

4825 ✓
THIS AGREEMENT made this 10th day of November 1988

270 BETWEEN:

See A 5083
p 800 Feb 17/99 #

CHARTWELL MANAGEMENT LIMITED
a body corporate, in the County of
Halifax, Province of Nova Scotia,
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

CITY OF HALIFAX,
a municipal body corporate,
(hereinafter called the "City")

OF THE SECOND PART

WHEREAS the Developer wishes to obtain permission to construct a residential/commercial complex (hereinafter called the "building") on certain lands bounded by Dresden Row, Clyde Street and Brenton Street in the City, pursuant to Section 16AD of the Peninsula part of the Land Use Bylaw;

AND WHEREAS a condition of the granting of approval of Council was that the Developer enter into an agreement with the City;

AND WHEREAS certain lands owned by the City are as required to accommodate a portion of the project

AND WHEREAS the Council of the City, at its meeting on the 30th day of JULY, 1987, approved the said contract development to permit construction of a residential/commercial complex, subject to the registered owner of the lands described herein entering into this agreement;

AND WHEREAS the Council of the City at its meeting on the 30th day of JULY, 1987, agreed to sell its lands subject to an Agreement of Purchase and Sale as executed by the parties hereto;

AND WHEREAS the Council of the City, at its meeting on the 5th day of October 1988, approved the inclusion of the lands described in Schedule "C" in the said contract development provided that the said lands are developed in substantial conformance with Plans No. P200/16907-16911 of Case No. 5275;

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the granting by the City of the contract development requested by the Developer, the Developer agrees as follows:

1. The Developer is the registered owner of the lands hereto described in Schedule "A" and Schedule "C", said lands being located in the City of Halifax on the block bounded by Spring Garden Road, Dresden Row, Clyde Street and Brenton Street.

2. The Developer is party to an agreement between the City and the Developer for the purchase and sale of City-owned lands described in Schedule "B" and being located on the northwest corner of Dresden Row and Clyde Street, 1467 Brenton Street and 1471 Brenton Street (hereinafter called the "City Lands"; the Developer's lands and the City lands taken together are hereinafter called "the lands").

3. The Developer shall construct on the lands a mixed residential/commercial complex building which, in the opinion of the Development Officer, is in substantial conformance with Plans No. P200/15755-66 inclusive and Plans No. P200/16907-11 inclusive, filed in the City of Halifax Development and Planning Department as Case No. 5275, and shall not develop or use the lands for any other purpose than a residential/commercial complex and parking garage, where the building or parts thereof may be registered under the Condominium Legislation of the Province of Nova Scotia and utilized for sale or in the alternative rental purposes.

4. In accordance with Section 66(3) of the Planning Act, the Developer and the City agree that:

(a) That the number of dwelling units in that portion of the building described as the "Condominium Tower" shall not exceed a total of 85;

(b) That at least 230 of the 316 parking spaces in the proposed parking garage shall be reserved for use by the general public between 8:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday and Saturday, and between 8:00 a.m. and 9:00 p.m. on Thursdays and Fridays, at hourly, daily and monthly rates as determined by the Developer, with not more than 30% of the said 230 spaces to be reserved for monthly parking.

(c) That the 230 parking spaces referenced in Subclause (b) shall be ready for use by the general public before any occupancy permits are issued by the City for any new commercial or office facilities in the building;

(d) That the Developer shall identify the parking spaces referenced in Subclause (b) through the use of generally accepted public parking signage;

(e) That the Developer shall provide a ticket validation service for use by businesses in the Spring Garden Road area;

(f) That at least 85 parking spaces in the proposed parking garage shall be reserved for the exclusive use of tenants residing in any residential dwelling unit in the building, at a rate to be determined by the Developer;

(g) That at least one parking space for every four or less bachelor or one-bedroom dwelling units and at least one parking space for every two-bedroom unit shall be ready for use before any occupancy permits are issued for the said residential units;

(h) That the Developer shall replace at its expense and on instructions by the City, any trees, sidewalk tiles, curbing and street paving located within any street right-of-way that are removed or damaged as a result of construction of the building;

(i) In the event the City deems it necessary, the Developer shall construct at its expense and to the satisfaction of the City, a recessed area for loading and unloading purposes along the west side of Dresden Row, between Spring Garden Road and Clyde Street, as per Schedule "C" of this Agreement. It is agreed that the City shall notify the Developer in writing of the required construction including general specification of the work to be done whereupon the Developer shall have 120 days from the date of notification to complete all of the work required;

(j) That all exterior walls of the development that abut the properties at 1445 and 1447 Brenton Street be fully enclosed with no ventilation or window openings;

(k) The roof of the proposed parking garage be used as a running track and landscaped open space; such facilities to be in place prior to completion of the condominium tower identified in Section 4(a).

The Development Officer may, pursuant to Section 97 of the Planning Act, approve a plan of subdivision required to implement or facilitate this Agreement.

6. The "development" shall be completed (completion is defined as fulfilling the terms of the entire agreement) within five years from the date of final approval by Halifax City Council or any other bodies as necessary, whichever approval is later, including any applicable appeal periods. If the "development" has not been completed by the applicable time, this agreement will terminate unless specifically extended, upon request of the applicant, by resolution of City Council and all rights and obligations arising hereunder shall be at an end.

7. Notwithstanding any other provision of this agreement, the Developer shall not undertake or carry out any development on the lands which does not comply with all City of Halifax laws, including, without restricting the generality of the foregoing, the Building Code Ordinance and the Fire Prevention Ordinance and no permit shall be issued for any such development not so in compliance.

8. The City shall issue the necessary permits for the development upon the expiration of the twenty-one (21) day appeal period under Section 71 of the Planning Act, as the same may be amended from time to time, or upon the withdrawal or dismissal of any appeal which may be taken; provided, however, that the City shall not issue any occupancy permit for the building or any part thereof unless and until the building or part thereof has been completed and is in substantial conformity with the plans referred to in Section 3 of this Agreement.

Time shall be of the essence of this agreement.

This agreement shall be binding upon the parties hereto and their heirs, successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and year first above written.

SIGNED, SEALED AND DELIVERED)
in the presence of)

Original Signed)

CHARTWELL MANAGEMENT LIMITED

Original Signed)

) Per)

) Per)

CITY OF HALIFAX

Original Signed)

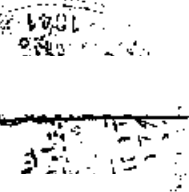
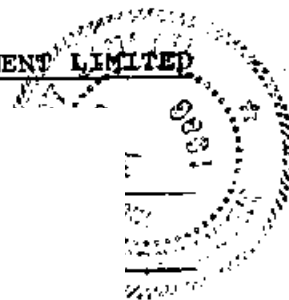
) Per)

Mayor)

Original Signed)

) Per)

CITY CLERK)



Province of Nova Scotia
County of Halifax

I hereby certify that the within instrument was recorded in the Registry of Deeds Office at Halifax, in the County of Halifax, N. S.

at 2:34 o'clock P M., on
the 27th day of Jan
A. D. 19 89 In Book Number 4694

Original Signed

Registrar of Deeds for the Registration District
of the County of Halifax.

- Deputy

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, N.S.

ON THIS 10th day of November, A.D., 1988,
before me, the subscriber personally came and appeared
Original Signed a subscribing witness to the within and
foregoing indenture, who, having been by me duly sworn, made
oath and said that CHARTWELL MANAGEMENT LIMITED, one of the
parties thereto, caused the same to be executed and its
Corporate Seal to be thereunto affixed by the hands of its
duly authorized officers in her presence.

Original Signed

A Commissioner of the Supreme Court
of Nova Scotia
Original Signed

PROVINCE OF NOVA SCOTIA
COUNTY OF HALIFAX, N.S.

ON THIS 10th day of NOVEMBER, A.D., 1988,
before me, the subscriber personally came and appeared
Original Signed a subscribing witness to the within
and foregoing Indenture, who, having been by my duly sworn,
made oath and said that the City of Halifax one of the
parties thereto, caused the same to be executed and its
Corporate Seal to be thereunto affixed by the hands of Ron
Wallace, its Mayor, and E. A. Kerr, its City Clerk, its duly
authorized officers in her presence.

Original Signed

A Barrister of the Supreme Court
of Nova Scotia
Original Signed

1483
Brenton
Street

ALL that certain lot or parcel of land situate in the south suburbs of the City of Halifax, being a portion of the lot or parcel of land marked No. 2 on a plan of division made of a field, which plan is on file in the Surveyor General's Office at Halifax, and more particularly described as follows:

COMMENCING on the east side of Brenton Street at the corner formed by the intersection of the middle point of the partition wall between Nos. 57 and 59 Brenton Street with the eastern side line of Brenton Street;

THENCE running south along the east side line of Brenton Street until it comes to the northwest corner of Lot No. 19 on said plan;

THENCE east along the north line of Lot No. 19 on said plan fifty-two feet until it comes to the western boundary of Lot No. 1 on said plan;

THENCE north along the west boundary of said Lot No. 1 until it comes to the middle point of said partition wall between Nos. 57 and 59 Brenton Street aforesaid;

THENCE west 52 feet to the place of beginning;

TOGETHER WITH a certain passage or right-of-way by night and day over the said Lot No. 59 to the rear of the said Lot No. 57 on said Brenton Street, being the same property and right-of-way as was devised by the late Thomas B. Granville, deceased, to one James M. Granville of North Sydney, in the County of Cape Breton, Commercial Traveller, by Will dated the 10th day of August, A.D., 1906, which said Will is on file in the Office of the Registrar of Probate, at Halifax aforesaid.

1485-87
Brenton
Street

AND ALSO ALL that certain lot, piece or parcel of land situate lying and being on the east side of Brenton Street, in the City of Halifax, County of Halifax and Province of Nova Scotia, and being a portion of a lot or parcel of land marked No. 2 on a plan of division made of a field relating to properties in the City of Halifax, having frontage on Brenton Street, filed in the Surveyor General's Office, at Halifax and formerly being Civic No. 59 Brenton Street and more particularly described as follows:

BEGINNING on the east side of Brenton Street at a point distant 62 feet from the corner of Spring Garden Road and Brenton Street;

THENCE running south along the east side of said Brenton Street 21 feet or until it comes to the corner formed by the intersection of the middle points of the partition wall or prolongation thereof between former Civic Nos. 57 and 59 Brenton Street with the eastern side line of said Brenton Street;

THENCE in an easterly direction through the centre of the said partition wall a distance of 52 feet or until it comes to the western boundary of Lot No. 1 on said plan;

THENCE north along the west boundary of said lot number one a distance of 22 feet to the existing northern boundary of the property hereby conveyed;

THENCE at right angles to the last mentioned boundary 52 feet or to the place of commencement.

SUBJECT HOWEVER to a certain passage or right-of-way by night and day over the said lot, former number 59 Brenton Street, and to the rear of the said lot former No. 57 on said Brenton Street, and being the same right-of-way as was devised by the late Thomas B. Granville by Will dated the 10th day of August, A.D., 1906, which said Will is on file in the Office of the Registrar of Probate at Halifax aforesaid.

AND ALSO

5652-54
Spring
Garden Road

ALL that certain lot, piece and parcel of land and premises as described in the Deed thereof dated 1st September, A.D., 1863, and recorded in the Registrar of Deeds Office for the said County of Halifax, in Book 142, Folio 244 et seq. and made by one Holder, to one Samuel Leonard Shannon, in his lifetime, as follows:

ALL that certain lot or parcel of land situate, lying and being on the South side of Spring Garden Road, in the City of Halifax, being a portion of the field and premises conveyed to W. G. Anderson by the Hon. Brenton Haliburton, by Deed bearing date the 15th day of April, 1847; being the Northern part of Lot Number Two (2) as by a plan of division of the said field by the said W. G. Anderson into building lots, filed in the Surveyor General's Office at said Halifax, upon reference thereto will more fully appear, which said Northern part is bounded and described as follows, that is to say:

COMMENCING at the corner of Spring Garden Road and a new Street called Brenton Street;

THENCE running South along the East side of Brenton Street sixty-two feet;

THENCE East in a line parallel with Spring Garden Road fifty-two feet to the Western boundary of Lot No. One (11);

THENCE North along the division line of Lots One and Two sixty-two feet to Spring Garden Road;

THENCE West along said Spring Garden Road fifty-two feet to the place of beginning and being the Northern portion of the lot conveyed to said Thomas C. Holder by Peter Norbeck and wife by Deed dated August 28th, 1852, and recorded in said Registry of Deeds Office in Book 101, Page 9 et seq. and which said property with all his other property was devised to one Annie Shannon, by Will of said Samuel Leonard Shannon, which Will is dated August 10, 1894, and was duly probated at said Halifax, the 16th day of March, 1895.

1477
Brenton
Street

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street, in the City and County of Halifax, and Province of Nova Scotia, being the same premises conveyed to one Ann Freeman by George P. Mitchell and Ann, his wife, by Deed bearing date November 2nd, 1963, and more particularly described as follows:

COMMENCING at the south west corner of lot number two on a plan of division filed by one William G. Anderson in the Surveyor General's Office, at the distance of one hundred and four (104) feet from Spring Garden Road;

THENCE running south on Brenton Street seventy-five feet;

THENCE running east parallel to Spring Garden Road one hundred and four feet to property now or formerly occupied by Thomas Gallivan in Schmitville, so called;

THENCE running north seventy five feet;

THENCE running west one hundred and four feet to the place of beginning.

1463
Brenton
Street

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in Halifax aforesaid, more particularly described as follows:

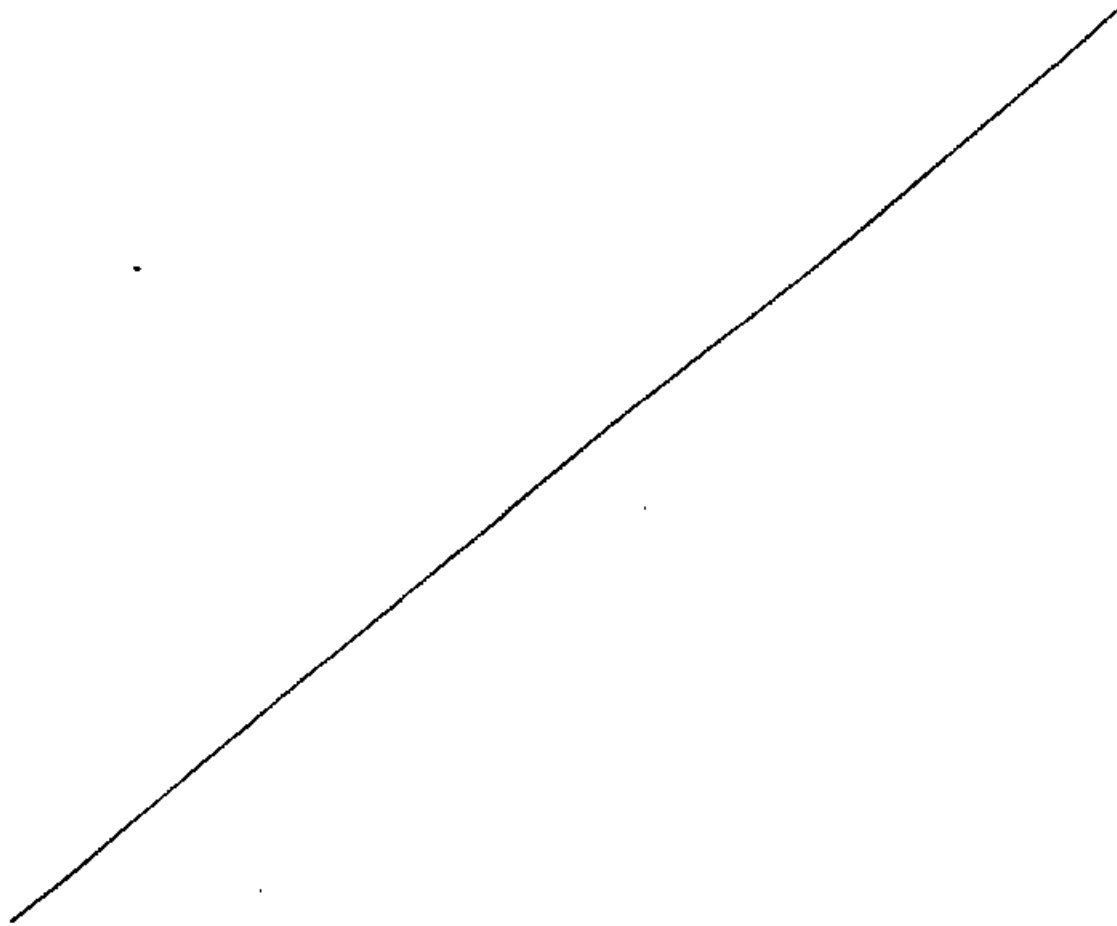
BEGINNING on Brenton Street at the northwest angle of land conveyed by one Duncan Grant to Jessie Ann Muncey;

THENCE running eastwardly along the line of last mentioned land one hundred and four feet or to the fence erected on the rear line of the premises now under description;

THENCE northwardly twenty-six feet two inches;

THENCE westwardly one hundred and four feet or to Brenton Street aforesaid and

THENCE southwardly on Brenton Street aforesaid 25 feet 6 inches to the place of beginning, being the property conveyed to Thomas Caldwell by Duncan Grant by Deed dated 14th day May, 1878 and recorded in the Registry of Deeds, Halifax, in Book 210, page 568.



1459
 Brenton
 Street

ALL that certain lot of land and premises known as 43 Brenton Street, situate on the eastern side of the said street in the City of Halifax and Province of Nova Scotia, and more particularly described as follows:

BEGINNING on the eastern side line of Brenton Street, at a point distant twenty-seven feet three inches from the northern boundary of lands formerly owned by one Lehan the said point being also distant two hundred eighty-seven feet three inches from the southern line of Spring Garden Road as laid down upon the City Official Plan;

THENCE to run northerly along the said eastern line of Brenton Street twenty-seven feet or to the southern boundary of the property bearing the number 45 Brenton Street;

THENCE easterly along the said southern boundary one hundred and four feet to the general rear boundary of lots;

THENCE southerly along the last mentioned boundary twenty-seven feet to the northern boundary of lands conveyed by one Wiswell to A. T. O'Leary by Deed dated May 31st, 1928, and recorded at the Office of the Registrar of Deeds at Halifax, in Book 626, Page 753;

THENCE westerly along the said last mentioned property one hundred and four feet to the place of beginning, being the same lands conveyed to said Clara Logan Boutilier by Wilbert A. Inness and wife by Deed dated April 30th, A.D. 1930, and recorded in the Registry of Deeds for the County of Halifax, in Book 658, Page 193.

149
Brenton
Street

280

All that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in the City of Halifax and described as follows:

COMMENCING on the east side of Brenton Street at the southwest angle of property No. 39 1/2;

THENCE east by a right line passing through the center of the wall separating the dwelling standing on the property now under description from the dwelling standing on the property immediately north of it and by the fence as it now stands one hundred and three feet more or less to the east line of the lots fronting on Brenton Street;

THENCE southerly by said line twenty-one feet one inch;

THENCE westerly by the fence as it now stands fifty-seven feet nine inches;

THENCE at right angles northerly one foot six inches;

TRENC E westerly by a right line passing along the south side of the south wall of the dwelling standing on the lot now under description forty-five feet three inches to Brenton Street;

THENCE northerly by the east line of said street nineteen feet four inches to the place of beginning, with the full right and liberty for the Grantee, its successors and assigns and all other persons authorized in that behalf of it from time to time and at all times hereafter at its will and pleasure for all purposes connected with the use and enjoyment of the said lands to pass and repass in, along and over the lands or passage more particularly described as follows:

COMMENCING on the east side of Brenton Street at a point on prolongation westerly of the north face of the north wall of the dwelling house No. 37 now or formerly owned by C. W. Anderson;

TRENC E running easterly by a right line along the north side of the north wall of the said dwelling house No. 37 forty-five feet three inches to a point four feet five inches east of the northwest angle of said dwelling;

THENCE at right angles northerly three feet;

TRENC E westerly by a right line passing along the south side of the south wall of the dwelling No. 39 forty-five feet three inches to the east line of said Brenton Street;

THENCE southerly by said east line two feet eleven inches to the place of beginning.

145)
Brenton
Street

All that lot, piece or parcel of land hereinafter described and situate in Brenton Street being part of land conveyed by John W. Marvin and Sarah Marvin on the 14th day of February, A.D. 1887 to one C. Willoughby Anderson as filed in the office of the Registrar of Deeds at Halifax in Book 259, pages 615 and 616 and described as follows:

All that certain lot or parcel of land situate in the City of Halifax being a portion of the field conveyed to William Y. Anderson by Breton Halliburton by deed bearing date 15th day of April A.D. 1847 and which said lot is marked on plan of division of said field in the Surveyor General's office as Lot No. 73 and bounded and described as follows, that is to say: Fronting on Brenton Street and beginning on the south-west corner of property owned by John Fox; thence running Eastwardly along the southern boundary line of said property one hundred and four (104) feet or until it reaches the property owned by John Cormmer thence southwardly twenty-three (23) feet six (6) inches more or less to property owned by C. Willoughby Anderson; thence Westwardly along the Northern boundary line of said last mentioned property one hundred and four (104) feet to Brenton Street aforesaid Northwardly along the Eastern side of said Brenton Street twenty-two (22) feet three (3) inches to the place of beginning.

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AND that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in the south suburbs of the City of Halifax aforesaid, and more particularly bounded and described as follows:

BEING at the north west angle of one Lane;

THENCE westerly One Hundred and Four (104) feet more or less along the north side of Lane's land to the west line of land now or formerly owned by John Donof;

THENCE northerly along said land of one Somers twenty-five (25) feet more or less;

THENCE westerly One Hundred and Four (104) feet more or less to Brenton Street aforesaid and THENCE southerly along the east side of Brenton Street Twenty-seven (27) feet more or less to the place of beginning.

THIS BEING the same lot of land conveyed by James Wentworth to William McCafferty by Deed dated the 1st day of January, A.D. 1910 and recorded at Halifax in Book 402, at Page 777.

ALSO BEING the same lands as conveyed by Jean Marie Brown (formerly Jean Marie Bishop) to John H. MacDonald and Viola MacDonald as Joint Tenants by Deed dated the 29th day of May, A.D. 1964 and recorded at the Registry of Deeds at Halifax in Book 1980 at Page 1.

SCHEDULE "B"

ALL that certain piece or parcel of land situate on the east side of Brenton Street, in Halifax aforesaid, and bounded and described as follows: BEGINNING at the southwest corner of property now or formerly owned and occupied by Annie Freeman; thence southwardly along the said line of Brenton Street, twenty-eight feet, eight inches, or to the northwest boundary of property lately sold by one Duncan Grant to Mrs. Robert Wetmore; thence along the north side line of said last mentioned property, one hundred and four feet, more or less, or until it meets the west side line of the late Galven's property; thence northwardly along the said last mentioned line, twenty-eight feet, eight inches, or until it meets the property of Annie Freeman aforesaid; thence along the south line of the said Annie Freeman's property, one hundred and four feet, to the place of beginning, being and intended to be the same lot of land and premises as conveyed by Mary Louise Bishop to Jack & Company Limited by Deed dated the 27th day of April 1948 and recorded at the Registry of Deeds at Halifax, aforesaid, in Book 1014, pages 445-448 on the 24th day of June, A. D., 1948.

All that certain lot, piece or parcel of land situate and being on the east side of Brenton Street in Halifax aforesaid more particularly described as follows: that is to say:

BEGINNING on Brenton Street at a point distant twenty-five feet six inches from the North West corner of land conveyed by Nathan Grant to Jesse A. Muncey; thence running eastwardly one hundred and four feet or to the fence erected on the premises now under description; thence along said fence northwesterly twenty-five feet eight inches; thence westwardly on a line parallel with the first described course one hundred and four feet to Brenton Street aforesaid; and thence southerly on Brenton Street twenty-five feet eight inches to the place of beginning;

TOGETHER WITH and subject to the mutual right-of-way as set out and described in a certain indenture made the 8th day of March, A.D. 1956 between the CHARITORS, Herbert and Gladys Horns wife of Philip C. Horns, of Halifax, which said indenture is recorded in the Registry of Deeds Office at Halifax aforesaid;

Description of 34-62 Dresden Row, Halifax, N.S. being sold to the City of Halifax by Saul M. Offman and Lillian Offman, his wife.

All that certain lot of land being lot Number 5, situate, lying and being in the range of lots letter "E" in Schmitzville, in the town of Halifax, abutted and bounded as follows:

BEGINNING at the Southeast corner of lot Number 4 in said range;

THENCE to run southerly along the line of Dresden Row Fifty feet;

THENCE westerly Eighty-seven feet till it comes to the line of Judge Haliburton's land;

THENCE northerly along said line Fifty feet;

THENCE easterly Eighty-six feet to the place of beginning, as may more fully appear by a plan of said Schmitzville, filed in the Surveyor General's Office being the land conveyed by the Reverend Donald Summers et al to Emma Delaney by Deed dated the 24th day of January, A.D. 1919, and duly recorded in the Registry of Deeds Office at Halifax in Book 499, Page 681;

AND BEING the same piece of land conveyed by Florence Adams to Saul M. Offman by deed dated the 1st day of September, A.D. 1939, and recorded in the Registry of Deeds Office at Halifax, N.S. at Book 1634, Page 914.

RESERVED WITH

All that lot, piece or parcel of land in the City of Halifax, situate, lying and being on the West side of Dresden Row being the southern part of Lots Number three and four in Letter E in Schmitzville and bounded as follows:

On the North by property owned by James Gallivan and there measuring Eighty feet more or less on the West by properties owned by Godfrey Smith Esq. and Stephen Phalen and there measuring seventy-five feet on the South by property owned by one Donald Summers and there measuring eighty feet more or less and on the East by Dresden Row and there measuring seventy-five feet;

Being the same property described in a deed from Margaret Mary Major to Saul Offman, dated January 6th, 1931, and recorded in the Registry of Deeds at Halifax, Nova Scotia, in Book 1111, Page 805

RESERVING AND EXCEPTING therefrom all that certain lot, piece or parcel of land marked Lot "A" on plan "Showing Lot "A" Owned by Saul Offman" dated May 11th, 1962, and signed by R. J. DeHovan, Provincial Land Surveyor;

AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a point on the westerly official street line of Dresden Row distant southerly one hundred and seventy-seven and ninety-five hundredths feet from Spring Garden Road;

THENCE southwardly along official street line of Dresden Row a distance of twelve feet;

THENCE westwardly a distance of eighty-five and eight tenths feet to the general rear line of Brenton Street lot;

THENCE northwardly along said rear line of Brenton Street lot a distance of twelve feet to other lands of Saul Offman;

THENCE eastwardly along other lands of Saul Offman a distance of eighty-five and eight tenths feet to the front of said lot.

All that certain piece or parcel of land situate in Schmideville (so called) in the City of Halifax, designated on plan of division of said Schmideville as part of lot number 6 in the range of lot #12 and being the northern half-part of said lot is described as follows: - that is to say, beginning at the southeast corner of lot number 5 on the western side of Dresden Row now or formerly owned by Thomas Summers; thence running west along the southern boundary of Summers' lot, 37 feet more or less or until it comes to the eastern boundary of land formerly owned by late Brenton Halliburton; thence running south along said eastern boundary 25 feet more or less; thence easterly along the centre of said lot #5, 37 feet more or less until it comes to the western side of said Dresden Row and thence northerly by the western side line of Dresden Row 15 feet more or less to the place of beginning.

ALL that certain lot of land being lot number 7 situate in the range of lots letter "E" in Schmitville in the City of Halifax bounded northerly by lot number 6, measuring thereon eighty-eight feet, easterly by Dresden Row measuring thereon fifty feet, southerly by lot Number 8 measuring thereon eighty-nine feet and westerly by land owned formerly by the Honourable Brenton Haliburton and measuring thereon fifty feet as may more fully appear by a plan of said Schmitville filed in the Surveyor General's office reference being thereunto had for a further description.

ALSO ALL that lot of land situate and being in Schmitville in the City of Halifax designated in a plan of division of said Schmitville as lot number 6 in the range of lots "E" described as follows: Being the southern half of lot Number 6, that is to say: Commencing at the north east corner of lot number 7 owned by William Carey and running west along the northern boundary of said Carey's lot eighty-eight feet or until it comes to the eastern boundary of land lately owned by the Honourable Brenton Haliburton; thence running north twenty-five feet thence east along the centre of said lot Number 6, eighty-seven feet six inches or until it comes to the western side line of Dresden Row, thence south along said western side line twenty-five feet or until it comes to the place of beginning, being lands owned by Ruth R. Foster at the time of her death and containing buildings thereon numbered 44-46-48 Dresden Row, and being the same lands conveyed to John Foster by Deeds respectively dated December 14th A.D. 1870 recorded in the Registry of Deeds for Halifax County in book 173, page 591 and September 8th, A.D. 1877, recorded in said Registry in book 212 page 516.

The legal descriptions on Pages 3, 4 & 5 of Schedule "B" are intended to be Block D described as follows:

All that certain lot, piece or parcel of land situate, lying and being at the northwest corner of Dresden Row and Clyde Street in the City of Halifax, Province of Nova Scotia, being Block D as shown on a plan titled "Plan Of Survey Showing Block D Lands Of The City Of Halifax Situated At Dresden Row And Clyde Street Halifax Nova Scotia", dated Nov. 25, 1987, certified by A. A. White, N.S.L.S. and being on file in the office of the Director of Engineering and Works for the City of Halifax as plan #TT-39-29351. The said Block D being more particularly described as follows:

Beginning at a point where the western street line of Dresden Row is intersected by the northern street line of Clyde Street, said point being distant 548.48 feet on a bearing of N 22° 14' 07" W from Nova Scotia Coordinate Monument #4937;

thence S 68° 38' 54" W along the northern street line of Clyde Street for a distance of 89.37 feet to the eastern boundary of lands of Peter G. and Sandra J. Klynstra;

thence N 19° 53' 55" W along the eastern boundaries of lands of Peter G. and Sandra J. Klynstra, Robert G. Lavers, Chartwell Management Limited and the City of Halifax for a distance of 216.82 feet to the southern boundary of lands of Spring Garden Services Limited;

thence N 69° 33' 42" E along the southern boundary of lands of Spring Garden Services Limited for a distance of 86.16 feet to the western street line of Dresden Row;

thence S 20° 44' 54" E along the western street line of Dresden Row for a distance of 214.38 feet to the point of beginning.

The above described Block D contains an area of 18,884 square feet.

Bearings are grid, referable to a modified transverse mercator projection 3° zone with central meridian at 64° 30' west longitude.

1483
Brenton
Street

ALL that certain lot or parcel of land situate in the south suburbs of the City of Halifax, being a portion of the lot or parcel of land marked No. 2 on a plan of division made of a field, which plan is on file in the Surveyor General's Office at Halifax, and more particularly described as follows:

COMMENCING on the east side of Brenton Street at the corner formed by the intersection of the middle point of the partition wall between Nos. 57 and 59 Brenton Street with the eastern side line of Brenton Street;

THENCE running south along the east side line of Brenton Street until it comes to the northwest corner of Lot No. 19 on said plan;

THENCE east along the north line of Lot No. 19 on said plan fifty-two feet until it comes to the western boundary of Lot No. 1 on said plan;

THENCE north along the west boundary of said Lot No. 1 until it comes to the middle point of said partition wall between Nos. 57 and 59 Brenton Street aforesaid;

THENCE west 52 feet to the place of beginning;

TOGETHER WITH a certain passage or right-of-way by night and day over the said Lot No. 59 to the rear of the said Lot No. 57 on said Brenton Street, being the same property and right-of-way as was devised by the late Thomas B. Granville, deceased, to one James M. Granville of North Sydney, in the County of Cape Breton, Commercial Traveller, by Will dated the 10th day of August, A.D., 1906, which said Will is on file in the Office of the Registrar of Probate, at Halifax aforesaid.

485-87
Brenton
Street

AND ALSO ALL that certain lot, piece or parcel of land situate lying and being on the east side of Brenton Street, in the City of Halifax, County of Halifax and Province of Nova Scotia, and being a portion of a lot or parcel of land marked No. 2 on a plan of division made of a field relating to properties in the City of Halifax, having frontage on Brenton Street, filed in the Surveyor General's Office, at Halifax and formerly being Civic No. 59 Brenton Street and more particularly described as follows:

BEGINNING on the east side of Brenton Street at a point distant 62 feet from the corner of Spring Garden Road and Brenton Street;

THENCE running south along the east side of said Brenton Street 71 feet or until it comes to the corner formed by the intersection of the middle points of the partition wall or prolongation thereof between former Civic Nos. 57 and 59 Brenton Street with the eastern side line of said Brenton Street;

THENCE in an easterly direction through the centre of the said partition wall a distance of 52 feet or until it comes to the western boundary of Lot No. 1 on said plan;

THENCE north along the west boundary of said lot number one a distance of 22 feet to the existing northern boundary of the property hereby conveyed;

THENCE at right angles to the last mentioned boundary 52 feet or to the place of commencement.

SUBJECT HOWEVER to a certain passage or right-of-way by night and day over the said lot, former number 59 Brenton Street, and to the rear of the said lot former No. 57 on said Brenton Street, and being the same right-of-way as was devised by the late Thomas B. Granville by Will dated the 10th day of August, A.D., 1906, which said Will is on file in the Office of the Registrar of Probate at Halifax aforesaid.

AND ALSO

5652-54
Spring
Garden Road

ALL that certain lot, piece and parcel of land and premises as described in the Deed thereof dated 1st September, A.D., 1863, and recorded in the Registrar of Deeds Office for the said County of Halifax, in Book 142, Folio 244 et seq. and made by one Holder, to one Samuel Leonard Shannon, in his lifetime, as follows:

ALL that certain lot or parcel of land situate, lying and being on the South side of Spring Garden Road, in the City of Halifax, being a portion of the field and premises conveyed to W. G. Anderson by the Hon. Brenton Haliburton, by Deed bearing date the 15th day of April, 1847; being the Northern part of Lot Number Two (2) as by a plan of division of the said field by the said W. G. Anderson into building lots, filed in the Surveyor General's Office at said Halifax, upon reference thereto will more fully appear, which said Northern part is bounded and described as follows, that is to say:

COMMENCING at the corner of Spring Garden Road and a new Street called Brenton Street;

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THENCE running South along the East side of Brenton Street sixty-two feet;

THENCE East in a line parallel with Spring Garden Road fifty-two feet to the Western boundary of Lot No. One (1);

THENCE North along the division line of Lots One and Two sixty-two feet to Spring Garden Road;

THENCE West along said Spring Garden Road fifty-two feet to the place of beginning and being the Northern portion of the lot conveyed to said Thomas C. Holder by Peter Norbeck and wife by Deed dated August 28th, 1852, and recorded in said Registry of Deeds Office in Book 101, Page 9 et seq. and which said property with all his other property was devised to one Annie Shannon, by Will of said Samuel Leonard Shannon, which Will is dated August 10, 1894, and was duly probated at said Halifax, the 16th day of March, 1895.

1477
Brenton
Street

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street, in the City and County of Halifax, and Province of Nova Scotia, being the same premises conveyed to one Ann Freeman by George P. Mitchell and Ann, his wife, by Deed bearing date November 2nd, 1963, and more particularly described as follows:

COMMENCING at the south west corner of lot number two on a plan of division filed by one William G. Anderson in the Surveyor General's Office, at the distance of one hundred and four (104) feet from Spring Garden Road;

THENCE running south on Brenton Street seventy-five feet;

THENCE running east parallel to Spring Garden Road one hundred and four feet to property now or formerly occupied by Thomas Gallivan in Schidville, so called;

THENCE running north seventy five feet;

THENCE running west one hundred and four feet to the place of beginning.

1463
Brenton
Street

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in Halifax aforesaid, more particularly described as follows:

BEGINNING on Brenton Street at the northwest angle of land conveyed by one Duncan Grant to Jessie Ann Muncey;

THENCE running eastwardly along the line of last mentioned land one hundred and four feet or to the fence erected on the rear line of the premises now under description;

THENCE northwardly twenty-six feet two inches;

THENCE westwardly one hundred and four feet or to Brenton Street aforesaid and

THENCE southwardly on Brenton Street aforesaid 25 feet 6 inches to the place of beginning, being the property conveyed to Thomas Caldwell by Duncan Grant by Deed dated 14th day May, 1878 and recorded in the Registry of Deeds, Halifax, in Book 210, page 568.

1459
Brenton
Street

ALL that certain lot of land and premises known as 43 Brenton Street, situate on the eastern side of the said street in the City of Halifax and Province of Nova Scotia, and more particularly described as follows:

BEGINNING on the eastern side line of Brenton Street, at a point distant twenty-seven feet three inches from the northern boundary of lands formerly owned by one Lehan the said point being also distant two hundred eighty-seven feet three inches from the southern line of Spring Garden Road as laid down upon the City Official Plan;

THENCE to run northerly along the said eastern line of Brenton Street twenty-seven feet or to the southern boundary of the property bearing the number 45 Brenton Street;

THENCE easterly along the said southern boundary one hundred and four feet to the general rear boundary of lots;

THENCE southerly along the last mentioned boundary twenty-seven feet to the northern boundary of lands conveyed by one Wiswell to A. T. O'Leary by Deed dated May 31st, 1928, and recorded at the Office of the Registrar of Deeds at Halifax, in Book 626, Page 753;

THENCE westerly along the said last mentioned property one hundred and four feet to the place of beginning, being the same lands conveyed to said Clara Logan Boutilier by Wilbert A. Inness and wife by Deed dated April 30th, A.D. 1930, and recorded in the Registry of Deeds for the County of Halifax, in Book 658, Page 191.

All that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in the City of Halifax and described as follows:

COMMENCING on the east side of Brenton Street at the southwest angle of property No. 39 1/2;

THENCE east by a right line passing through the center of the wall separating the dwelling standing on the property now under description from the dwelling standing on the property immediately north of it and by the fence as it now stands one hundred and three feet more or less to the east line of the lots fronting on Brenton Street;

THENCE southerly by said line twenty-one feet one inch;

THENCE westerly by the fence as it now stands fifty-seven feet nine inches;

THENCE at right angles northerly one foot six inches;

THENCE westerly by a right line passing along the south side of the south wall of the dwelling standing on the lot now under description forty-five feet three inches to Brenton Street;

THENCE northerly by the east line of said street nineteen feet four inches to the place of beginning, with the full right and liberty for the Grantee, its successors and assigns and all other persons authorized in that behalf of it from time to time and at all times hereafter at its will and pleasure for all purposes connected with the use and enjoyment of the said lands to pass and repass in, along and over the lands or passage more particularly described as follows:

COMMENCING on the east side of Brenton Street at a point on prolongation westerly of the north face of the north wall of the dwelling house No. 37 now or formerly owned by C. W. Anderson;

THENCE running easterly by a right line along the north side of the north wall of the said dwelling house No. 37 forty-five feet three inches to a point four feet five inches east of the northwest angle of said dwelling;

THENCE at right angles northerly three feet;

THENCE westerly by a right line passing along the south side of the south wall of the dwelling No. 39 forty-five feet three inches to the east line of said Brenton Street;

THENCE southerly by said east line two feet eleven inches to the place of beginning.

1453
Brenton
Street

All that lot, piece or parcel of land hereinafter described and situate in Brenton Street being part of land conveyed by John W. Marvin and Sarah Marvin on the 14th day of February, A.D. 1887 to one C. Willoughby Anderson as filed in the office of the Registrar of Deeds at Halifax in Book 259, pages 615 and 616 and described as follows:

All that certain lot or parcel of land situate in the City of Halifax being a portion of the field conveyed to William Y. Anderson by Breton Halliburton by deed bearing date 15th day of April A.D. 1847 and which said lot is marked on plan of division of said field in the Surveyor General's office as Lot No. 73 and bounded and described as follows, that is to say: Fronting on Brenton Street and beginning on the south-west corner of property owned by John Fox; thence running Eastwardly along the southern boundary line of said property one hundred and four (104) feet or until it reaches the property owned by John Cormmer thence southwardly twenty-three (23) feet six (6) inches more or less to property owned by C. Willoughby Anderson; thence Westwardly along the Northern boundary line of said last mentioned property one hundred and four (104) feet to Brenton Street aforesaid Northwardly along the Eastern side of said Brenton Street twenty-two (22) feet three (3) inches to the place of beginning.

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455
 certain
 feet

ALL that certain lot, piece or parcel of land situate, lying and being on the east side of Brenton Street in the south suburbs of the City of Halifax aforesaid, (and more particularly boxed) and described as follows:

BEING at the north west angle of one Lane;

THENCE easterly One Hundred and Four (104) feet more or less along the north side of Lane's land to the west line of land now or formerly owned by John Daulton;

THENCE northerly along said land of one Someers twenty-five (25) feet more or less;

THENCE westerly One Hundred and Four (104) feet more or less to Brenton Street aforesaid and THENCE southerly along the east side of Brenton Street Twenty-seven (27) feet more or less to the place of beginning.

THIS BEING the same lot of Land conveyed by James Wentworth to William McClaflerty by Deed dated the 3rd day of January, A.D. 1910 and recorded at Halifax in Book 402, at Page 227.

ALSO BEING the same lands as conveyed by Jean Marie Brown (formerly Jean Marie Bishop) to John H. MacDonald and Viola MacDonald as Joint Tenants by Deed dated the 29th day of May, A.D. 1964 and recorded at the Registry of Deeds at Halifax in Book 1980 at Page 1.