

Public Hearing Entertainment House

2A Entertainment House Heritage Property Deregistration Application 3

**MUNICIPALITY OF THE COUNTY OF ANNAPOLIS
PUBLIC HEARING AGENDA**

**Bridgetown & District Memorial Arena
30 Jeffrey Street, Bridgetown
August 17, 2021, 11:00 a.m.**

1. Welcoming Remarks - Warden Alan Parish

***Format:** Council is to deal with this public hearing called via Section 16 of the Nova Scotia Heritage Property Act. At the end of the public hearing the Public Hearing will be closed and Council will return to its regular session of Council.*

***Purpose:** The purpose of this Public Hearing is to discuss with the property owners the deregistration of PID 05108956, vacant lands included in the Annapolis County Heritage Property Registry since September 19, 1991 known as the Entertainment House in Granville Ferry, Annapolis County.*

***Procedure:** All questions and comments throughout the public hearing are to be addressed to the Chair. The Chair will afford an opportunity for public input and will ask that persons speaking identify themselves each time so that their comments may be recorded in the minutes of these proceedings and that the person speaking identify if they are speaking in favour or against the application. Written presentations are acknowledged first, followed by public oral presentations. Questions and comments from Council members are to be held until all public comment is heard.*

2. Re: File No. 66400-30 Entertainment House Property Deregistration Application

- a. Presentation by Planner – Application Specifics and Request
- b. Acknowledgement of Property Owner – John Brittain
- c. Acknowledgement of Written Submissions (Municipal Clerk)
- d. Call for Oral Presentations (open discussion from the floor – public)
 - i. 1st call for comments against the application
 - ii. 2nd call for comments against the application
 - iii. 3rd call for comments against the application
 - iv. 1st call for comments in support of the application
 - v. 2nd call for comments in support of the application
 - vi. 3rd call for comments in support of the application
- e. Call for questions or comments from Council Members

3. Closing Comments and Adjournment (Warden)

4. Return to Regular Session of Council (Warden)



COUNTY ANNAPOLIS

RECOMMENDATION REPORT

To: Committee of the Whole

Submitted by: 
David Dick, Chief Administrative Officer

Date: June 30, 2021

Subject: **Entertainment House Heritage Property – Request to Deregister a Property Portion**

ORIGIN

Planning Staff received an email from John Brittain, President of Jay Properties Ltd. and owner of PID No. 05108956 requesting Municipal Council deregister his vacant property located along North Street in the Community of Granville Ferry. The entire 3.26 acre property was included in the Annapolis County Registry of Heritage Properties on September 19, 1991. The property was subsequently subdivided on March 29, 1994 creating two lots, one being the lot the Entertainment House was located on and the other, a vacant 2.26 acre lot. Mr. Brittain discovered the Heritage Registration was applied to his vacant lot when he purchased it November 10, 2020.

As per Section 16 of the Heritage Property Act, upon application of a property owner Council may deregister a municipal heritage property where (b) the continued registration of the property appears to Council to be inappropriate after holding a public hearing to consider the proposed deregistration.

STAFF RECOMMENDATION

That Council hold a public hearing at 11:00 am on August 17, 2021 to consider the deregistration of vacant lot PID No. 05108956.

Attachments: Deregistration Application, Warranty Deed, Notice of Registration, Site Map

Report Prepared by: 
Albert Dunphy, Director of Community Development

RECEIVED JUN 28 2021

Jay Properties Limited
C/O John Brittain
5344 Granville Road
Granville Ferry N S
BOS 1A0

June 28 2021

Linda A. Bent
Acting Manager of Inspection Services/
Development Officer Community Development
Municipality of the County of Annapolis
Annapolis Royal N.S

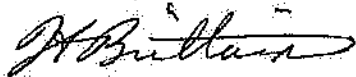
Re: Pid No. 05108956

Dear Ms Bent

I would like to apply for removal of the heritage designation for a 2.25 acre vacant lot on North Street Granville Ferry owned by Jay Properties Limited. The property was subdivided from a heritage home in 1994. It is assumed that it was an oversight that the heritage designation was attached to the newly created severed vacant lot.

I am anxious to resolve this as soon as possible .

Yours truly,



John Brittain
President
Jay Properties Ltd.

THIS WARRANTY DEED made this 16 day of November, 2020

BETWEEN:

SARAH M. WHITAKER of Orlando, Florida, in the United States of America

hereinafter called the "GRANTOR"

OF THE ONE PART

- and -

JAY PROPERTIES LIMITED, a body corporate, with Head Office at Granville Ferry, in the County of Annapolis and Province of Nova Scotia

hereinafter called the "GRANTEE"

OF THE OTHER PART

WITNESSETH that in consideration of One Dollar (\$1.00) and other valuable consideration, the Grantor hereby conveys to the Grantee the lands known as PID: 05108956 and described in Schedule "A" to this Warranty Deed, and hereby consents to this disposition, pursuant to the Matrimonial Property Act of Nova Scotia.

THE GRANTOR COVENANTS WITH THE GRANTEES:

1. THAT the Grantee shall have quiet enjoyment of the lands;
2. THAT the Grantor has a good title in fee simple to the lands;
3. THAT the Grantor has the right to convey the lands as hereby conveyed;
4. THAT the lands are free from encumbrances; and
5. THAT the Grantor will procure such further assurances as may be reasonably required.

IN THIS WARRANTY DEED the singular shall include the plural and the masculine shall include the feminine and neuter genders with the intent that this Warranty Deed shall be read with all appropriate changes of number and gender.

PARCEL DESCRIPTION REPORT

Schedule "A"

2020-11-10 13:27:16

PID: 5108956
CURRENT STATUS: ACTIVE
EFFECTIVE DATE/TIME: 2020-11-06 10:20:36

Place Name: North Street, Granville Ferry
Municipality/County: Municipality of the County of Annapolis/County of Annapolis
Designation of Parcel on Plan: Remaining Lands of Sarah M. Whitaker
Title of Plan: PLAN OF SUBDIVISION SHOWING SURVEY LOT 94-1 OF LANDS OF SARAH M. WHITAKER, GRANVILLE ROAD, GRANVILLE FERRY, ANNAPOLIS COUNTY, NOVA SCOTIA.
Registration County: Annapolis County
Registration Number of Plan: 5103
Registration Date of Plan: 1994-03-30

SUBJECT TO a Heritage Property Designation as more particularly detailed in the Indenture on file at the Annapolis County Land Registration Office as document No. 5226 in Book 477 at Page 174.

***** Municipal Government Act, Part IX Compliance *****

Compliance:

The parcel is created by a subdivision (details below) that has been filed under the Registry Act or registered under the Land Registration Act

Registration District: ANNAPOLIS COUNTY
Registration Year: 1994
Plan or Document Number: 5103

External Comments:

Description Change Details:

Reason:

Author of New or

Changed Description:

Name:

Registered Instruments:

Comments:

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Pursuant to Section 14 of the Heritage Property Act, R.S.N.S. 1989, c. 199, the MUNICIPALITY OF THE COUNTY OF ANNAPOLIS hereby gives notice that the property of Sarah M. Whitaker of Maitland, in the State of Florida, United States of America, owner of 3.26 acres of land and a building commonly known as the Entertainment House, west of Lettney Lane in Granville Ferry, Annapolis County, described in Schedule "A" hereto annexed, and in a deed recorded in Book 424 at Page 633-637 in the Registry of Deeds for the County of Annapolis, has been registered in the registry of heritage property for the Municipality of the County of Annapolis.

The Heritage Property Act provides that where a property is registered is a municipal heritage property:

- 1) The property shall not be substantially altered in exterior appearance or be demolished without the approval of the Municipality;
- 2) An application for permission to substantially alter the exterior appearance or to demolish the property may be made to the Municipality;
- 3) The Heritage Advisory Committee shall be given an opportunity to comment on any application;
- 4) The Municipality may grant or refuse permission or attach conditions;
- 5) If the application is not approved the alteration or demolition may take place at least one year but not more than two years after the date of the application;
- 6) Penalties for violation of the Act are a maximum fine of \$10,000.00 for individuals and \$100,000.00 for corporations, with the further right for the Municipality to apply for an order directing the restoration of the property.

For further information refer to the Heritage Property Act.

A copy of this notice has been recorded at the Registry of Deeds for the County of Annapolis pursuant to s. 15(3) of the Act.

DATED at Annapolis Royal, Nova Scotia, this 19th day of September, 1991.

MUNICIPALITY OF THE COUNTY OF ANNAPOLIS

Per: [Signature]
Deputy Clerk



SCHEDULE "A"

ALL that certain lot, piece or parcel of land and premises situate, lying and being at Granville Ferry, in the County of Annapolis and Province of Nova Scotia, being more particularly bounded and described as follows:

COMMENCING at a survey marker found in the southern boundary of North Street, at Granville Ferry, aforesaid, N 12° 27' 17" W a distance of One Thousand Eighty-Four decimal Eight Six (1084.86) Feet from Nova Scotia Control Monument Number 14893;

THENCE along the western boundary of lands of Hazel Mary Bryan and John Henry Bryan S23° 35' 54" E a distance of Four Hundred Ninety-one decimal Three One (491.31) Feet to a survey marker set;

THENCE along the northern boundary of lands of Fred Leslie Fields S56° 22' 45"W a distance of Eighty-Four decimal One Five (84.15) Feet to a survey marker set;

THENCE along the western boundary of lands of Fred Leslie Fields, S32° 18' 05" E a distance of One Hundred Ninety-three decimal Seven One (193.71) Feet to a survey marker set;

THENCE S 01° 18' 05" E a distance of Sixteen Decimal Five Zero (16.50) Feet to a survey marker set;

THENCE S48° 27' 13" E a distance of One Hundred Twenty-Five decimal Seven Six (125.76) Feet to a survey marker set in the western boundary of Granville Road, at Granville Ferry, aforesaid;

THENCE along the western boundary of the Granville Road, aforesaid, S18° 07' 13"W a distance of Ninety-Nine decimal Three Six (99.36) Feet to a survey marker set;

THENCE N49° 02' 47"W a distance of Eighty-Nine decimal Five two (89.52) Feet to a survey marker set;

THENCE N34° 45' 29"W a distance of One Hundred Fifteen decimal Nine (115.99) Feet to a survey marker set;

THENCE S61° 45' 25"W a distance of Twenty-Eight decimal Nine Eight (28.98) Feet to a survey marker set;

THENCE S69° 10' 58" W a distance of Seventy-one decimal Four Seven (71.47) feet to a survey marker set;

THENCE N 23° 09' 21"W a distance of Three Hundred Ninety-Two decimal Six Four (392.64) Feet to a survey marker set in the southern boundary of North Street, aforesaid;

THENCE continuing along the southern boundary of North Street, N60° 35' 11" E a distance of Two Hundred Thirty-Two decimal Eight Nine (232.89) Feet to a survey marker set being the point of commencement.

CONTAINING IN AREA three decimal Two Six (3.26) acres more or less.

5226

Province of Nova Scotia
County of Annapolis

I hereby certify that the within Instrument
was registered in the Registry of Deeds Office
at Lunenburg in the County of Annapolis, N.S.
at *10* o'clock *A* M., on the *23rd*
day of *Sept* A.D., 19 *91* in
Book No. *477* at pages *174-177*
as Document Number *5226*

Catherine Leung
Registrar of Deeds for the Registration
District of Annapolis County

Jay Properties Ltd

North Street, Granville Ferry

PID #05108956





- KEY PLAN** 1:50,000
- LEGEND:**
- NOVA SCOTIA COORDINATE MONUMENT
 - IRON POST
 - WOODEN POST
 - TRAVERSE RIB
 - FOUND
 - PLACED
 - DEEP, PLAN, CALCULATED, MEASURED, SET
 - POINT OF CURVATURE
 - ORDINARY HIGH WATER MARK
 - LAND INFORMATION & MANAGEMENT
 - SERVICE PROPERTY IDENTIFIER NUMBER
 - EDIFY SPEEDS BOOK & PAGE NUMBER
 - CHIEF LINE
 - UNMARKED POINT

NOTES:

1. MONUMENTS ARE REFERABLE TO GRID NORTH, 1978 ADJUSTMENT, BY N.T.M. SYSTEM, 1984, AT THE MERIDIAN 0°30' WEST, WITH REFERENCE TO P.L.C.E.'S 14033 & 4884.

2. AZIMUTHS AND DISTANCES ARE MEASURED VALUES, SCALE FACTOR NOT APPLIED.

3. FIELD BOOK 17, PAGE 6.

4. L.I.M.S. PROPERTY MAP NO. 02 44 7400 05 250 & 02 44 7500 05 300.

5. FIELD SURVEYS WERE CARRIED OUT ON MARCH 10, 1994.

LAND SURVEYORS

THE ASSOCIATION OF NOVA SCOTIA

No. 31558

Surveyors' Certificate

E. C. Keen, A.S.L.S., No. 2156

Registered Professional Engineer

1994

PLAN OF SUBDIVISION SHOWING

LOT 94 - I OF LANDS OF SARAH M. WHITAKER

GRANVILLE ROAD

GRANVILLE FERRY

ANNAPOLIS COUNTY

NOVA SCOTIA

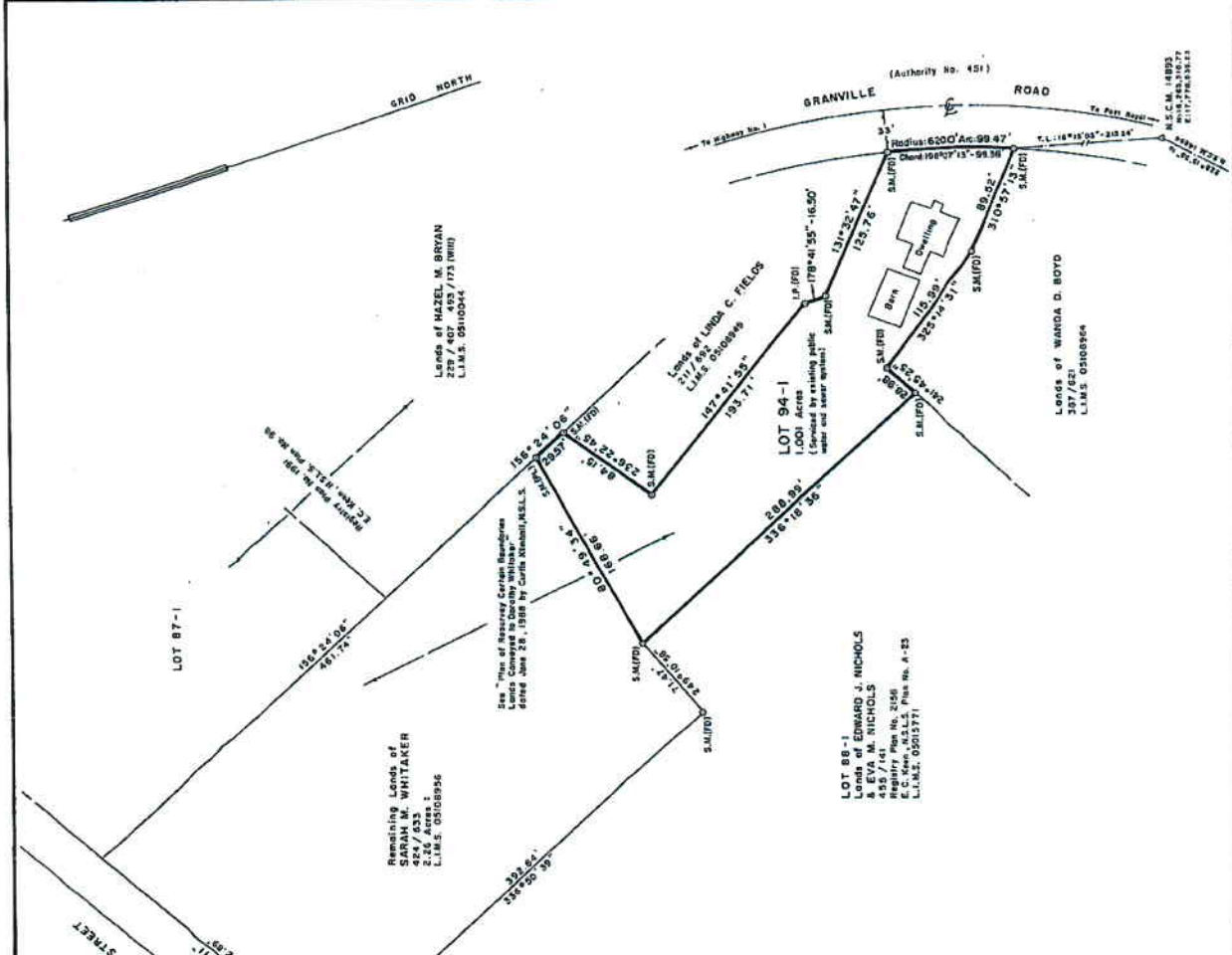
Mer 05/19/94

SCALE 1" = 60'

E. C. KEEN LAND SURVEYING LTD.

PLAN NO. 352

MARCH 11, 1994



ENDORSEMENT OF SUBDIVISION APPROVAL

ENDORSED PLAN NO. _____ REGISTRY FILE NO. _____

DATE OF SUBMISSION March 23, 1994

DEVELOPMENT OFFICER A. D. D. D.

DATE March 23, 1994

REMARKS Customer of Lot 94-I

Linda and Owen

Whitaker

By the Department of Transportation and Communities

Gregory M. Keen

(1994)