



Re: Item No. 14.1

Request for Council's Consideration

☐ **Included on Agenda**
(Submitted to Municipal
Clerk's Office by Noon
Thursday)

☒ **Added Item**
(Submitted to Municipal
Clerk's Office by Noon
Monday)

☐ **Request from the Floor**

Date of Council Meeting: March 18, 2014

Subject: Public Access Right to 'Owner Unknown' Lands, Lake Fletcher

Motion for Council to Consider:

That Regional Council request Mayor Savage write a letter of support for the Shubie Canal Commission's campaign to ensure the 'Owner Unknown' land near Lake Fletcher remains in public ownership.

Reason:

The 'Owner Unknown' lands are between Lake Thomas and Lake Fletcher and are considered a critical part of the Shubie Canal waterway. The Shubie Canal Commission has had discussions with N.S. Dept. Natural Resources on the importance of maintaining the owner unknown land as public land in order to preserve the historical site and to maintain public access to the waterway. Recently, the adjacent landowner has made a legal claim to this property.

Shubie Canal Commission notes attached.

Outcome Sought:

That HRM support the Shubie Canal Commission in their effort to ensure the land remains public ownership.

Deputy Mayor Darren Fisher

Councillor for District 6

Notes for Council Motion re – Support of Shubenacadie Canal Commission for Crown ownership of Fletcher Lock 4 Special Place designated “owner unknown” lands

March 13/14

1. Lock 4 and adjoining “Owner Unknown” land between Lake Thomas and Lake Fletcher are a critical part of the Shubenacadie Canal Waterway. The waterfront land at the end of the Lock where the river meets Lake Fletcher provides the only opportunity for safe portage for paddlers travelling between the two lakes. It also provides the only safe public access to Lake Fletcher.
2. In 1976, Lock 4, a large part of the Owner Unknown land, as well as other adjacent land, was designated a “Special Place”, under the NS Special Places Act. This was in recognition of the historic significance of the Canal and the related artifacts that exist on the entire parcel of land.
3. The Shubenacadie Canal Commission (SCC) has had discussions with NS Department of Natural Resources on the importance of maintaining the Owner Unknown land as public land for preservation of the historical site and for public access to the waterway.
4. Although the SCC currently maintains the historical Lock 4 and portage area, the adjacent land owner has made a legal claim for this property under the 'Limitations of Actions Act' – also known as 'squatter's rights.'
5. The SCC is calling out to the public for support and evidence that they have used this Special Place over the last 40 years to **help prove that the adjacent land owners have *NOT had open, exclusive, actual, and continuous use of this Special Place***
6. HRM supports the work of the Shubenacadie Canal Commission to protect the historically significant Shubenacadie Canal Waterway and to make the full length of the Canal waterway accessible for future generations, from Dartmouth to Cobequid Bay.
7. HRM has made significant investments to help protect the historically significant Shubenacadie Canal and waterway, and to develop and enhance its public use.
8. HRM urges the Province of Nova Scotia Department of Natural Resources to find the path to transfer this “owner unknown” parcel of land into crown ownership to ensure continued public access to entire Shubenacadie Canal Waterway for future generations.
9. HRM urges the Department of Communities, Culture and Heritage to support the protection and public ownership of this historically significant Special Place through the enforcement of the Special Places Act.