

**TO:** Mayor Savage and Members of Halifax Regional Council

Original Signed

**SUBMITTED BY:**

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Cathie O'Toole, Chief Administrative Officer

**DATE:** February 26, 2024

**SUBJECT:** Property Matter – Africville Heritage Trust

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## **ORIGIN**

This report originates with a request from the Africville Heritage Trust Society to acquire a portion of HRM's Parcel H-3 along Africville Road in Halifax peninsula's north end, adjacent to the Africville Church and Museum property.

## **LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, 2008, S.N.S c.39*

### **Section 19 (2)**

The Council or any committee appointed by the Council may meet in closed session to discuss matters relating to (a) acquisition, sale, lease and security of municipal property.

### **Section 61 (5)**

The Municipality may:

(a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public; and (b) sell property at market value when the property is no longer required for the purpose of the Municipality.

### **Section 63**

- (1) The Municipality may sell or lease property at a price less than market value to a non-profit organization that Council considers to be carrying on an activity that is beneficial to the Municipality.
- (2) A resolution to sell or lease property referred to in subsection (1) at less than market value shall be passed by a two-thirds majority of the Council present and voting.
- (3) Where the Council proposes to sell property referred to in subsection (1) valued at more than ten thousand dollars at less than market value, the Council shall first hold a public hearing respecting the sale.

- (4) The Council shall advertise the public hearing at least twice, in a newspaper circulating in the Municipality, the first notice to appear at least fourteen days before the hearing.
- (5) Notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or description of the tangible personal property, the estimated value of the property and the purpose of the sale.

*Administrative Order 50, the Disposal of Surplus Real Property Administrative Orders*

**Section 2. (2) Extraordinary.**

- (e) Properties having a legal distinction which include conditions or extraordinary process with respect to their preservation or disposal including but not limited to:
  - (i) the Halifax Commons;
  - (ii) the Dartmouth Commons;
  - (iii) streets;
  - (iv) any municipal properties, including parks, which are held in trust, or upon condition, or with reserving interests, or like constraints;
  - (v) and parkland acquired through subdivision process.

**RECOMMENDATION**

It is recommended that Regional Council:

1. Declare portions A and B of Parcel H-3, as outlined in Attachment 1 of this report, surplus to municipal requirements and categorize the subject property as Extraordinary pursuant to Administrative Order 50 Respecting The Disposal of Surplus Real Property;
2. Direct the Chief Administrative Officer to set a date for a public hearing to consider the less-than-market-value sale of the subject property, a water lot and land portion of PID 41320326, to the Africville Heritage Trust Society; and
3. Subject to the outcome of the public hearing, authorize the Chief Administrative Officer to execute an Agreement of Purchase and Sale and other associated documents, and authorize and direct staff to take all steps necessary to complete the sale in accordance with the terms and conditions outlined in this report.

**BACKGROUND**

Historically, the properties discussed in this report (i.e., Parcel H-3, Fairview Cove Container Terminal, Africville Church and Museum lands, Africville Park) were created by in-filling the Bedford Basin as the Halifax City landfill.

HRM is shown on Nova Scotia Property Online as the registered owner of Parcel H-3 (PID 41320326), a 14.73-acre property (Attachment 1) situated along Africville Road, Fairview Cove. Parcel H-3 is situated between Halifax Port Authority's PSA-operated Halifax Fairview Cove Container Terminal (FCT) to the south and west, and the Africville Heritage Trust Society (AHT) Church and Museum to the north. Parcel H-3 is zoned HRI (Harbour Related Industrial) under the Regional Centre Land Use By-law.

**Site History**

Nova Scotia boasts the largest indigenous Black community in Canada with 52 historic communities. Located on the northern shore of Halifax peninsula, Africville was one of those African-Nova Scotian communities. The following is a brief history of Africville:

- Founded in 1848, Africville was initially settled by African Canadians seeking employment in Halifax

during the 1830s and 1840s. Africville was a thriving, close-knit community with member-owned businesses, the Seaview African United Baptist Church, a post office, and a community school (where the celebrated Canadian contralto, Portia White, taught in the early 1930s.) Despite this vitality, the community faced significant disparities compared to other parts of Halifax. Basic amenities such as sewage systems, clean water, and proper garbage disposal were lacking, and the City of Halifax consistently denied municipal services to the community.

- By the mid-1850s, industrialization encroached on the community as railways began running through the area. The city designated Africville and immediate surroundings as industrial land, inviting with it—in the mid-1950s—an infectious disease hospital, a prison, and [relocation of] the city dump.
- During the urban renewal movement of the 1960s, the City of Halifax relocated Africville residents to public housing projects and demolished the homes and church. This displacement was done to develop the nearby A. Murray MacKay Bridge, related highway infrastructure, and Port of Halifax facilities at Fairview Cove to the west.
- As early as 1969, the residents of Africville began seeking redress and reunification of their community with the formation of the Africville Action Committee. In 1983, the Africville Genealogy Society formed, seeking compensation from the City of Halifax for the suffering caused by the destruction of Africville.
- Africville was designated a National Historic Site of Canada in 1997. It was dedicated, because prior to its relocation in the 1960's, this community was representative of Black settlement in Nova Scotia.
- In 2010, a settlement was reached with the city, which included, among other elements (see below), ~2.5 acres of land, the construction of a replica of the former Seaview Baptist Church, the [2011] renaming of Seaview Park to Africville, and formal public apology by the City's Mayor. As well, a not-for-profit organization, Africville Heritage Trust Society (AHT), was formed to govern the establishment and operation of the Africville Museum within the Church.
- Between June 9 and 11, 2022, academics, researchers, authors and other global experts—including members of the International Scientific Committee of UNESCO's Routes of Enslaved Peoples Project—gathered in Halifax, Nova Scotia to discuss the causes, consequences and impacts of the transatlantic slave trade. This was the Committee's first meeting in North America. Among various proceedings, the Scientific Committee received a presentation from representatives of the Africville Heritage Trust in support of a proposal to have Africville designated a UNESCO international site of historic memory. AHT anticipates an update about its application status later this year.

### **Africville Heritage Trust**

On February 23, 2010, Halifax Regional Council approved terms and conditions of settlement respecting Africville. The settlement terms reached between the Africville Genealogy Society and HRM, aimed to resolve outstanding litigation, which included provisions to compensate for the loss of the Africville community and the implications of this loss for future generations. The settlement terms included:

- An acknowledgement of loss and formal apology from the City's Mayor;
- Transfer of 2.5 acres of land to allow for construction of a replica of the community church;
- Allocation of \$3.0 million in financial support for capital construction and endowment;
- Renaming the park from Seaview to Africville, and drafting of a maintenance agreement for the park; and
- A commitment to the establishment of an African Nova Scotian Affairs Integration Office (ANSAIO), or function, within HRM that would enable HRM to better engage with the African Nova Scotian-HRM community.

As part of the settlement, the Africville Heritage Trust (AHT) was established, and a replica of the Seaview Baptist Church was constructed on the 2.5 acres of land that was conveyed. The Africville Museum resides

in the replica church which also accommodates a community meeting space within it.

### **AHT's Operational and Planning Profile**

The Africville Heritage Trust Society (AHT) is dedicated to keeping the memory and spirit of the community of Africville alive through interpretation, education and dialogue. AHT's work through the Museum conveys the history of the community, its people and lessons learned from their experiences, to be shared with current and future generations.

The AHT is a not-for-profit charitable organization managed by a volunteer board, which is primarily composed of descendants or former residents of Africville, and the broader community.

The Museum is further regarded as:

- A place where former residents and their descendants can reconnect, learn about their history and rebuild a sense of place and pride;
- A visitor attraction that draws residents and tourists, and strengthens the province as a Black Heritage destination;
- A venue by which to remember the story of Africville and to recognize its contribution to Canadian-African diasporic history.
- An educational beacon for the public school system in Nova Scotia and beyond, serving as a factual hands-on resource.
- An international site for reflection on historical injustice, the legacy of anti-Black racism, and the need for reparations (e.g., In 2021, AHT was invited to host an international seminar "Building a Home for Black History by the United States Embassy and Consulates. The purpose was to share practical insights on the chronic undervaluing of Black History and further expose the systemic barriers faced by persons of African descent.)

**AHT's Core Responsibilities**, which support its mission and vision of the Africville National Historic Site are:

- Africville National Historic Site - To develop, manage and promote the Africville National Historic Site.
- Education/Advocacy - To ensure the memory and spirit of the Africville community, along with its heritage and rich history, remains alive and the impacts of the racism experienced, contribute to a more respectful and inclusive community.
- Partnerships – To build capacity which supports our ability to achieve our goals and contributes to the long-term sustainability of Africville National Historic Site.
- Visitor Experience - To provide an unforgettable visitor experience.
- Governance and Administration - To provide governance, accountability and strategic direction respecting the management of the assets of Africville National Historic Site and upholding the intent to preserve and communicate the story of Africville to the public.
- Community Development – To contribute to employment/development of the African Nova Scotian community.

Among **AHT's Strategic Priorities**, *Land Ownership* (item 2. below), is of primary consideration for this report's purpose:

1. Financial Sustainability - The Africville Heritage Trust has a requirement to financially support its core responsibilities and strategic priorities.
2. *Land Ownership - Finalize the acquisition of property required by the Africville Heritage Trust which is currently owned by HRM and the Halifax Port Authority.*
3. Strategic Partnerships – Develop and nurture partnerships that support complimentary goals and enhance Africville National Historic Sites ability to achieve its vision, mission and goals.
4. World Class Museum and Interpretive Centre - Lead the development of a world class museum that tells the story of Africville and acts as an inspiration to the community and visitors from around the world.

### **Property Request**

Consistent with Africville Heritage Trust's strategic priority related to land ownership (item 2. above), AHT has formally requested (Attachment 2) of HRM to purchase, at less-than market value, the most easterly portions of Parcel H-3, both land and land-beneath-water (A and B in Attachment 1), abutting its Church/Museum along AHT's western boundary.

AHT have also expressed an aspirational interest in the newly created lands—the Pyritic Slate Sequestration Facility—of the Halifax Port Authority (HPA). There are active discussions between HRM and AHT with respect to the future of those lands and how they may support the overall AHT vision. That matter will be the subject of a future report to Regional Council.

### **DISCUSSION**

In addition to Africville Heritage Trust Society's 2.5 acres, AHT has expressed an interest in owning the following portions of HRM's Parcel H-3: a 33,000<sup>1</sup> square-foot land portion and an associated 50,000<sup>1</sup> square-foot water lot, both of which are adjacent to AHT's existing Africville Museum property (A and B, respectively, in Attachment 1.)

### **AHT Planning**

The Trust developed a business plan for the period 2023-2026 (Attachment 3), a primary focus of which is the Africville National Historic Site. One of the previously specified four-pronged Strategic Priorities for AHT is Land Ownership. In addition to the goal of acquiring surrounding properties, AHT's aspiration is to further develop an expanded partnership agreement with HRM regarding land maintenance, but no further details, nor costs, are yet articulated. As proposed in the Background Section, there are active discussions between HRM and AHT with respect to the future of the H-3 and Pyritic Slate Sequestration Facility lands and how they may support AHT's overall vision, including potential land uses, capital and operating implications. That matter will be the subject of a future report to Regional Council.

AHT's interest in the subject property is strategic and long-term, which seeks to accommodate continued growth in programming, extended land ownership in the immediate area, and protection of the Africville historic community site. AHT indicates the requested property would support the short-term expansion of its parking lot to accommodate tourism coaches, extended parking, access to water for marina preparations, special events and gatherings.

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<sup>1</sup> Subject to survey.

Furthermore, AHT's longer-term aspirations include:

- Interpretive Centre – The replica church currently contributes to a unique historical reference and visitor experience as a museum. Former residents and descendants, through the National Historic Site and church, can revisit the original site of their former community. The existing facilities, however, are limited with respect to program expansion, retail, interpretation, and artifact storage space. AHT's Business Plan has, therefore, identified the goal of developing an Interpretive Centre to provide visitors with a broadened experience through improving and expanding activities that tell the Africville story. Owning the subject portion of Parcel H-3 would offer flexibility and needed area to pursue conceptual planning for such a facility in the future.
- Marina - AHT has indicated that it aspires to establish a marina within the newly constructed inlet, situated between the main shoreline (i.e., existing AHT Church/Museum and the subject Parcel H-3 [east]) and HPA's Pyritic Slate Sequestration Facility. AHT obtained a marina project brief prepared by Superyacht East Coast consultancy, which articulates a preliminary concept, requirements (including land assembly), estimates, and additional project planning considerations as well as an early stage (Phase I) single dock project. Although AHT's existing property, which is zoned PCF (Park and Community Facility), permits recreational boating marinas and clubs, Parcel H-3 [east] is zoned Harbour-Related Industrial (HRI), which limits water-related uses in this zone (see Zoning below.)

### Zoning

Under the Regional Centre Land Use By-law (RC-LUB), AHT's property and the Africville Park are zoned PCF (Park and Community Facility), whereas the adjoining subject portion of Parcel H-3 [east], which AHT request to own, is zoned HRI (Harbour-Related Industrial). The HRI zone permits a broad array of uses such as: park, historic site/monument use, storage yard, water access structure, and marine-related uses, among others<sup>2</sup>, but does not permit recreational marinas nor clubs. Therefore, the Purchaser would have to make application to amend the Regional Centre Secondary Municipal Planning Strategy to permit those uses.

### HRM's Use of Parcel H-3

The status of HRM's use of the subject portions (A and B) of Parcel H-3 is vacant. In part, it is naturally landscaped with trees and an undergrowth of bushes, and the southern section is flat and paved with a mix of gravel and old pavement. Although the subject property is part of the larger 14.73-Acre H-3 property (with which it shares the same Parcel Identification Number 41320326), it is however removed from the workings of the majority of Parcel H-3 to the south.

The subject property is physically separated from the larger H-3 section by Halifax Port Authority's lands, specifically the driveway to the new Canada Border Service Agency's (CBSA) access to the newly constructed Marine Container Examination Facility and eastern access to the PSA Fairview Cove Terminal. Beyond the HPA lands to the west is HRM's Public Works maintenance yards. The disposal of the subject [eastern] portion of Parcel H-3, will have no impact on Public Works' current operations.

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<sup>2</sup> Cruise ship terminal, Urban farm, Emergency services, Minor spectator venue, Major spectator venue, Industrial training facility, Light manufacturing, Marine-related, Marine-related use existing on the coming into force date of this By-law, Recycling depot, Research and development facility, Storage yard, Warehousing, Conservation, Park, Water access structure, Accessory structure, Historic site or monument, Parking structure, Temporary construction, Temporary use (RC-Oct 26/22;E-Nov 11/22), Transportation facility, Utility.

**Table 1 – Key Terms and Conditions**

Property Description <sup>1</sup>	A portion of PID 41320326, consisting of a 33,000 sq.ft. <sup>3</sup> land portion of Parcel H-3 and an associated 50,000 sq.ft. <sup>3</sup> water lot (A and B, respectively, in Attachment 1)
Vendor	Halifax Regional Municipality
Purchaser	Africville Heritage Trust Society
Purchase Price	\$1.00
Proposed Uses	Museum venue expansion, parking, related programming, special events and grounds.
Closing Date	The later of: 1) 90 days following the execution of the Agreement of Purchase and Sale; or 2) 90 days following the conclusion of the Purchaser's due diligence; and 3) 15 additional days following subdivision approval or as soon as possible thereafter. The Parties may otherwise agree on another Closing Date. The Director of Corporate Real Estate shall be authorized to change the Closing Date on behalf of the Municipality.
Conditions	<ul style="list-style-type: none"> <li>• Subject to survey, the property will be subdivided to retain HRM ownership, among other potential municipal requirements, which serve to: a) reserve that portion on which Africville Road resides by which to ensure a minimum 16-metre corridor; b) ensure that all existing properties have frontage on a municipal right-of-way or have access to a municipal right-of-way via easement; c) retain sufficient land required for Active Transportation requirements; d) retain sufficient property to accommodate existing and future utility easements, all of which will survive the transaction.</li> <li>• Property will be conveyed on an as-is, where-is basis subject to standard due diligence by the parties including but not limited to inspection, review, zoning, legal review, and title. The Purchaser may undertake inspections and assessments as deemed necessary.</li> <li>• Public Hearing of Halifax Regional Council, and subsequent approval of the transaction by Regional Council.</li> <li>• Future tax exemptions application is the responsibility of the purchaser.</li> <li>• Pursuant to Council's approval of Recommendation 3, the CAO or designate shall have delegated authority to amend the terms and conditions of the Agreement of Purchase and Sale.</li> <li>• Conditional on HRM migrating the title to the Property.</li> <li>• Subject to survey and subdivision approval.</li> </ul>

**Conclusion**

Africville Heritage Trust's intentions are strategically poised to strengthen their mandate in preserving the memory and interpretation of Africville. One primary goal is to aggregate their ownership over adjoining properties for more flexible and predictable land-use planning by AHT. The vacancy of HRM's eastern portion of Parcel H-3 and its immediate proximity to AHT's Africville Church/Museum is an opportunity to assist AHT with their aspirations, and to further extend HRM's good will in the name of reconciliation, underscoring HRM's 2010 apology.

**FINANCIAL IMPLICATIONS**

The financial implications, at this time, would be related to any necessary due diligence work for HRM properties in question. It is estimated that such costs may be in the range of \$15,000 to \$25,000. Funds are available in Corporate Real Estate W400 to undertake this work.

<sup>3</sup> Subject to survey and subdivision approval.

The estimated value of the subject property is \$446,000 (33,000 sq. ft. Land Portion valued at \$363,000 and a 50,000 sq. ft. water lot valued at \$83,000.)

Note - by selling this property for less than market value, the municipality is foregoing having the potential sale revenue available in the Reserve to fund future capital projects.

### **RISK CONSIDERATION**

There are risks associated with the environmental and geotechnical conditions of all the subject lands at Parcel H-3. Any necessary due diligence activities will attempt to mitigate and manage potential risks.

### **COMMUNITY ENGAGEMENT**

The contemplated transaction and disposal of the lands to the AHT is subject to a Public Hearing by Regional Council.

### **ENVIRONMENTAL IMPLICATIONS**

Most of the existing lands in question are known to be infilled and any necessary due diligence and inspection would apply.

### **ALTERNATIVES**

Regional Council could decline to declare the subject property surplus to municipal requirements and consider a long-term land lease or other form of land-use arrangement with the AHT.

### **ATTACHMENTS**

1. Existing Land Use/Ownership
2. Correspondence from AHT
3. AHT Business Plan Excerpts

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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: Rudy Vodicka, Project Manager, Corporate Real Estate

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**Attachment 1**

**Existing Land Use & Ownership – Fairview Cove**



 Nova Scotia Provincial Land

 HRM Land

 HPA Marine Industrial



December 17<sup>th</sup>, 2023

Pease consider this letter as a formal request from the Africville Heritage Trust to acquire ownership of the property known as H3 East from the Halifax Regional Municipality. This property directly abuts land owned by AHT and will be used to expand the visitor parking lot.

To assist the Municipality's evaluation of our request under HRM's Administrative Order 50 (AO50) we advise the following:

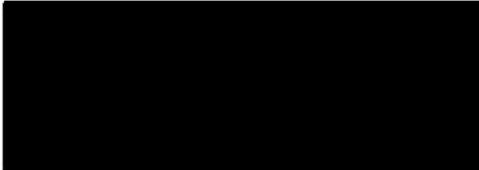
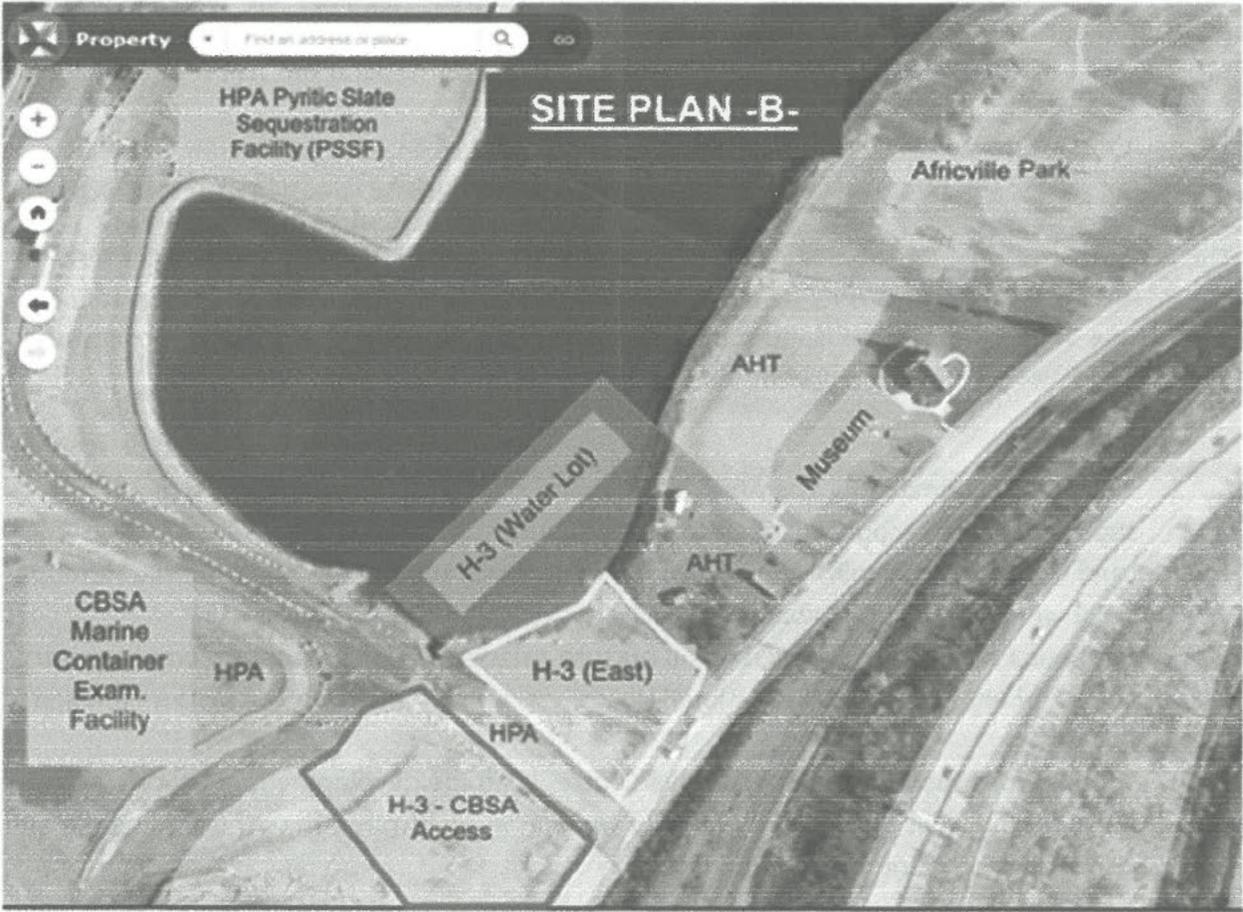
The Africville Heritage Trust is a not-for-profit charitable organization which was established to govern Africville National Historic Site in 2010. The AHT recently approved the Africville National Historic Site Strategic Business Plan to support the growth and development of the site over the next three (3) years. The strategic priorities of Africville National Historic Site include:

1. Financial Sustainability - The Africville Heritage Trust has a requirement to financially support its core responsibilities and strategic priorities.
2. Land Ownership - Finalize the acquisition of property required by the Africville Heritage Trust which is currently owned by HRM and the Halifax Port Authority.
3. Strategic Partnerships – Develop and nurture partnerships that support complimentary goals and enhance Africville National Historic Sites ability to achieve its vision, mission and goals.
4. World Class Museum and Interpretive Centre- Lead the development of a world class museum that tells the story of Africville and acts as an inspiration to the community and visitors from around the world.

As a visitor attraction, Africville National Historic Site draws residents and visitors to a venue that tells the story of Africville and recognizes its contribution to Canadian and specifically, African diasporic history. It also strengthens Nova Scotia's position as a Black Heritage destination, and enhances African Nova-Scotian themed visitor attractions. The site is also a place where former residents and their descendants can (re)connect, learn about their history and rebuild a sense of place and pride.

While the location of Africville National Historic Site is an asset because it encompasses a portion of the original Africville lands, its location also provides challenges with respect to access, isolation and safety. The former lands are located on the shore of the Bedford Basin in a highly industrialized area. Neighbors include, the Halifax Port Authority, CN Rail and Irving Shipbuilding. Access to the Site is very limited as there are no sidewalks on Africville Road and access from Barrington Street is difficult. In addition, Halifax Transit does not provide bus service to this area. Given this, visitor parking is critical to operations of Africville National Historic Site.

In closing, the Africville Heritage Trust values and appreciates the ongoing support provided by HRM. The acquisition of this property supports the continued work of AHT and supports the preservation of the legacy of Africville. If you have any questions, please don't hesitate to contact us at your convenience.



# ATTACHMENT 3

## AHT Business Plan Excerpts

### Governance

A not-for-profit charitable organization was established to govern Africville National Historic Site in 2010. This organization, the Africville Heritage Trust (“the Trust”), has a 13-member Board of Directors consisting of the following:

- Voting members: - a minimum of six seats for former residents or descendants, one seat for the Board of the Africville Genealogy Society, three Directors at Large
- Non-voting members: - one ex-officio seat for Halifax Regional Municipality; two ex-officio seats for provincial or federal government. These ex-officio, non-voting positions are were included to enable the Board to benefit from a range of expertise related to key business areas such as tourism, heritage, and government relations which representatives of specific government agencies can bring to the Board.

Africville Heritage Trust as the governing body has responsibilities that encompass both the legal aspects of managing the assets of Africville National Historic Site according to the requirements for a not-for-profit, charitable organization, as well as upholding the intent of the Site as an institution dedicated to preserving and communicating the story of Africville to the public. The members of the Trust are also responsible for establishing and communicating its Vision, Mission and Mandate; serving as advocates for Africville National Historic site; approving and monitoring the governing and operating policies; preparing and ensuring the implementation of long-range plans; assuring the financial stability of the Site and monitoring the Executive Director, organizing the Board and conducting the business of the Board in an efficient and effective manner.

### Strategic Priority #2 – Land Ownership

Finalize the acquisition of property required by the Africville Heritage Trust which is currently owned by HRM and the Halifax Port Authority.

Objective 1	Key Activities	Expected Results
Confirm position of HRM and the Halifax Port Authority on the requested land transfers and collaborating (?) support for the priorities of the Africville Museum (AHT).	Initiate regular communication and networking with HRM and the Halifax Port Authority.	Ownership of requested lands is transferred to the Africville Heritage Trust (AHT).
	Initiate a semi-annual meeting with HRM regarding Africville Museum land maintenance.	An expanded community partnership agreement with HRM regarding land maintenance is achieved

Objective 2	Key Activities	Expected Results
Create a shared narrative with HRM and the Halifax Port Authority regarding ownership of the Africville lands to inform stakeholders and the public of future use.	Actively support the inclusion of the Africville National Historic Site /AHT key messages in all communications regarding land transfers.	Stakeholders and the public are informed regarding Africville National Historic Site/AHT land ownership and usage including future intentions.
		The value of the landscape and cultural resources is better understood, protected and communicated to the public

Objective 3	Key Activities	Expected Results
Initiate the development of a capital plan incorporating land use which will contribute to economic prosperity and the historical narrative of Africville.	Identify funding opportunities and complete process to secure funding.	Funding is secured to support the development of a capital plan.
	Begin to develop a list of key capital project and infrastructure initiatives.	Leadership/expertise is secured for the capital plan project.