

LIVESTOCK EMERGENCY SHELTERING AGREEMENT

THIS AGREEMENT dated for reference the ___ day of _____, 2018.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

(Herein after called the "Regional District")

OF THE FIRST PART

AND:

CULVERDEN HOLDINGS LTD.

c/o Rob Bau, 1515 Island Highway East
Nanoose Bay, BC V9P 9A3

OF THE SECOND PART

WHEREAS:

A. Culverden Holdings Ltd. owns the lands legally described as:

District Lot 56
Nanoose District
Except parts in Plans 466R, 950R, 351 RW, 6761, 18519, 22727, 25734, and 39893

B. The Regional District wishes to be granted this license to use the lands in the event of an Emergency as defined in the *Emergency Program Act*, RSBC 1996, Chapter 111 that requires livestock evacuation and emergency sheltering and Culverden Holdings Ltd. has agreed;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the fee paid by the Regional District to Culverden Holdings Ltd. and in consideration of the premises and covenants and agreements contained in this Agreement, the Regional District and Culverden Holdings Ltd. covenant and agree with each other as follows:

1. RIGHT TO OCCUPY

Culverden Holdings Ltd., subject to the performance and observance by the Regional District of the terms, conditions, covenants and agreements contained in this Agreement grants to the Regional District a right by way of license for the Regional District, its agents, employees and invitees to use the lands in the event of an Emergency for the purpose of establishing and operating an Emergency Livestock Evacuation Center during an emergency or disaster, including necessary ancillary uses such as parking and for no other purpose.

2. RESERVATION OF RIGHTS

Culverden Holdings Ltd. reserves to itself the right for Culverden Holdings Ltd., its agents, employees, contractors and invitees to have full and complete access to the lands to carry out any operations associated with Culverden Holdings Ltd.'s use of the lands at all times, except in the case of an emergency or disaster requiring livestock evacuation.

3. LICENSE FEE

In consideration of the right to use, the Regional District shall pay to Culverden Holdings Ltd. a license fee of \$1.00 per year payable in advance. Such license fee shall be payable on the 1st day of the term.

4. TERM

The term of the license granted under this Agreement shall be five (5) years commencing on the 1st day of January, 2019 and ending on the 31st day of December, 2023.

5. CONSTRUCTION

The Regional District shall not construct or place any buildings or structures or make any improvements on the lands.

6. INSURANCE

The Regional District will take out and maintain during the term of the license, a policy of general public liability insurance against claims for bodily injury, death or property damage arising out of the use of the lands by the Regional District in the amount of not less than two million dollars per single occurrence with such greater amount as Culverden Holdings Ltd. may from time to time designate, naming both Culverden Holdings Ltd. and the Regional District as an additional insured thereto and shall provide Culverden Holdings Ltd. with a certified copy of such policy or policies.

7. INDEMNIFICATION

The Regional District releases and will indemnify and save harmless Culverden Holdings Ltd., its officers, employees and agents from and against all lawsuits, damages, costs, expenses, fees or liabilities which the Regional District or anyone else may incur, suffer or allege by reason of the use of the Lands by the

Regional District, its agents, employees or invitees, or the carrying on upon the lands of any activity in relation the Regional District's use of the lands.

8. NOTICES

It is hereby mutually agreed that notice required to be given under this Agreement shall be deemed to be sufficiently given if mailed from any government post office in the Province of British Columbia by prepaid registered mail addressed as follows:

- (a) If to Culverden Holdings Ltd.:
1515 Island Highway East
Nanoose Bay, BC V9P 9A3

- (b) If to the Regional District of Nanaimo:
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

