

MOVED by Alderman Carmichael, seconded by Alderman Adams that, as recommended by the Works Committee:

1. Council award Tender No. 95-74 for the upgrading of St. Mary's Boat Club Parking Lot for the materials and services listed at the unit prices quoted for a Total Bid Price of \$117,850.00 and a Total Project Cost of \$136,000.00 to Standard Paving Maritime Limited.
2. Council authorize expenditures from Capital Account No. 97058, Recreation, in the amount of \$136,000.00.

Motion passed.

PUBLIC HEARING

Public Hearing Re: Case No. 7140: Closure of Unused Portion of Barrington Street and Land Conveyance

A public hearing into the above matter was held at this time.

Mr. Angus E. Schaffenburg, Planner II, addressed Council and noted that the purpose of this hearing was to consider the following:

- ◆ the closure and removal of street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park;
- ◆ the laying down of street lines in the same area;
- ◆ and the grant of land of approximately two acres immediately west of Seaview Memorial Park to the Africville Genealogy Society for the nominal consideration of one dollar for the purpose of rebuilding of Seaview United Baptist Church.

**CITY COUNCIL
SPECIAL MEETING
22 NOVEMBER 1995**

Mr. Schaffenburg advised that background information and discussion concerning the above recommendations is contained in the staff report of 4 October 1995.

Mr. Irvine Carvery, Africville Genealogy Society, addressed Council in support of the recommendations in the staff report of 4 October 1995.

There were no further persons wishing to address Council.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that this matter be forwarded to Council without recommendation.

Motion passed.

**Public Hearing Re: Case No. 7226: Addition to
Non-Conforming Duplex at 6496-98 Jubilee Road**

A public hearing into the above matter was held at this time.

Mr. Stephen E. Feist, Planner II, addressed Council and outlined the application by Doug Matthews, on behalf of the owners of the property, Dr. Tanya Li and Dr. Victor Li of 6469 Jubilee Road. In his remarks, Mr. Feist advised that staff were recommending approval of the development agreement pursuant to Section 16AF of the Land Use Bylaw (Peninsula Section) to permit the addition and deck to the rear of the duplex at 6469-98 Jubilee Road.

There were no persons in the public gallery wishing to address Council.

Alderman Carmichael briefly addressed the item and advised that no opposition had been received in respect of the application.

MOVED by Alderman Carmichael, seconded by Alderman Walker that:



5.1

PUBLIC HEARING ATTENDANCE

DATE OF PUBLIC HEARING: Nov. 22/95

CASE NO. (WHERE APPLICABLE): 7140

MEMBERS OF C/COUNCIL PRESENT:

1. Alderman Uteck
2. Alderman Carmichael
3. Alderman Downey
4. Alderman Epstein
5. Alderman Blumenthal
6. _____
7. Alderman Adams
8. Alderman Hanson
9. Alderman Maru
10. Alderman Walker
11. Deputy Mayor Crowley
12. Alderman Stone

MEMBERS OF C/COUNCIL ABSENT:

1. Mayor Fitzgerald
2. _____
3. _____
4. _____
5. _____
6. Alderman Pothie
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____

PUBLIC HEARING

October 31, 1995 Case 7140

STREET CLOSURE, REMOVAL OF STREET LINES, LAYING DOWN OF NEW STREET LINES AND GRANT OF LAND ADJACENT AND WEST OF SEAVIEW MEMORIAL PARK

Take notice that the City of Halifax will, at a meeting to be held on Wednesday 22, November 1995, at 5:00 p.m. in the Council Chamber, Halifax City Hall, Halifax, N.S. consider:

- 1) the closure of an unused portion of Barrington Street adjacent to Seaview Memorial Park and the lifting of the street lines;
- 2) the laying down of street lines for the port road which runs between the Fairview Cove Container Terminal and the CN Intermodal Terminal in the same area; and
- 3) the grant of land of approximately two acres to the Africville Genealogy Society for the purposes of building a church. The property is currently assessed at about \$200,00 per acre. A comparison of recent appraisals of similar land suggests a more realistic value of \$130,000 per acre. However, both of these values assume that the land could be used for harbour related industrial purposes. Based on the present zoning, which permits institutional uses, the value of the donation of two acres of land is approximately \$60,000.

A Public Hearing respecting the proposed street closure, lifting of street lines, laying down of new street lines, and grant of land will be held by Halifax City Council on Wednesday, 22 November 1995, at 5:00 p.m. in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax. Presentations may be made at this time. Written submissions may be forwarded to the City Clerk, P.O. Box 1749, Halifax, Nova Scotia, B3J 3A5 prior to the date of this Hearing.

Further information - Copies of the report of 4 October 1995 including maps are available from the Information Centre, 2nd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, B3J 3A5. The report is also available at the office of the Director of Engineering & Works, 3rd Floor, Duke Tower, Scotia Square from 9:00 a.m. to 4:30 p.m. Monday to Friday except public holidays. Limited copies of the report will be available at the Main Library, Reference Desk, 3rd Floor, 5381 Spring Garden Road (421-6984) and the North End Branch Library at 2285 Goffin Street (421-6987).

PUBLIC HEARING

October 31, 1995 Case 7140

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- 1) the closure of an unused portion of Barrington Street adjacent to Seaview Memorial Park and the lifting of the street lines;
- 2) the laying down of street lines for the port road which runs between the Fairview Cove Container Terminal and the CN Intermodal Terminal in the same area; and
- 3) the grant of land of approximately two acres to the Africville Genealogy Society for the purposes of building a church. The property is currently assessed at about \$200,000 per acre. A comparison of recent appraisals of similar land suggests a more realistic value of \$130,000 per acre. However, both of these values assume that the land could be used for harbour related industrial purposes. Based on the present zoning, which permits institutional uses, the value of the donation of two acres of land is approximately \$60,000.

A Public Hearing respecting the proposed street closure, lifting of street lines, laying down of new street lines, and grant of land will be held by Halifax City Council on Wednesday, 22 November 1995, at 5:00 p.m. in the Council Chamber, 3rd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, B3J 3A5 prior to the date of this Hearing. Further information - Copies of the report of 4 October 1995 including maps are available from the Information Centre, 2nd Floor, City Hall, 1841 Argyle Street, Halifax, Nova Scotia, B3J 3A5. The report is also available at the office of the Director of Engineering & Works, 3rd Floor, Duke Tower, Scotia Square from 9:00 a.m. to 4:30 p.m. Monday to Friday except public holidays. Limited copies of the report will be available at the Main Library, Reference Desk, 3rd Floor, 5381 Spring Garden Road (421-6984) and the North End Branch Library at 2285 Goffin Street (421-6987).

TO: Halifax City Council
FROM: Director of Development and Planning
DATE: 4 October 1995
SUBJECT: Case 7140: Closure of Unused Portion of Barrington Street and Land Conveyance

3.1

ORIGIN:

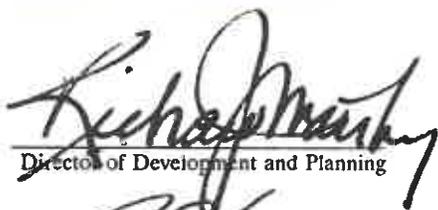
1. Report and recommendations of 1 December 1994 from Africville Council Committee;
2. Council of 15 December 1994 which approved the recommendations of the Africville Council Committee;
3. Staff report of 27 March 1995 on the rezoning of lands for the church and Seaview Memorial Park;
4. Approval of rezoning by Council on 11 May 1995; and
5. Approval of setting up Africville Memorial Education Endowment Trust at Council of 14 September 1995.

RECOMMENDATION:

In order to implement Council's previous decision of 15 December 1994 to donate certain land for the rebuilding of the Seaview United Baptist Church It is necessary that Council:

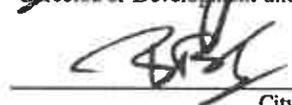
1. Close and remove the street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park as generally shown on Map 1;
2. Lay down street lines for the port road of 53 feet wide in the area west of Seaview Memorial Park as generally shown on Map 2; and
3. Confirm the approval of 15 December 1994 to transfer title to the approximately two acres of land immediately west of Seaview Memorial Park as shown on Map 3 to the Africville Genealogy Society for the nominal consideration of one dollar for the purposes of rebuilding of Seaview United Baptist Church. The transfer cannot take place until approval of the closure of Barrington Street by the Minister of Municipal Affairs, release by the Province from the provisions of the lease, and approval of a final plan of subdivision.¹
4. Set a date for a Public Hearing on the above street closure, removal of street lines, laying down of street lines, and grant of land.

RECOMMENDED BY:



Richard Murphy
Director of Development and Planning

CITY MANAGER'S CONCURRENCE:



City Manager

CIRCULATION AND CONCURRENCE:

Corporate and Legal Affairs
Engineering & Works
Finance

¹ Note: A final plan of subdivision cannot be approved until domestic water or sewer services are available to the site.

BACKGROUND:

The Information Report of 1 May 1995 stated that staff had begun the necessary survey work so that the title to the parcel of land indicated in the Council motion of 15 December 1994 may be transferred to the Africville Genealogy Society.

DISCUSSION:

Road Closure and Lifting of Street Lines: A formal closing of the unused portion of Barrington Street (previously known as the "Campbell Road") and the removal of the street lines, confirmed by City Council on 28 April 1911, is required. (See Map 1 for area to be closed and general location). Section 350(1) of the City Charter states:

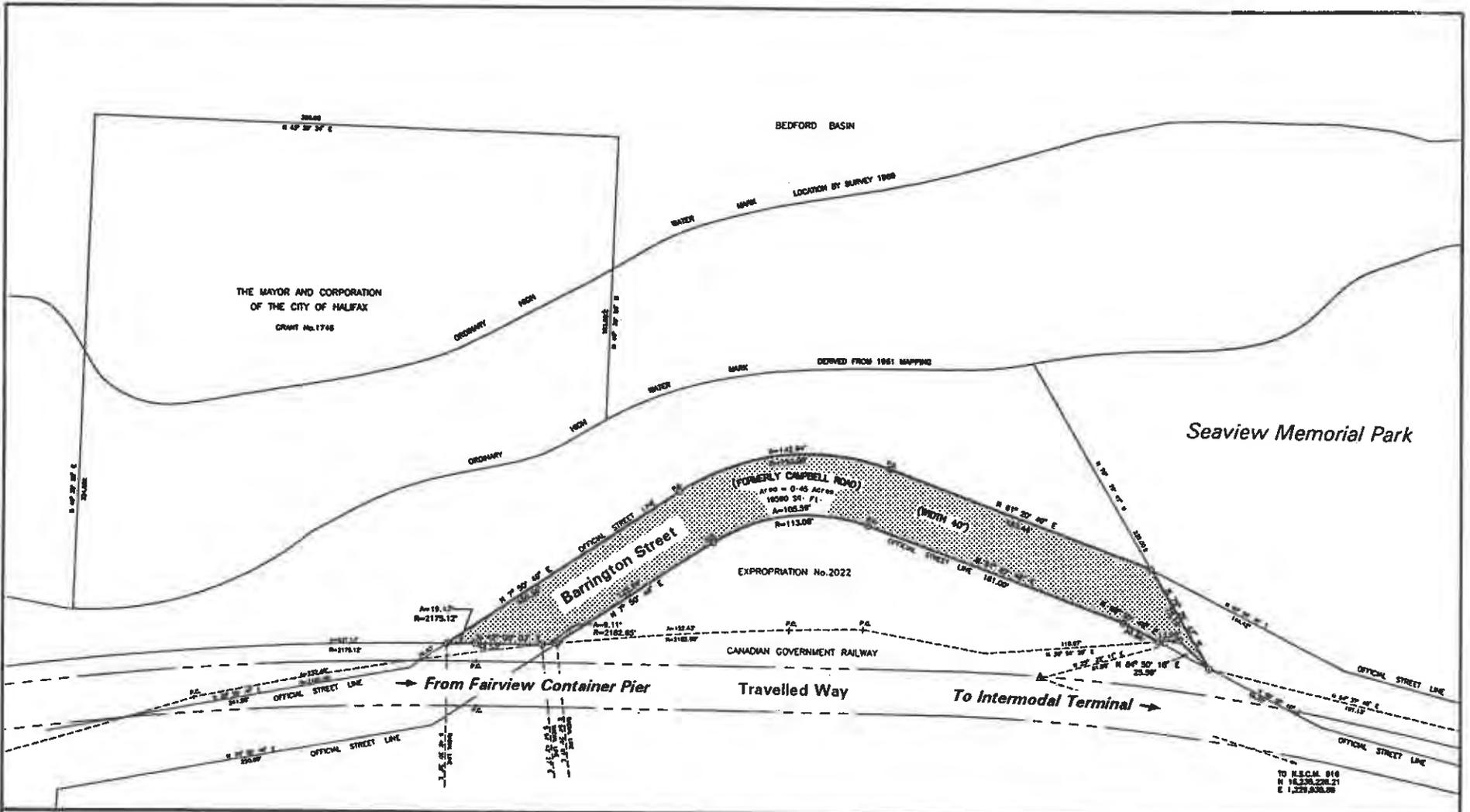
"the legal title to the land comprising the street or portion of a street so closed, shall vest in the city and all rights of public user in the land for use as a public street or otherwise shall be extinguished, and the city may sell and convey such land for such sum or sums as it may determine and give a good and sufficient deed therefor."

The area to be closed, which runs across the property to be transferred, comprises approximately 19,600 square feet. It has no useful function to the city as it has been replaced by the new port access road from the Fairview Cove Container Terminal to the CN Intermodal Terminal.

It is recommended that only that unused portion of Barrington Street generally within the lands to be conveyed to the Africville Genealogy Society be closed and the street lines removed. The preparation of a survey plan has been delayed due to obstruction on 18 August 1995 of a survey team from the City of Halifax attempting to set boundary markers as required under the Land Surveyor's Act. A certified survey plan must be sent to the Minister of Municipal Affairs for approval of the closure.

Laying Down of Street Lines: The city has reserved a road boundary of 53 feet for the port road. With the present travelled way being 29.53 feet wide, this would provide approximately 11 feet for sidewalks, for example, adjacent to the site. Council should officially lay down the street lines for the port road in this area as shown generally on Map 2.

The lands for the port road in this area are owned by Canadian Government Railways and leased to the city for "roadway purposes only". Under the Canadian National Railways Act government-owned railway properties were entrusted to the Canadian National Railway for management purposes. CN Real Estate, by letter of 14 June 1995, stated that they will transfer the lands either when title is received from Canadian Government Railways or the year 2002, whichever comes first.



Seaview United Baptist Church
Portion of Barrington Street to be Closed

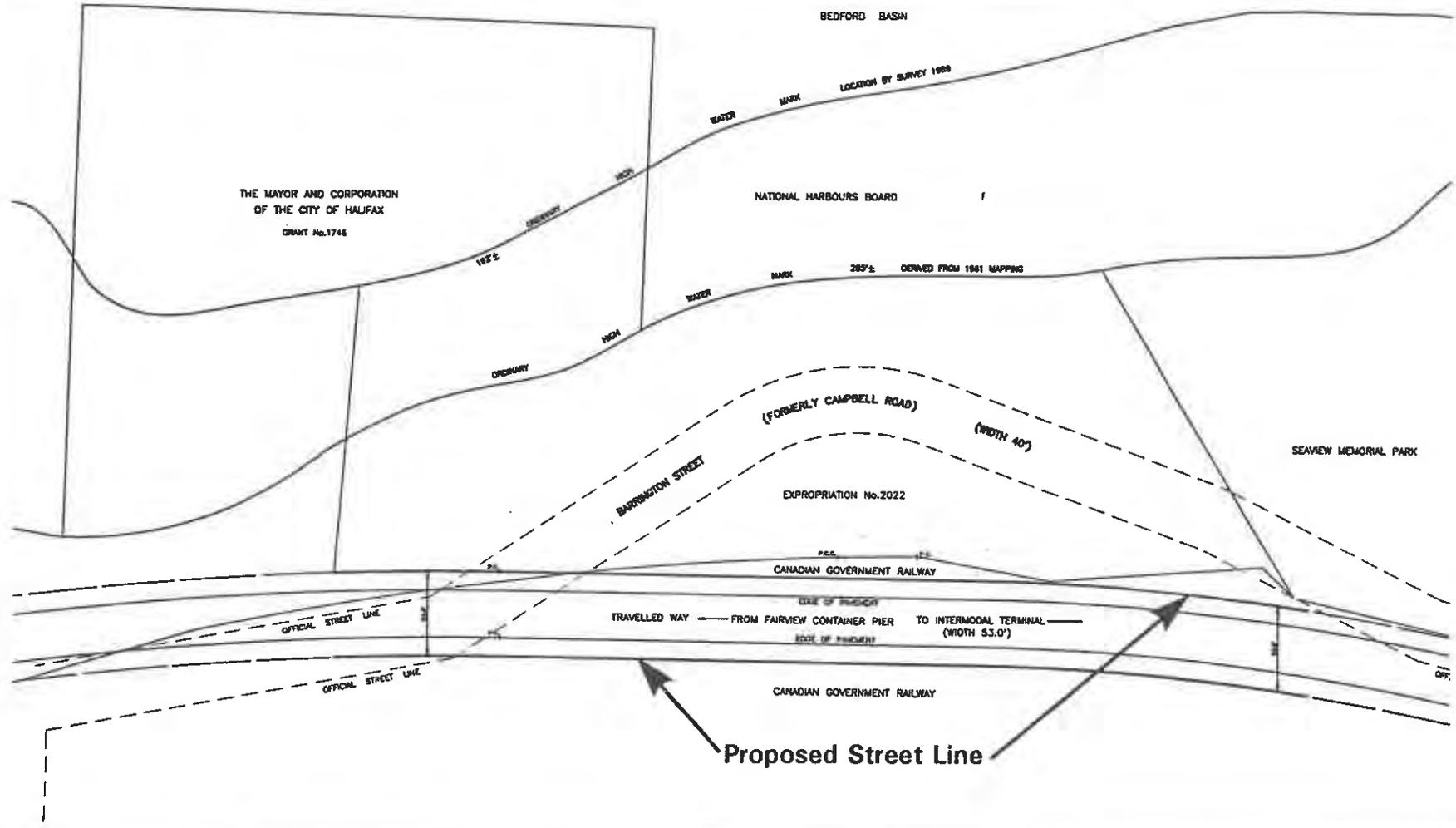
 Unused portion of Barrington Street to be closed

Map 1
 Case 7140
 21 September, 1995



N.T.S.

KLW



Seaview United Baptist Church
Proposed Street Line

Map 2
 Case 7140
 2 October, 1995



N.T.S.

KLW

Lands to be Donated to the Society: Upon formal closure of the road, the release of the lease with the Province of Nova Scotia, and a final plan of subdivision, the City of Halifax would be in a position to transfer title to the approximately two acre area shown on Map 3 to the Africville Genealogy Society subject to the Public Hearing process. These lands originally contained the Africville Church (partly located on lands owned by Canadian Government Railway), and three or four dwellings.

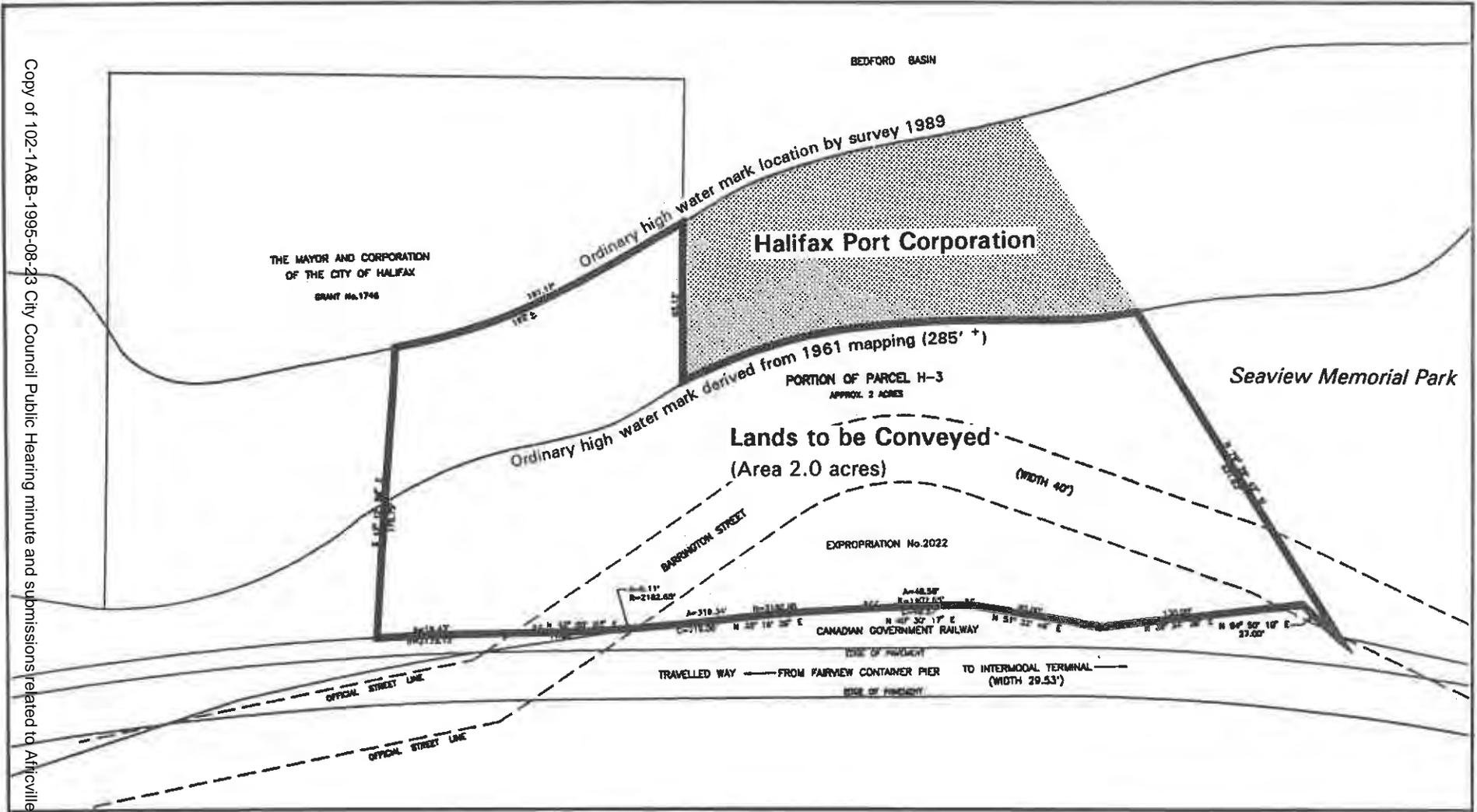
A letter was sent to the Honourable Robert S. Harrison in June 1995 respecting a release from the provisions of the lease for the portion of Parcel H-3 to be transferred. Although staff has met with officials at the Province, in response to this request on 6 September 1995, no response has yet been received.

The lands to be transferred contain about two acres out of the approximately 2.6 acre parcel originally shown on the "Topographic Plan of Survey of Lands of the City of Halifax Adjacent to Seaview Park" 1994, tabled by Mr. Carvery in his presentation to Council of 7 September 1994. This topographic plan was also appended to the 1 December 1994 report from the Africville Council Committee. Two areas shown on this map are not owned by the City of Halifax.

One area (see Map 3), presently owned by the Halifax Port Corporation is approximately 26,000 square feet in area (0.6 of an acre), comprised of lands filled sometime after 1961. A letter of 29 June 1995 has been received saying that the Corporation will consider the proposal to donate the land. Staff is following up on this matter.

The other area is owned by Canadian Government Railway, which has been discussed earlier. When the lands comes into the ownership of the city, that portion outside of the street line, adjacent to the parcel to be transferred could be consolidated with the parcel to be transferred to the Africville Genealogical Society.

The entire parcel of land proposed to be donated is zoned P (Park and Institutional) which would permit a church (see Appendix II for extract from land use bylaw). The parcel exceeds the minimum frontage requirements with approximately 162 feet along the port roadway, and exceeds the minimum lot size requirements of 8,100 square feet with a lot area of approximately two acres. The siting of the church would have to comply with angle control regulations in the land use bylaw and the provisions that the property be on city sewer or city water (see Appendix II). The final subdivision plan cannot be approved by the Development Officer until the site is serviced by domestic water or sewer. The Canada/Nova Scotia Infrastructure Works application by the Africville Genealogy Society includes provision for the extension of domestic water services. The domestic water line extension would have to be paid for by the Africville Genealogical Society or others. The Halifax Water Commission has in its capital budget funds, however, to pay the additional cost of "oversizing" the domestic water service as part of a general service upgrade for this area.



Seaview United Baptist Church

Lands to be Conveyed to the Africville Genealogy Society

 Lands owned by Halifax Port Corporation within area originally suggested to be donated

Map 3
Case 7140
2 October, 1995



N.T.S.

KLW

On moving forward with the efforts to remove encumbrances to the City of Halifax title, so that the land can be donated, staff is proceeding on the basis that each of the items approved by Council on 15 December 1994 is to be considered separately.

Terms and Conditions: A condition of this transfer would be that in the event the Africville Genealogical Society is unable to make use of the land for the purposes of building a memorial church, the land shall revert to the City of Halifax. In accordance with the 15 December 1994 motion, the transfer would be for one dollar. Under Section 203A of the City Charter Council may not sell or make a grant of land to a charitable organization at less than market value without first holding a Public Hearing. Furthermore, the grant must be "authorized by a resolution that receives the affirmative vote of at least nine members of Council."

Financial Implications: The property is currently assessed at about \$200,000 per acre. Based on a comparison of recent appraisals of similar land, a more realistic value would be about \$130,000 per acre. However, both of these values assume that the land could be used for harbour related industrial purposes. In fact, it has been rezoned for park purposes. Based on the 1 December 1994 report from the Africville Council Committee, which used the Mainland Common acquisitions for comparison, the cost of the donation of two acres of land is approximately \$60,000.

BUDGET IMPLICATIONS:

The following direct expenses are required: cash in lieu of parkland dedication of five percent of land value (\$3,000); newspaper advertisements (\$200-\$300); and deed registration (\$71).

ALTERNATIVES:

1. Proceed to close the road, lift the street lines, lay down new street lines, and transfer title in the land as outlined in this report.
2. Take no action.

ATTACHMENTS:

Appendix I: Extract from City Council Minutes of 15 December 1994.

Appendix II: Extracts from Land Use Bylaw (Peninsula Area)

Appendix III: Report of 1 December 1994 from Africville Council Committee

Appendix IV: Extracts from the City Charter and Administrative Order 7

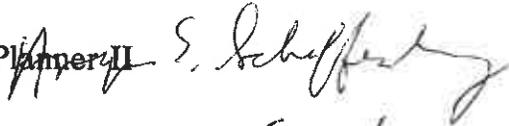
Map 1: Area of Barrington Street (formerly Campbell Road) to be closed.

Map 2: New Street Lines for Port Service Road

Map 3: Lands proposed to be transferred to the Africville Genealogical Society

PREPARED BY:

Angus E. Schaffenburg, Planner II



APPROVED BY:

Simpson McLeod, Manager, Property and Administrative Services



/lh

cc: Mr. Irvine Carvery, Africville Genealogy Society

A TRUE EXTRACT
HALIFAX CITY COUNCIL
15 DECEMBER 1994

Africville

A report from His Worship Mayor Walter Fitzgerald, Chairman, Africville Council Committee, dated December 1, 1994, was submitted.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that:

1. The City provide access to City records re the Africville relocation until March 15, 1995, with the exception of those records containing personal information unless permission for their release has been obtained.
2. The City support the application of the Africville Genealogy Society for Canada/Nova Scotia Infrastructure Works dated September 7, 1994, for the reconstruction of the Seaview United Baptist Church.
3. The City donate 2.5 acres adjoining the Seaview Memorial Park for the purpose of construction of a memorial to the former community of Africville.
4. The City provide financial support in the amount of \$100,000 with the interest to be used to fund an educational fund for the descendants of the former residents of Africville.
5. If, upon a review of the records, no legal basis appears to found a claim against the City by March 15, 1995, then this chapter of the history of the City of Halifax be considered closed.

Following a short discussion, the motion was put and passed.

Appendix II: Extracts from the Land Use Bylaw (Peninsula Area)

General Provisions

WATER/SEWER EXCEPTIONS

16A No development permit shall be issued unless the proposed development is on a city sewer or water system, provided, however, that this section shall not apply to:

- (a) developments within a holding zone;
- (b) the replacement by a similar building, or the repair, of a building which is not on city sewer and water but conforms in every other respect to the land use bylaw and which is destroyed or partly destroyed by a fire or other calamity;
- (c) additions which do not result in a change in use or increase in the number of dwelling units;
- (d) accessory buildings.

R-3 ZONE

MULTIPLE DWELLING ZONE

MINIMUM LOT AREA

47(1) (a) The minimum lot area upon which such building is located shall be 8,100 square feet with a minimum continuous street frontage of at least 90 feet on one street;

P ZONE

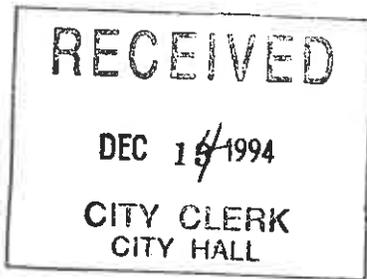
PARK AND INSTITUTIONAL ZONE

67(1) The following uses shall be permitted in any P Zone:

- (a) public park;

- (b) recreation field, sports club, and community facilities;
- (c) a cemetery;
- (d) a hospital, school, college, university, monastery, church, library, museum, court of law, or other institution of a similar type, either public or private;
- (e) uses accessory to any of the above uses.

70 Buildings erected, altered, or used for P uses in a P Zone shall comply with the requirements of the R-3 Zone as detailed in Sections 44 to 48 inclusive.



20.3

City Council
December 15th, 1994
2:00 p.m.

TO: Halifax City Council
FROM: Africville Council Committee
DATE: December 1, 1994
RE: Africville

Dist'd. December 14/94
(Date)
Mayor (B) Ald., C/M, C/S,
Ald. Aide, Press
Clerks

Origin:

Africville Committee meeting of November 30, 1994.

Recommendation:

1. That the City provide access to City records re the Africville relocation until March 15, 1995 with the exception of those records containing personal information unless permission for their release has been obtained.
2. That the City support the application of the Africville Genealogy Society for Canada/Nova Scotia Infrastructure Works dated September 7, 1994 for the reconstruction of the Seaview United Baptist church.
3. That the City donate 2.5 acres adjoining the Seaview Memorial Park for the purpose of construction of a memorial to the former community of Africville.
4. That the City provide financial support in the amount of \$100,000 with the interest to be used to fund an educational fund for the descendants of the former residents of Africville.
5. That if, upon a review of the records, no legal basis appears to found a claim against the City by March 15, 1995, then this chapter of the history of the City of Halifax be considered closed.

Recommended by:

Africville Council Committee

Walter Fitzgerald

Mayor Walter Fitzgerald
Chairman

Background:

Staff presented a report to Council dated October 28, 1994 wherein it was recommended that council agree in principle to

- (1) *Support the rebuilding of the Seaview Baptist church in the former Africville site primarily as a memorial, to the community that was, to the community that will exist in the hearts of the people, to the broad community that needs to say to all citizens that people must be treated with human dignity and respect. This support will be in the form of a land contribution of 2.5 acres at the site subject to appropriate zoning amendments which we will require proper notice and public hearing.*
- (2) *Establish a scholarship fund specifically for the descendants of Africville residents. The scholarship fund is to be used to promote excellence in education. A foundation is to be set up to assist in the provision of the funds that will consist of an initial capital of \$100,000 with interest to be used for the scholarships.*

This recommendation was rejected at the Committee of the Whole meeting of November 9, 1994.

At Halifax City Council on November 17, 1994 Council approved a motion by Alderman Blumenthal, seconded by Alderman Uteck, as amended by motion of Alderman Walker that a committee composed of the Mayor, two members of Council and a member of staff be formed to meet with members or representatives of the Africville and local black community in order to achieve closure of the issues surrounding the expropriation of the community. The motion specifically precluded the committee dealing with any issues of individual compensation.

The Committee composed of Mayor Fitzgerald, Alderman Blumenthal, Alderman Uteck, and Mary Ellen Donovan met with the representatives of the former community of Africville on Wednesday, November 30, 1994.

Discussion:

In attendance at the November 30, 1994 meeting on behalf of the former residents of Africville were Irvine Carvery, George Grant, Raymond Lawrence, Roddie Dixon, James Toussaint and Anthony Ross, Q.C.

1. ACCESS TO CITY RECORDS

The first request presented by the former residents of Africville was access to all City records related to Africville. The committee felt that this was a reasonable request. Although the City is not currently governed by the Freedom of Information Act and is therefore in a position to provide personal information to the former residents of Africville, the policy of the City has always been to be respectful of that information and only to release it where appropriate with the consent of the individual involved or when required by

law.

There is information in the files of the Legal, Development & Planning and the Social Planning departments that is personal to the individuals involved. Therefore it is proposed that access to all records on Africville be granted, except where the record contains personal information in which case the information will only be released with the consent of the individual(s) involved.

The City was advised that the former residents of Africville are in the process of seeking research funding for the purpose of gathering information on Africville from City records and other sources. In order to provide a time frame for this process, the committee proposes that access to City records be provided to March 15, 1995 only. This date was agreed to based on the advice of Ms. Donovan that a review of the City files only constituted approximately a week's research.

2 INFRASTRUCTURE APPLICATION

At the September 7, 1994 meeting of Committee of the Whole Irvine Carvery presented to Council a copy of the Africville Genealogy Society's July 9, 1994 application to the Canada/ Nova Scotia Infrastructure Program for the construction of the Seaview United Baptist Church on 2.5 acres of land adjoining Seaview Memorial Park. The application seeks funding from the provincial and federal governments in the amount of \$274,280 each for a total of \$548,560 plus other funding from an unspecified source, again in the amount of \$274,280 for a grand total of \$822,840. Of this sum \$295,200 represents the estimated cost of construction of the building, with landscaping, ramps parking being allocated a further 65,000, \$305,000 for a water services and an on-site septic field in the amount of \$20,000. A contingency of 20% or \$137,140 has been allowed. The committee made clear to the residents of Africville that the only financial commitment that the City is prepared to make is through the donation of land.

3. DONATION OF 2.5 ACRES

The committee is proposing that the City approve the donation of 2.5 acres on a site immediately adjoining Seaview Park, as outlined in the attached sketch, which is the parcel identified by Irvine Carvery in his presentation to Council on September 7, 1994. This was part of the twofold recommendation in the staff report of October 28, 1994.

Access to this site would be via the present access to Seaview Memorial Park. There are currently no services available to the site requiring the construction of on-site sewer services and the construction of a water line. The costs of providing services has been included in the request for funding from the Canada/ Nova Scotia Infrastructure program, although it should be noted that the funding request identifies that no source of funding for the \$274,000 required to complete the project. The Africville Genealogy Society has not indicated what the source of funding for the additional sum is likely to be.

4. \$100,000 EDUCATION FUND

The second portion of the twofold staff recommendation dated October 28, 1994, involved the creation of a scholarship fund with a capital base of \$100,000, with the annual interest to be available to support a scholarship fund for descendants of the former residents of Africville. The committee supports this recommendation. The \$100,000 would have to be identified in the 1995/96 budget as this money is not available from current operating revenues.

5. FUTURE CLAIMS

The residents of Africville are not prepared until all the information on Africville has been gathered to take a final position. Therefore recommendations 1-4 do not conclude the matter. It is anticipated that the information obtained from a review of City files will support the City position to date that the residents of Africville were more than adequately compensated for any property interest the individual may have had in lands located within the former community of Africville.

In addition, the City is confident that research will also confirm that with respect to the relocation process, the residents of Africville were treated no less well and generally better than the residents of other areas of the City of Halifax who were displaced from their homes in the interest of urban renewal.

From the City's perspective, this proposal is intended as a conclusion to the Africville issue, although an opening is left to the residents of Africville to pursue whatever issues they identify as result of further research up to, but not beyond March 15, 1994.

Budget Implications:

The donation of 2.5 acres of land is a cost to the City of approximately \$75,000 on the basis of \$30,000 per acre for unserviced land in the City of Halifax.

The creation of an education fund with a capital base of \$100,000 will have to be provided for in the 1995/96 budget.

Alternatives:

1. Council can request the committee to reconvene to consider alternatives to the proposal put forward.
2. Council can delete its approval of any one of the four alternatives.

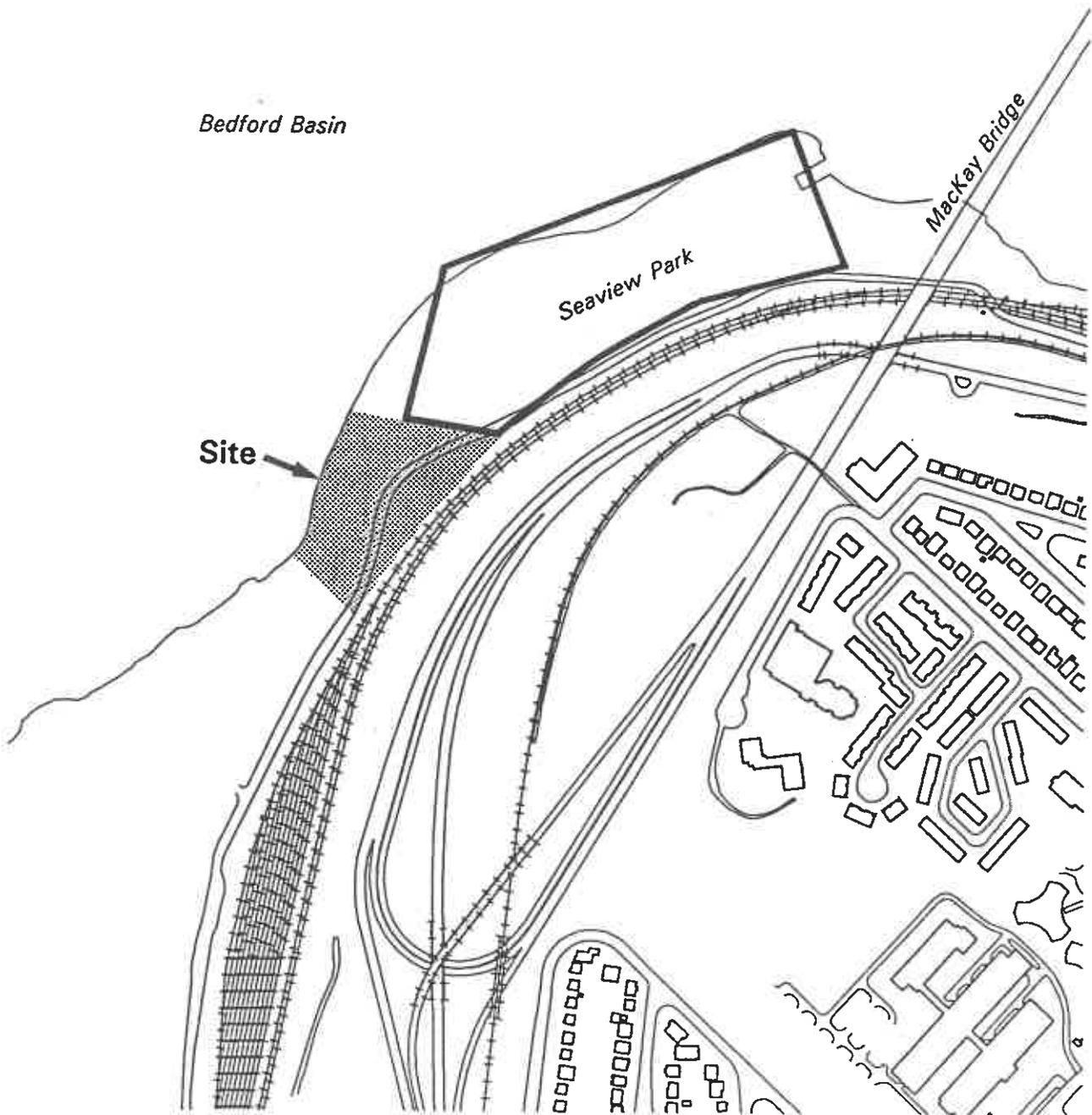
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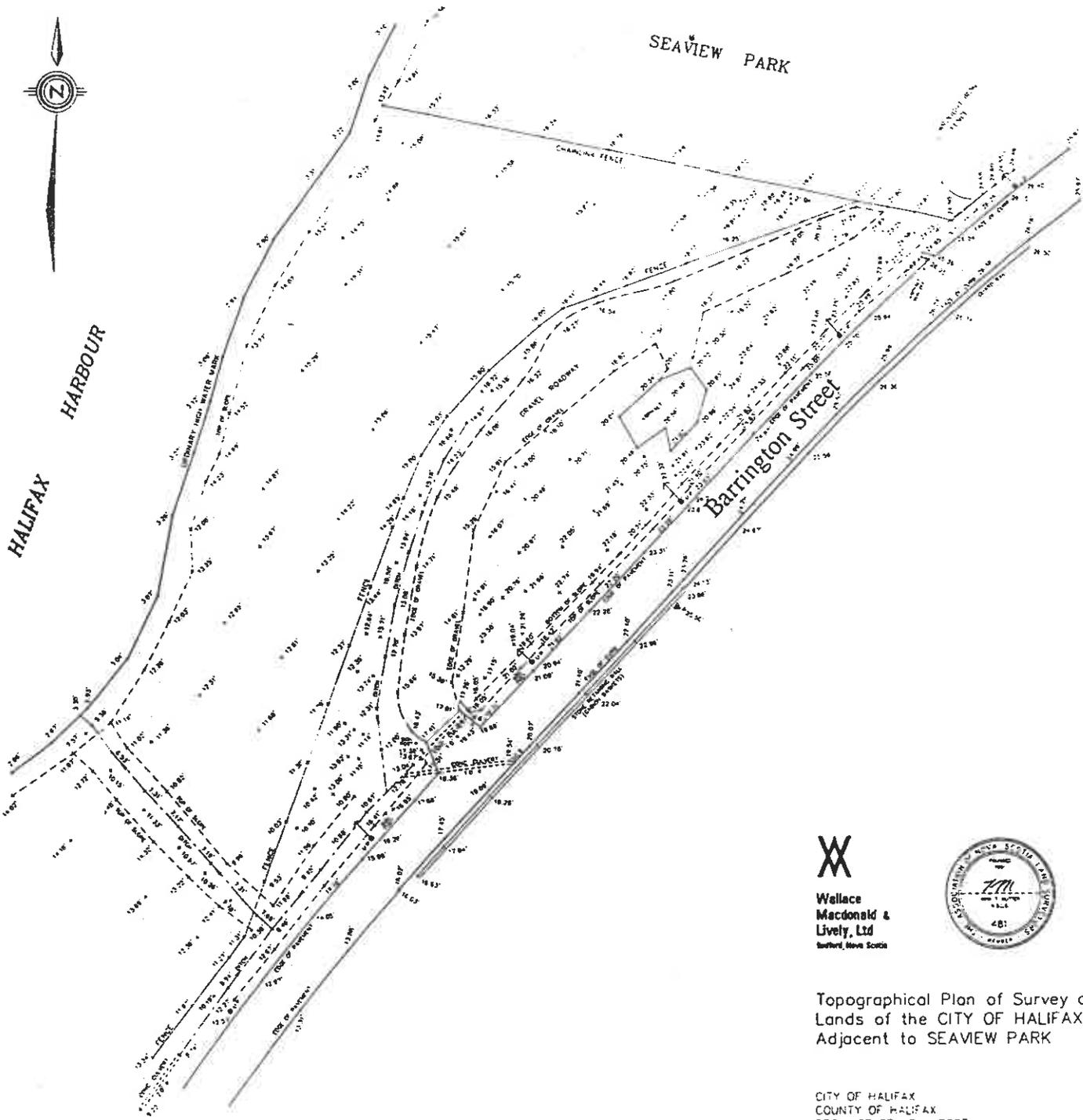
Sketch of Seaview Baptist Church site

Prepared by: M.E. Donovan



Lands Adjacent to Seaview Park





Wallace
Macdonald &
Lively, Ltd
Halifax, Nova Scotia



Topographical Plan of Survey of
Lands of the CITY OF HALIFAX
Adjacent to SEAVIEW PARK

CITY OF HALIFAX
COUNTY OF HALIFAX
PROVINCE OF NOVA SCOTIA

1994



EXTRACT

HALIFAX CITY CHARTER

203A (1) Notwithstanding Section 401, but subject to subsection (2), the Council may, from time to time, on such terms and conditions as to security and otherwise as the Council may consider expedient, make a grant of land or sell land at a price less than the actual value thereof at the time of the sale to

- (a) any library, public museum, art gallery, art school or theatre of performing arts;
- (b) any charitable, nursing, medical, athletic, educational, cultural, religious or social organization within the Province;
- (c) any non-profit organization that erects, enlarges or improves housing accommodation within the City; or
- (d) any organization that, in the opinion of the Council, is carrying on an activity that is beneficial to the City.

(2) The Council may not sell or make a grant of land pursuant to subsection (1) unless

- (a) it has first held a public hearing respecting the sale or grant;
- (b) the public hearing is advertised by a notice appearing in a newspaper circulating in the City at least once a week for two consecutive weeks, the first advertisement to so appear at least fourteen days before the date of the hearing;
- (c) the notice sets out
 - (i) the date, time and place of the hearing;
 - (ii) the value of the land; and
 - (iii) the purpose of the sale or grant; and
- (d) the sale or grant is authorized by a resolution that receives the affirmative vote of at least nine members of the Council. **1993, c.53, s.5.**



EXTRACT

HALIFAX CITY CHARTER

350 (1) The City may by resolution of the Council after public hearing and subject to the approval of the Minister, close to public use any street or portion of street and upon the passage of such resolution, approved by the Minister, the street lines of such street or portion of street shall thereupon be deemed to have been removed; upon the passage of such resolution, approved by the Minister, the legal title to the land comprising the street or portion of a street so closed, shall vest in the City and all rights of public user in the land for use as a public street or otherwise shall be extinguished, and the City may sell and convey such land for such sum or sums as it may determine and give a good and sufficient deed therefor.

ADMINISTRATIVE ORDER NUMBER 7

RESPECTING

THE LAYING DOWN, RELOCATION AND
REMOVAL OF STREET LINES

BE IT ENACTED by the City Council of the City of Halifax, under the authority of Section 358 of the Halifax City Charter, 1963, as follows:

1. This Administrative Order may be cited as Administrative Order Number 7.

2. In this Administrative Order:

(a) "Board means the Town Planning Board of the City;

(b) "City" means the City of Halifax;

(c) "Council" means the City Council of the City.

3. (1) The Council, after receiving a report from the Board, may lay down street lines on the official plan of the City and may remove from the official plan of the City any street lines shown thereon or may relocate the same.

(2) The Board may by resolution fix a date for the consideration by the Council of any such report from the Board respecting the laying down, the removal or relocation of such a street lines and to give public notice on behalf of the Council of the intention of the Council to consider the same, and any such date so fixed and notice so given shall be deemed to have been fixed and given by the Council, provided that the date fixed and the notice given shall be in accordance with the provisions of this Section, and the Council shall consider such report on the date so fixed, provided that such date shall be the date upon which a regular meeting of the Council is held.

(3) Public notice of the intention to lay down, remove, or vary any such street lines and of the date of the meeting of Council at which it is proposed to consider the same, shall be given by advertisement inserted at least once a week for two successive weeks in a newspaper published in the City, the first of such notices to be published at least three clear weeks before the day appointed for the meeting. The notice shall also state that the plan proposed to be altered and the proposed change thereon may be inspected at the office of the Commissioner of Works of the City at any time during office hours up to the date of the day so fixed and that any citizen may attend such meeting and be heard.

(4) If, at the meeting of which notice has been given as hereinbefore provided in subsection (3), the matter is not completed, the same may be adjourned for consideration at a later meeting of the Council and in such case it shall not be necessary to give any further public notice, but the matter may be considered at any such adjourned meeting or adjournments thereof and a decision reached.

Retyped: June 20/77

Last Amendment:

Section 3 Subsections (1) (2) & (3)
also Title Change

First Reading May 26, 1977
Second Reading June 16, 1977

SIGNED by Mayor & City Clerk
June 21, 1977

*Requested May 8
Dec 5/95
Resolutions*



**M E M O R A N D U M
CITY OF HALIFAX
City Clerk's Office**

TO: Richard J. Matthews, Director, Development & Planning
FROM: Edward A. Kerr, City Clerk, CMC/AAE Local: 6536
DATE: 1 December 1995
SUBJECT: Case No. 7140: Closure of Unused Portion of Barrington Street and Land Conveyance

Please be advised that Halifax City Council at a meeting held on 30 November 1995 approved the following resolution:

"That Council:

1. Close and remove the street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park as generally shown on Map 1 of the staff report dated 4 October 1995.
2. Lay down street lines for the port road of 53 feet wide in the area west of Seaview Memorial Park as generally shown on Map 2 of the staff report dated 4 October 1995; and
3. Confirm the approval of 15 December 1994 to transfer title to the approximately two acres of land immediately west of Seaview Memorial Park as shown on Map 3 (of the staff report dated 4 October 1995) to the Africville Genealogy Society for the nominal consideration of one dollar for the purposes of rebuilding of Seaview United Baptist Church. The transfer cannot take place until approval of the closure of Barrington Street by the Minister of Municipal Affairs, release by the Province from the provisions of the lease, and approval of a final plan of subdivision."

Karen F. Swim
Karen F. Swim
Acting City Clerk

/mmh

xc: W. Anstey, City Solicitor
S. McLeod, Manager, Property and Administrative Services
A.E. Schaffenburg, Planner II

DEFERRED ITEMS

30 November 1995

Case No. 7140: Closure of Unused Portion of Barrington Street and Land Conveyance

A public hearing into the above matter was held on 22 November 1995.

In response to a question from Alderman Blumenthal, the Acting City Clerk advised that no correspondence either for or against the closure was received.

MOVED by Alderman Blumenthal, seconded by Alderman Uteck that Council:

1. Close and remove the street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park as generally shown on Map 1 of the staff report dated 4 October 1995.
2. Lay down street lines for the port road of 53 feet wide in the area west of Seaview Memorial Park as generally shown on Map 2 of the staff report dated 4 October 1995; and
3. Confirm the approval of 15 December 1994 to transfer title to the approximately two acres of land immediately west of Seaview Memorial Park as shown on Map 3 (of the staff report dated 4 October 1995) to the Africville Genealogy Society for the nominal consideration of one dollar for the purposes of rebuilding of Seaview United Baptist Church. The transfer cannot take place until approval of the closure of Barrington Street by the Minister of Municipal Affairs, release by the Province from the provisions of the lease, and approval of a final plan of subdivision.

The Acting City Clerk advised that Alderman Pottie, due to his absence at the public hearing, should not participate in the vote.

Motion passed unanimously with the exception of Alderman Pottie abstaining.

To: edwardK
cc:
Re: Public Hearing on case 7140

From angusS Sent 11:46 22 Nov 95

Under the City Charter the grant of land must have the affirmative vote of
at least nine members of Council. Just to draw this to your attention.



PUBLIC HEARING

22 November 1995

Public Hearing Re: Case No. 7140: Closure of Unused Portion of Barrington Street and Land Conveyance

A public hearing into the above matter was held at this time.

Mr. Angus E. Schaffenburg, Planner II, addressed Council and noted that the purpose of this hearing was to consider the following:

- ◆ the closure and removal of street lines from an unused portion of Barrington Street adjacent to and west of Seaview Memorial Park;
- ◆ the laying down of street lines in the same area;
- ◆ and the grant of land of approximately two acres immediately west of Seaview Memorial Park to the Africville Genealogy Society for the nominal consideration of one dollar for the purpose of rebuilding of Seaview United Baptist Church.

Mr. Schaffenburg advised that background information and discussion concerning the above recommendations is contained in the staff report of 4 October 1995.

Mr. Irvine Carvery, Africville Genealogy Society, addressed Council in support of the recommendations in the staff report of 4 October 1995.

There were no further persons wishing to address Council.

MOVED by Alderman Blumenthal, seconded by Alderman Epstein that this matter be forwarded to Council without recommendation.

Motion passed.