



Committee of the Whole Excerpts
July 8, 2025

UPPER BURLINGTON LAND DONATION EXCERPT

CAO reviewed the report highlighting the some history behind the parcel of land that was recently uncovered and the process for Council to consider should they chose to support the request from the Hants Shore Child Care Association for the parcel of the land (PID 45285103) to be donated to them to pursue establishing a licensed childcare centre to serve families in the Hants Shore area.

Supplementary Information: Upper Burlington Community Hall Land Request

Upon further discussions with representatives of the Upper Burlington Community Hall, it has been identified that they wish to retain approximately 1/5 of an acre of the land known as PID 45285103 currently under consideration by Council to be deemed surplus. This area will be identified as "X" on the completed survey plan, is required to support the continued use of the Hall's septic system and existing storage shed.

Recognizing the Hall's request and the operational need to maintain access to this area, staff are recommending that a portion of the parcel (PID 45285103) substantively identified as "X" once the survey plan was completed be formally donated to the Upper Burlington Community Hall.

This approach is consistent with previous municipal actions, specifically the donation of land to the Hants Shore Child Care Association, and aligns with council's ongoing support for local community organizations and their infrastructure needs.

To support this process the following motion would need to occur:

Council direct the Chief administrative Officer to initiate the process to donate a portion of the parcel identified as PID 45285103 to the Upper Burlington Community Hall, to fulfill their request for approximately 1/5 of an acre (as shown on a completed survey plan) for continued use of their septic system and storage shed, once surveying of the parcel has been completed.

The recommended motion was that Committee of the Whole recommend that ...

COUNCIL DEEM THE LOT OF LAND KNOWN AS PID 45285103 AS SURPLUS.

COUNCIL DIRECT THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING PID 45285103 TO PROVIDE AN OPPORTUNITY FOR THE HANTS SHORE CHILD CARE ASSOCIATION TO EXPLORE ESTABLISHING A LICENSED CHILDCARE CENTRE TO SERVE FAMILIES IN THE HANTS SHORE AREA.



WEST HANTS REGIONAL MUNICIPALITY REPORT

Information ☐	Recommendation ☐	Decision Request ☒	Councillor Activity ☐
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To: Mayor Zebian and members of Council

Submitted by:

Date: June 10, 2025 Committee of the Whole Meeting

Subject: Donation of Municipal Property

LEGISLATIVE AUTHORITY

Nova Scotia Municipal Government Act – *Sale or lease of municipal property* - Section 51

(1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the 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 at least 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) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale. 1998, c. 18, s. 51.

DECISION REQUEST

Staff are seeking direction from Council on this matter.

Option A

Does Council wish to proceed with deeming the subject lot as surplus and donating the land “as-is”?

Option B

Does Council wish to proceed with deeming the subject lot as surplus, then applying for the land to be rezoned and amending the Land Use By-law, as required to ensure the organization would

be able to proceed with development of the vacant land as presented to Council. The following motion would be required “COUNCIL DIRECTS THE CHIEF ADMINISTRATIVE OFFICER TO SUBMIT AN APPLICATION TO THE PLANNING AND DEVELOPMENT DEPARTMENT TO CONSIDER REZONING PID 45285103 TO PROVIDE AN OPPORTUNITY FOR THE HANTS SHORE CHILD CARE ASSOCIATION TO EXPLORE ESTABLISHING A LICENSED CHILDCARE CENTRE TO SERVE FAMILIES IN THE HANTS SHORE AREA”.

Option C

Council will not proceed with deeming the subject lot as surplus and the donation of the noted land.

BACKGROUND

Property ☒	Public Opinion ☒	Environment ☐	Social ☒	Economic ☒	Councillor Activity ☐
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Hants Shore Childcare Association is a registered non-profit organization committed to establishing a licensed childcare centre to serve families in the Hants Shore area. The centre will offer high-quality care for children aged 6 months to 11 years, providing 60 childcare spaces.

Services will include part-time and full-time daycare, as well as before- and after-school care, to meet the diverse needs of working families. With a targeted opening date in 2027, they aim to create a nurturing, inclusive, and developmentally appropriate environment that supports the well-being and growth of every child in our care.

Their vision was to create a smart, sustainable, and inclusive facility that serves the evolving needs of our community.

Key elements of the design include:

Eco-Friendly Infrastructure: Utilization of solar-powered systems for temperature control and water heating to promote environmental responsibility and energy efficiency.

Universal Accessibility: A safe, inclusive environment that is accessible to individuals of all ages and abilities.

Natural Light Integration: Thoughtful architectural design that maximizes natural light to enhance well-being and reduce energy use.

Sheltered Outdoor Play Area: A weather-protected outdoor space to encourage year-round physical activity and connection with nature.

Scalable Design: Structural consideration for future expansion to accommodate community growth and emerging needs.

Multi-Purpose Spaces: Flexible rooms designed to support a variety of functions, programs, and services, ensuring adaptability over time.

In order to fulfill this vision, the group sought a donation of land from the Municipality. Specifically, they requested a 3-acre parcel located in Upper Burlington, known as the “Upper

Burlington Planter's Trail." The land is currently zoned as 'Open Space' and is situated at the intersection of Walton Woods Road and Highway 215.

DISCUSSION

This report proposes the donation of a municipally owned parcel of land located PID 45285103 to Hants Shore Childcare Association, a registered not-for-profit entity. The property which is zoned Open-Space is located on the adjacent youth recreation field purchased by the Municipality in September 1998 and then leased to the Upper Burlington Community Hall Association on January 13, 2000 to be used for recreation purposes only.

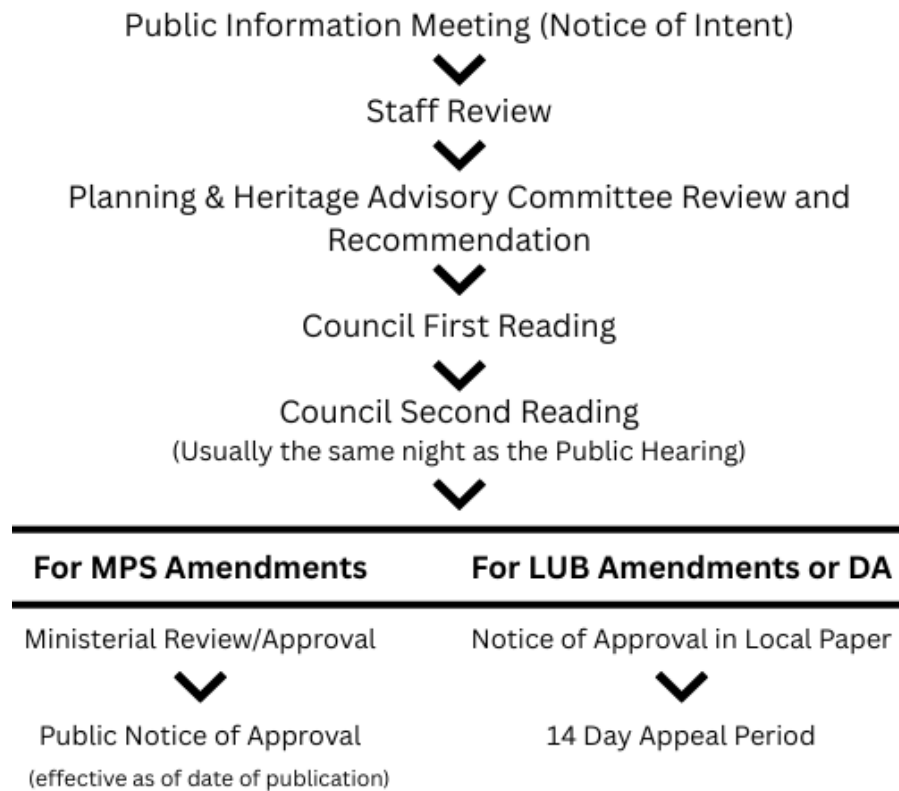
In addition, the Parks and Open Space Plan (attached) identifies the subject lands as having both agricultural significance and cultural heritage value to the Municipality. These factors may present challenges to justify deeming the lot as surplus. The Plan further notes that the park parcel is located on, and in proximity to, land historically inhabited by Mi'kmaq, Acadian, Planter, and Loyalist communities, underscoring the cultural and historical importance of the area.

The Municipal Government Act (MGA) provides provisions for municipalities to acquire, sell or donate land for municipal purposes. However, where a council proposes to sell property below market value, a public hearing is required.

Operationally, the subject property would need to first be deemed surplus by Council. This would have to be completed in a separate process prior to the rezoning.

There is no direct policy framework that would allow for a rezoning of this property from Open Space to a commercial zone. However, once the subject lot is deemed surplus the Open Space (OS) zoning would be considered non-conforming, as Policy 13.2.2 of the West Hants Municipal Planning Strategy states "*It shall be the policy of Council to zone only public lands for open space purposes.*" This would provide the justification to rezone to a more favourable zone for the proposed use.

To consider this type of development on the lot, amendments to the West Hants Land Use By-law would be required. These amendments would involve rezoning and a text amendment to the appropriate zone to permit daycares. This process would likely be carried out concurrently as a single application. Planning applications may take approximately 6-8 months to complete.



NEXT STEPS

To be determined by Council.

However, if supported the next steps would be:

1. Survey and register smaller piece of land for the Upper Burlington Hall Association to accommodate their existing septic system and storage shed.
2. Survey and register balance of land (remaining lands would be assigned to the Hants Shore Child Care Association pending Council approval).
3. Amend the lease with the Upper Burlington Community Hall Association to ensure the Upper Burlington Community Hall retains use and ownership of a small area next to the building that contains its septic field and storage shed.
4. Revisit Easement with the neighbouring property owner to access their land to harvest sawlogs.

Donation of Land

1. Deem land as Surplus and decide to sell/donate the property.

Municipal Government Act (MGA) Section 51

(1) A municipality may sell or lease property at a price less than market value to a nonprofit organization that the 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 at least 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.*

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(5) The notice of the public hearing shall include the date, time and place of the hearing, the location of the real property or a description of the tangible personal property, the estimated value of the property and the purpose of the sale. 1998, c. 18, s. 51.

Holding a Public Hearing to donate land and the Public Hearing to Rezone the parcel of land can occur concurrently at the same time.

ACTION	WHRM	Upper Burlington Hall	Neighbouring Property Owner	Hants Shore Child Care Association
Decision to donate land	X			
Survey and register smaller piece of Land for the Upper Burlington Hall to retain.	X			
Survey and register balance of land for the Hants Shore Child Care Association.	X			
Hold Public Hearing to Donate Land	X			
Hold Public Hearing to Rezone Land	X			
Revisit Easement with neighbouring property owner to access their land to harvest sawlogs.	X		X	
Amend the lease with the Upper Burlington Community Hall to reflect land description to ensure the Upper Burlington Community Hall retains use and ownership of a small area next to the building that contains its septic field and storage shed.	X	X		

FINANCIAL IMPLICATIONS

There are no financial implications in relation to the filing of this report.

Should Council wish to proceed with the donation of this parcel financial considerations may be relevant.

1. Revenue - Sale value of lands / Proceeds of Sale (transferred to capital reserves). Value to be determined by Council which may include a value of \$1.00.
2. Revenue - Ongoing property tax revenue associated with the future use of the lands (residential, commercial or resource taxation)
3. Expenditures – rezoning related costs if applicable
4. Expenditures – Realtor, legal and property migration (if applicable)

Although the Municipality may consider paying costs associated with a donation of land, there are legal or income tax/capital gains implications, associated with a donation. Additionally, there are costs associated with advertising for Public Information meetings and Public Hearings.

Preliminary Cost Estimates: \$2,500 to \$10,000 (legals fees, surveying, advertising, etc..). This does not include the cost of an appraisal which we anticipate not requiring for this purpose. Surrounding vacant lands and existing appraisals will be used to estimate market value for this process.

ALTERNATIVES

Council may choose to not approve the land donation request from the Hants Shore Child Crae Association.

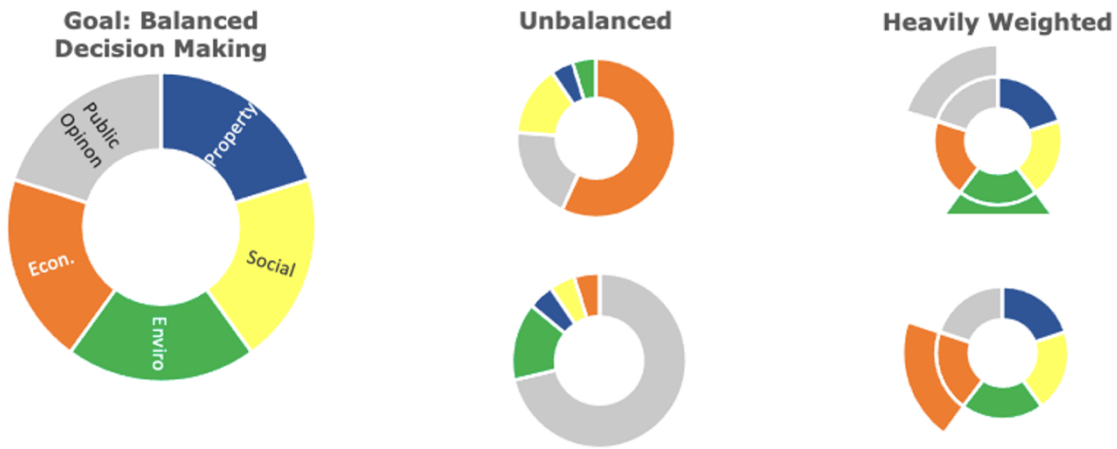
ATTACHMENTS

Parks & Open Space info Upper Burlington Planters Trail
Upper Burlington parkland property history Info

CHIEF ADMINISTRATIVE OFFICER REVIEW

The report highlights the background information and probable steps for Council to support this request. Pending Council's direction staff will execute the action plan as directed.

Council has been provided with a reference taken from the Meeting and Committee Procedural Policy , Appendix C “Decision Making by Council and Committee of the Whole” as a reminder of the principles highlighted for good decision making.



Report Prepared by: _____

Report Reviewed by: _____
Deanna Snair, Municipal Clerk

Report Approved by:  _____
Mark Phillips, Chief Administrative Officer

Upper Burlington Planters Trail

Overview

PID: 45285103

Coordinates: 45.04414, -64.0398

Date visited: November 26, 2015.

Address: No 215 Hwy/ Old Walton Road, Upper Burlington.

Classification: Community, Cultural Parks.

Size: 3.00 acres (1.21 ha).

Land cover: Approximately 50% of the parcel is managed for agricultural purposes. A fallow gravel baseball diamond to the east of the agricultural field. Shrubby perimeter along the southern border of the parcel. Forested eastern boundary and north eastern corner of parcel.

Maintained by: Municipality.

Topography: Mainly flat parcel with slight slope rising to the north towards the Community Hall.

Use: Agriculture, walking, sitting, basketball, baseball, education.

Access: From North River Road (Community Hall) or Old Walton Road.

Parking: None. Parking for 10 cars at the adjacent Community Hall.

Signage: Trail signage, interpretive panels.

History: This park parcel is situated on (and near) land that was once inhabited by Mi'kmaq, Acadian, Planter, and Loyalist communities. This 3.0 acre property was purchased by the Municipality in September 1998 and then leased to the Upper Burlington Community Hall Association on January 13, 2000 to be used for recreation purposes only.

Overlapping Management Plans: None.

Observations

- Community Hall playground and shed on Municipal land.
- Wooden playground not structurally sound. Structure leaning and chains rusting.
- Basketball court (concrete pad) very small with chipping paint.
- Baseball diamond growing in with weeds.
- Interpretive panels in fair shape, some rotting wood, cracked panels, and water damage.
- Trail running from Community Hall along eastern border and along entire southern border.

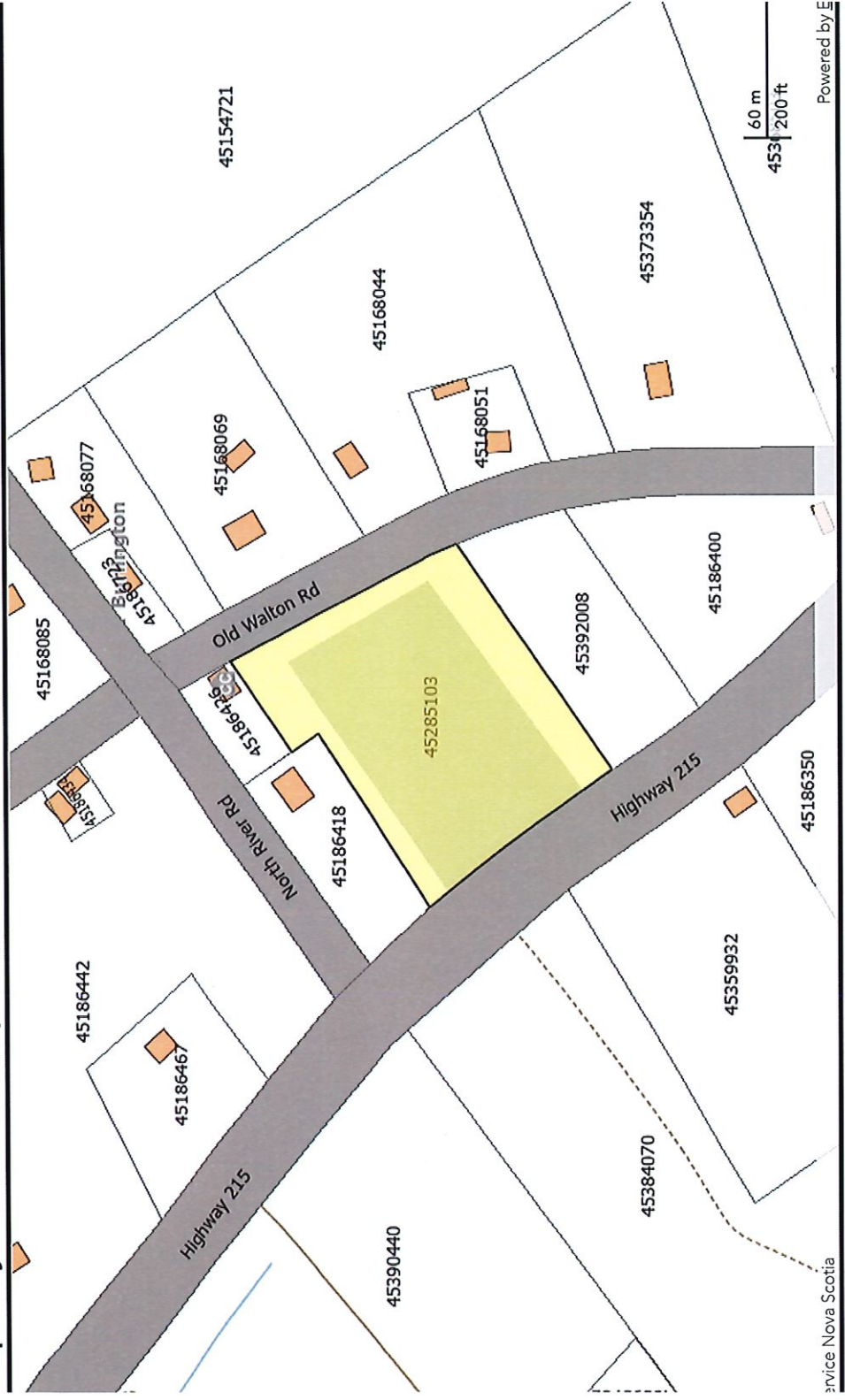
Opportunities

- Signage at roadside indicating trail and cultural site, signage at trailhead.
- Interpretive signage/shelter in need of structural and cosmetic upgrades.
- Weeding of gravel baseball diamond
- New or updated basketball court



roperty Online Map

Date: May 28, 2025 09:53:



ID:	45285103	Address:	NO 215 HIGHWAY	AAN:	07908717
ounty:	HANTS COUNTY		UPPER BURLINGTON	Value:	\$22,300.00 (2025 RESOURCE EXEMPT)
R:	NOT LAND REGISTRATION	Owner:	LOT V-1		
			MUNICIPALITY OF THE DISTRICT OF HANTS WEST		

ie Provincial mapping is a graphical representation of property boundaries which approximate the size, configuration
id location of parcels.Care has been taken to ensure the best possible quality, however, this map is not a land survey
id is not intended to be used for legal descriptions or to calculate exact dimensions or area.The Provincial mapping is
t conclusive as to the location, boundaries or extent of a parcel [Land Registration Act subsection 21(2)]. THIS IS NOT
N OFFICIAL RECORD.