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DECLASSIFIED	
FOIPOP Review	Original Signed
Approved to Release	Original Signed
Date	September 11, 2020

Item No. 13.5
Halifax Regional Council
August 18, 2020
In Camera (In Private)

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed
Caroline Blair-Smith, Acting Chief Administrative Officer

DATE: June 26, 2020

SUBJECT: Property Matter - Parkland Acquisition - Porters Lake

PRIVATE & CONFIDENTIAL

ORIGIN

February 25, 2020 Halifax Regional Council In-Camera motion (Item 17.5):
MOVED by Councillor Hendsbee seconded by Councillor Walker
That Halifax Regional Council approve the recommendation as outlined in the private and confidential Councillor Request for Consideration form. **MOTION PUT AND PASSED.**

LEGISLATIVE AUTHORITY

- Halifax Regional Municipality Charter:*
- 61 (5)(a) The Municipality may acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public.
 - 19 (2)(a) The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to acquisition, sale, lease and security of municipal property.

RECOMMENDATION

It is recommended that Halifax Regional Council:

Direct the Chief Administrative Officer to take no further action regarding acquisition of the subject area identified in this report at the end of Keiser Drive in Porters Lake.

It is further recommended that this report not be released to the public

BACKGROUND

Regional Council requested a staff report examining the possible acquisition of a portion of property (subject area) located at the end of Keizer Drive in Porters Lake (Attachment A and B). The purpose of the acquisition would be to ensure that a boat launch area remains available to the public. The confidential Council Request Form identified:

“The former boat launch boarding dock was destroyed a few years ago. Now boaters and other lake users would like to have the boarding dock reinstated. But upon further research, it came to light that the boat launch is on private land, not public, even though it has been used for many decades.”

Property and Surroundings

The subject area is comprised of asphalt and graveled/grassed shoulders that extend from the end of the Keizer Drive cul-de-sac directly into Porters Lake (Table 1). Keizer Drive is a provincial road, developed more than forty years ago when the surrounding lands were developed into single unit residential lots. There are private driveways serving two residences within 40 metres from where the existing asphalt now meets the lake’s high-water mark. “No Parking” signs have been placed around the cul-de-sac. The Council Request Form states that the subject area had been used as public land for many years, but that it had recently been found to be part of an abutting residential property (PID #00602631). Provincial property mapping identified the subject area in this manner.

Table 1: Subject Area Information

Identification	Identified in Request Form as a portion of PID 00602631
Use	Developed land - asphalted extension of Keizer Drive into Porters Lake
Area	Estimated to be under 100 square meters (~1,000 square feet)
Frontage & Widths (approximates)	approx. 10-15m of frontage identified at end of cul-de-sac, approx. 6-8m of distance into lake waters

Acquisition Potential



DISCUSSION

A review of plans and deeds for the properties on each side of Keizer Drive showed that the provincial property mapping had incorrectly identified the subject area with the residential property to the south. Upon being notified of this by staff, the Land Registration Office updated its mapping and now identifies the Keizer Drive road parcel as abutting Porters Lake. While a title search would be required to further confirm property ownership, all indications are that the subject area is owned by the province and therefore public access to the lake may occur without the need to cross over private land.

Confirmation of Property Ownership

The registered deed for PID #00602631, the property to the south of the Keizer Drive cul-de-sac that was cited as including the subject area, references a 1960 subdivision plan (Attachment C) and includes the following description:

“Beginning at a red stake and stones set on the high water mark of Porter’s Lake **where the traffic circle of the Mrs. Noble Keizer road intersects said lake on the south side** on the above mentioned plan. Thence to proceed along the traffic circle a distance of 97.28 feet being

a circumference distance to a post and stones painted red on the southern boundary of the Keizer Road.” [emphasis added]

The residential property located to the north on Keizer Drive (PID #00602771) identifies the same 1960 subdivision plan. The registered deed for that parcel provides the following description:

“Beginning at a red stake and stones set on the high-water mark of Porters Lake **where the traffic circle of the Mrs. Noble Keizer road intersects said lake** as shown on the above mentioned plan **on the north side**. Thence to proceed along the traffic circle a distance of 97.28 feet being a circumference distance to a post painted red and pile of stones on the northern boundary of the Keizer Road.” [emphasis added]

The legal descriptions in the two deeds noted above indicate that these residential properties, located at the end of Keizer Drive, do not abut each other and do not include the subject area. Rather, the identified “traffic circle of the Ms. Noble Keizer road” described in the deeds is located between the parcels and intersects directly with the lake. The 1963 subdivision plan associated with the conveyance of the Keizer Drive road parcel to the Department of Highways further confirms this situation, identifying the relationship of the residential properties, the cul-de-sac, and the lake (Attachment D). On this basis, there is no need for a municipal acquisition, as the subject area appears to be publicly owned and under the administration of the province.

Public Use and Access

The subject area is small and could not accommodate additional infrastructure to support extensive public access to the lake. There is not enough area to allow for vehicle and trailer parking and given the existence of “No Parking” signs around the cul-de-sac, any users of this launch site would be required to find parking elsewhere within the local residential subdivision. Given the limitations of the location, the subject area should remain in the current state and ownership, which provides space to launch boats into Porters Lake by local area residents.

FINANCIAL IMPLICATIONS

There are no financial implications with the recommendation of this report.

RISK CONSIDERATION

There are no risks associated with the recommendation of this report.

COMMUNITY ENGAGEMENT

No form of community engagement was undertaken in preparing this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with the recommendation of this report.

ALTERNATIVES

Regional Council could direct staff to investigate the acquisition of the subject area from the province and report back to Regional Council.

ATTACHMENTS

Attachment A Location Map
Attachment B Photos
Attachment C Copy of 1960 Subdivision Plan
Attachment D Copy of 1963 Subdivision Plan

If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

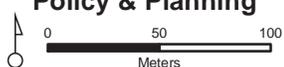
Report Prepared by: Douglas Reid, Real Property Planning Coordinator,
Policy & Planning, Parks and Recreation, 902.237.7856



PROPERTY ACQUISITION - PORTERS LAKE LOCATION MAP

-  Subject Area
-  Parcels
-  Building Polygon

HALIFAX
Parks & Recreation
Policy & Planning



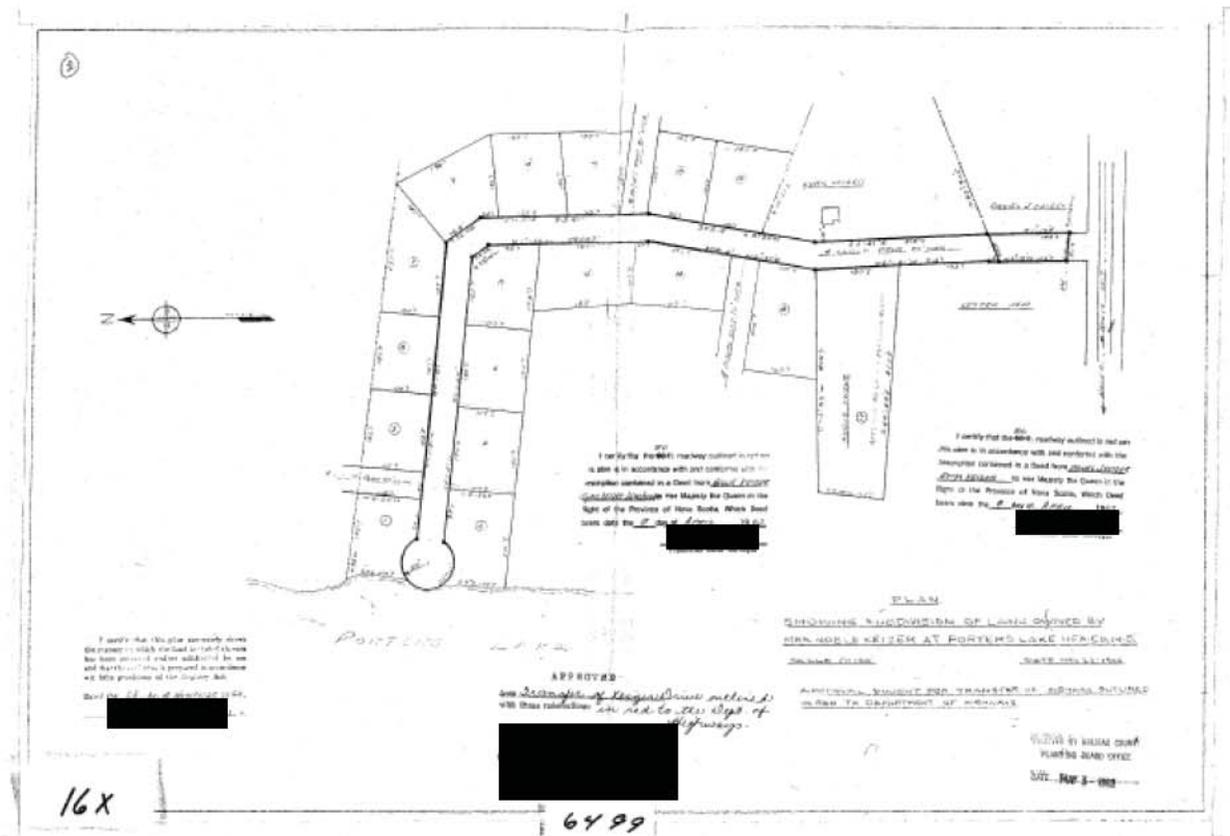
ATTACHMENT B

Site Photos (2020)

-Photos of Keizer Drive cul-de-sac / boat launch area-



ATTACHMENT D
Copy of 1963 Subdivision Plan



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I certify that this plan correctly shows the property which is divided or subdivided hereon and that the same is in accordance with the laws of the State of New York and the provisions of the Chapter Law of 1963.

I certify that the proposed roadway subject to this plan is in accordance with the provisions of the Chapter Law of 1963 and that the same is in accordance with the laws of the State of New York and the provisions of the Chapter Law of 1963.

I certify that the proposed roadway subject to this plan is in accordance with the provisions of the Chapter Law of 1963 and that the same is in accordance with the laws of the State of New York and the provisions of the Chapter Law of 1963.

APPROVED
[Signature]
with these conditions: *in red to the Dept. of Highways.*

PLAN
SHOWING SUBDIVISION OF LAND OWNED BY
MRS. NOBLE KEITZ AT PORTERS LAKE HIGHLANDS
Saratoga County, New York

APPROVAL SUBJECT FOR TRANSMIT TO BUREAU OF HIGHWAYS
PLAN TO DEPARTMENT OF HIGHWAYS

FILED BY BUREAU CHIEF
PLANNING BOARD OFFICE
DATE: MAY 8 - 1963