

**Consideration of Surplus Disposal
Walton Wharf and Breakwater Lands
PIDs 45336922, 45149093 and 45347036**

Public Hearing

December 18, 2024

Corporate Services Department



EAST HANTS

Background

- The Walton Wharf and Breakwater Lands consist of PIDs 45336922, 45149093 and 45347036 (the “Subject Properties”).



Background

- March 2023 - Council requested an in camera report on the Subject properties and their options for disposal.
- Spring/Summer 2023 - Historical paperwork and mapping issues for Subject Properties was addressed and the Subject Properties were migrated to the Land Registry System.
- September 2023 - C23(282) - Council declared the Subject Properties surplus to municipal needs.
- October 2023 - C23(339) - Council authorized transfer of the Subject Properties to Darren Porter in exchange for construction of a public slipway with right of way access on Darren Porter's property, PID 45380375.
- Winter 2023/2024 - Negotiations underway with Darren Porter (Minas Select Inc.). Mapping, access, and ownership issues with Former William Street, PID 45430287, identified. Province engaged to address.

Background

- Spring/Summer 2024 - Negotiations identified a preferable arrangement to minimize long-term operational risk and liability for both parties (pending successful public hearing).

	East Hants Gives Minas Select Inc.	East Hants Receives from Minas Select Inc.
Land Exchange	PIDs 45336922, 45149093, and 45347036 + \$27,000 + HST	Portion of PID 45380375, with water access improvement; and portion of former William Street PID 45430287 (as subdivided)
Easement	Easement over portion of PID 45380375	

- This is the direction being proposed by staff today; which would result in the repeal of C23(339).
- Fall 2024 - Province to transfer Former William Street, PID 45430287, to Minas Select Inc.. Survey work underway to facilitate subdivision of the land to be transferred from Minas Select Inc. to East Hants in exchange for the Subject Properties.

Background

- The Municipality’s powers to sell surplus property is governed by the Municipal Government Act (“MGA”), further supported by Council’s Disposal of Surplus Real Property Policy (the “Policy”).
- Land Exchange is permitted under the Policy, as an alternative method for the acquisition of necessary lands to accomplish municipal objectives. The respective value of the lands exchanged should be relatively equal in value or economic return.
- Section 51 of the MGA requires a municipal council to hold a public hearing at a regularly scheduled council meeting respecting the sale of a property valued at more than \$10,000 for less than market value. The combined 2024 PVSC assessed values of the Subject Properties is \$11,500.
 - As East Hants is transferring three (3) properties collectively valued at \$11,500 and \$27,000 + HST cash to Minas Select Inc. in exchange for an unassessed (as not yet subdivided) property with water access improvements, a public hearing is being held to facilitate transparency regarding the market value of the proposed transaction.
- In compliance with MGA advertising requirements, the first advertisement appeared in the Chronicle Herald on December 4, 2024, and the second appeared on December 11, 2024. Notice was also posted to the Municipal website and to social media. The ads complied with MGA requirements.

Subject Property - PID 45149093

- PID 45149093 is part of the former Wharf.
- It is mapped as 1.37 acres on the shore of the Walton River and appears to be partly below the ordinary high water mark (OHWM).
- The Federal Government conveyed the property to East Hants via crown deed in 2001.
- The property was successfully migrated to the Land Registry system in April 2023.
- Zoned Rural Use North Zone (RU-2).



Subject Property - PID 45336922 -

- PID 45336922 is part of the former Wharf.
- It is mapped as 0.125 acre, adjacent to and providing access to the former wharf.
- National Gypsum (Canada) Ltd. Conveyed the property to East Hants in 2001.
- The property was successfully migrated to the Land Registry system in June 2023.
- Zoned Rural Use North Zone (RU-2).



Subject Property - PID 45347036

- PID 45347036 is the former breakwater.
- It is mapped as 0.39 acres on the shore of the Walton River estuary and appears that most of the property is below the OHWM.
- The Federal Government conveyed the property to East Hants by way of crown deed in 2001.
- The property was successfully migrated to the Land Registry system in June 2023.
- Zoned Rural Use North Zone (RU-2).



Subdivided Property Being Received in Exchange

- Survey work is currently underway to delineate the to-be subdivided property, consisting of a portion of PID 45403287 and PID 45380375.
- The subdivided property is anticipated to be approximately 1,670m² (0.4 acre), depending on the high water mark (exact area to be confirmed during survey).
- The property has had grading improvements, erosion management, and material base installed for a slipway.
- Zoned Rural Use North Zone (RU-2).



Conclusion

- Staff have complied with the MGA and Council Policy for the disposal of the Subject Properties.
- Notification of the surplus disposal was conducted by way of newspaper notification, website notice, and social media.

Recommendation

Staff recommend that Council approve the surplus disposal of PIDs 45347036, 45149003, and 45336922 to Minas Select Inc. as part of a land exchange and easement agreement arrangement.

Staff recommend repealing Motion C23(339) - previous direction to transfer the Subject Properties to Darren Porter under a different arrangement than the current recommended land exchange.

Recommended Motion

Move that Council authorize the CAO to enter into an agreement of purchase and sale to acquire a portion of PID 45380375 and PID 45430287 (as subdivided) from Minas Select Inc. in exchange for PIDs 45347036, 45149003, and 45336922 and \$27,000 +HST to Minas Select Inc., pending successful public hearing, and authorize the CAO to grant an easement in favour of Minas Select Inc. over a portion of PID 45380375; and that Council repeals motion C23(339); and that Council ratifies all in-camera direction supporting this proposal.