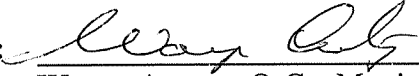


Halifax Regional Council  
May 21, 2002  
6:00 p.m.

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:   
Wayne Anstey, Q.C., Municipal Solicitor

DATE 14 May 2002

SUBJECT Presentation - April 16, 2002  
In-filling of Moirs Pond, Bedford - Don Lowther

**INFORMATION REPORT**

**ORIGIN**

At the meeting of Halifax Regional Council held on April 16, 2002, Mr. Don Lowther made a presentation regarding the in-filling of Moirs Pond, Bedford, and seeking Council's support in preventing the in-filling of the Pond, which is located next to the Mill Cove Plaza. In the presentation, Mr. Lowther raised the following question regarding an easement, which was referred to staff for a response: "On October 03, 1988, an easement was granted to the Town of Bedford for a walkway to the pond. If the in-filling proceeds, what happens to the easement?"

**BACKGROUND/DISCUSSION:**

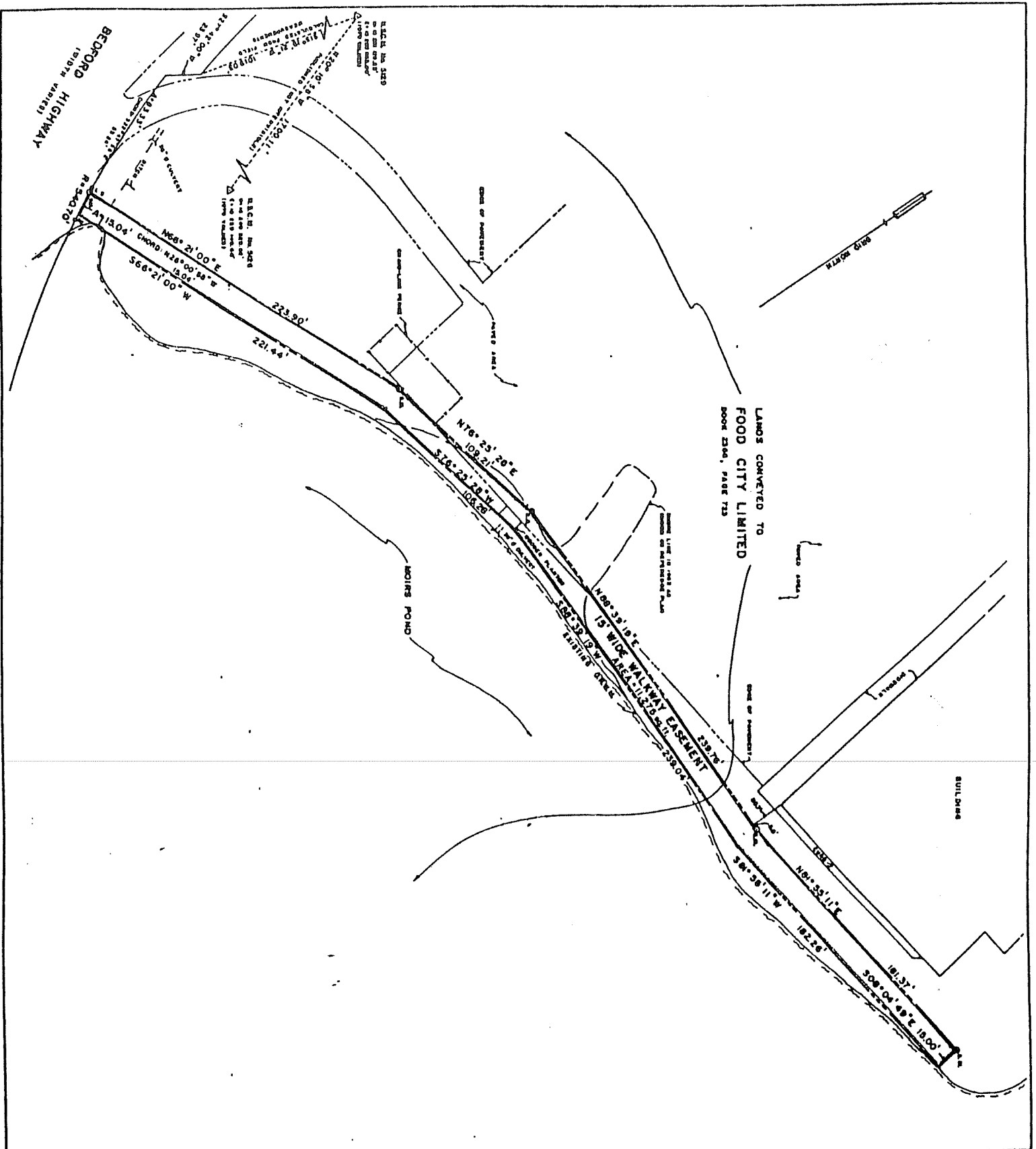
The easement in question was actually granted by Sobey Leased Properties Limited to the Town of Bedford on May 26, 1989 and was for "a right-of-way for all persons to pass and repass by foot either by day or night over the lands described in Schedule "A" as a pedestrian walkway". The grant of easement contains a metes and bounds description as well as a plan showing the walkway easement, a copy of which is attached as Appendix "A". Although the walkway runs generally adjacent to Moirs Pond, the easement will continue in place and will constitute a legal right of way even if permission to fill the pond is obtained by Sobey's and the pond is in fact filled.

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by: Wayne Anstey, Q.C., Municipal Solicitor 490-4229.

Report approved by:   
Wayne Anstey, Director of Administrative Services 490-4229

APPENDIX "A"



LANDS CONVERTED TO  
FOOD CITY LIMITED  
BOOK 2346, PAGE 723

KEY PLAN

REMARKS SHOWING  
COORDINATE SYSTEM  
NAD 83  
ELEVATION  
IN FEET  
LEGEND  
Δ B.M.  
○ S.M.  
○ L.E.  
○ P.R.  
○ G.M.E.

NOTES

1. REVISIONS AND
2. SCALE FACTOR
3. FIELD SKETCHES
4. APRIL 8 TO
5. SEE A PLAN
6. AMB 3-2, A
7. FOOD CITY
8. BAYVILLE

SURVEYOR

I, DANIEL SWIFT  
CERTIFY THAT I  
WAS CONDUCTED  
SURVEY AND PLANS  
WAS MADE IN  
ACCORDANCE WITH  
THE REQUIREMENTS  
OF THE SURVEYING  
ACT OF 1968  
DATED THIS . . . . .

*Daniel Swift*

PLAN OF SURVEY  
15' WIDE ALLEYWAY  
OVER LANDS OF  
FOOD CITY LIMITED

BEYOND HIGHWAY  
MAY/24/2007  
JOHN A. I.

DARTMOUTH

