Statutory Rights-of-Way in such forms and with such amendments thereto as the Acting Secretary Treasurer may, in his or her discretion, consider advisable, and the Acting Secretary Treasurer be and is hereby authorized, on behalf of the CSF, to execute and deliver all related and ancillary documents required to complete the granting of the Statutory Rights-of-Way to BC Hydro and Telus, respectively, on such terms and conditions as the Acting Secretary Treasurer may, in his or her discretion, consider advisable as witnessed by the signature of the Acting Secretary Treasurer.

This Bylaw may be cited as "Conseil scolaire francophone de la Colombie-Britannique Smithers Electrical and Communication Distribution Right-of-Way Bylaw 2024".

Read a first time on the 22nd day of June 2024.

Read a second time on the 22nd day of June 2024.

Read a third time on this 27th day of June 2024, and finally passed and adopted this 27th day of June 2024.

Board Chair

Corporate Seal

Acting Secretary Treasurer

I HEREBY CERTIFY this to be a true original of Conseil scolaire francophone de la Colombie-Britannique Smithers Electrical and Communication Distribution Right-of-Way Bylaw 2024, adopted by the CSF the 27th day of June 2024.

Acting Secretary Treasurer