

Battery Point Lands Act

CHAPTER 31 OF THE REVISED STATUTES, 1989



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**An Act to Extinguish
the Right of the Public to Use
Certain Lands Situate at Battery Point
in the County of Lunenburg**

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Short title

1 This Act may be cited as the *Battery Point Lands Act*. R.S., c. 31, s. 1.

Public user extinguishment

2 All rights of public user in or over any portion of the lands described in the Schedule to this Act shall be extinguished forever. R.S., c. 31, s. 2.

SCHEDULE

ALL those certain lots, pieces and parcels of land, situate, lying and being at Garden Lots, in the County of Lunenburg and Province of Nova Scotia, Canada, bounded and described as follows:

LOT NUMBER ONE:

Beginning at a point marked by an iron bolt set in a concrete block at the mean high water mark of the eastern shore of Lunenburg Harbour, which said point marks the northern corner of the lot hereby described, and is located approximately 30 feet north of the remains of an old wharf, and also at the northwestern end of the remains of an old fence when produced northwestwardly to the said mean high water mark, as by reference to a plan of survey hereinafter referred to will more fully appear; Thence from said point so located in a generally southwesterly direction along the several courses of the mean high water mark of Lunenburg Harbour to a point marked by an iron bolt set in a concrete block at the northwestern corner of the Battery Point Lighthouse Property; The traverse lines joining these two last mentioned points from northeast to southwest being described as follows: south 15°-42'-18" west (Magnetic Meridian 1961) 347.92 feet; south 51°-24'-18" west; 409.33 feet; south 20°-21'-18" west, 325.76 feet; south 12°-58'-12" west, 410.83 feet; south 01°-53'-06" west, 309.59 feet and south 01°-26'-06" east, 628.09 feet; Thence from said last mentioned point north 66°-59'-36" east, 291.73 feet, more or less, along the boundary of the Battery Point Lighthouse Property to a point marked by an iron bolt set in a concrete block at the northeastern corner of said Battery Point Lighthouse Property; Thence south 30°-59'-54" east along the boundary of the said Battery Point Lighthouse property for 270.43 feet more or less to a point marked by an iron bolt set in a concrete block at the mean high water mark of the afore-

said Lunenburg Harbour; Thence in a generally northeasterly direction along the several courses of the mean high water mark of Lunenburg Harbour to the margin of the uplands of the Battery Point farm, so called, and the western end of the sand and gravel beach, which beach is described herein as Lot Number Two; Thence along the margin of the said uplands and the sand and gravel beach in a generally northwardly direction to the mean high water mark of the southwestern shore of the Eel Pond; Thence in northwestwardly and northeasterly directions along the several courses of the mean high water mark of the western and northern shores of the Eel Pond to a point marked by an iron bolt set in a concrete block on the western edge of an old abandoned roadway leading to the Eel Pond; Traverse lines joining the two last mentioned points marked by iron bolts set in concrete from southwest to northeast are as follows: north 68°-18'-12" east, 363.23 feet; north 57°-02'-30" east, 424.97 feet; north 68°-42'-18" west, 91.32 feet; north 10°-00'-36" west, 210.08 feet; north 02°-05'-18" west, 303.85 feet; north 02°-01'-06" east, 386.64 feet; north 36°-37'-54" east, 172.68 feet; south 66°-41'-30" east, 283.24 feet; north 65°-54'-30" east, 527.12 feet; north 88°-44'-24" east, 226.52 feet; and north 76°-26'-30" east, 171.76 feet; Thence north 12°-36'-48" west along a fence bordering the western side of an old abandoned roadway 301.62 feet more or less to a point marked by an iron bolt set in a concrete block at the southeastern corner of property of Thomas G. Whynacht; Thence north 59°-45'-12" west along the southwestern boundary of Thomas G. Whynacht property for 370.89 feet more or less to a point marked by an iron bolt set in a concrete block on the southeastern limit (33 feet from the centre of the travelled surface) of the public highway leading from Blue Rocks to Lunenburg; Thence south 82°-19'-18" west along the northern margin of the said public highway for 53.56 feet more or less to a point marked by an iron bolt set in a concrete block; Thence south 51°-09'-18" west along the southern margin of the said highway for 40.0 feet more or less to a point marked by an iron bolt set in a concrete block; Thence along the margin of the said highway south 71°-11'-42" west, for 205.0 feet more or less to a point marked by an iron bolt set in a concrete block; Thence along the southern margin of said public highway south 59°-33'-42" west for 358.0 feet more or less to a point marked by an iron bolt set in a concrete block; Thence along the southern boundary of the said highway south 72°-12'-30" west, 163.0 feet more or less to a point marked by an iron bolt set in a concrete block; Thence northwestwardly along the several courses of the westwardly side of the said public highway to an iron bolt set in a concrete block near the remains of a wire fence; Traverse lines joining the points marked by the last two mentioned iron bolts are as follows: from southeast to northwest; north 67°-22'-30" west, 51.0 feet; north 50°-46'-42" west 207.71 feet; north 26°-23'-18" west 233.24 feet; Thence from the last mentioned point marked by an iron bolt set in a concrete block north 32°-53'-48" west, 250.9 feet more or less to a point marked by an iron bolt set in a concrete block; Thence continuing along the same bearing and course 55.51 feet more or less to the place of beginning. The whole of Lot Number One contains an approximate area of 52.75 acres more or less.

The lands hereinbefore described are and are intended to be the lands marked "Property of Lillian Pearl Lohnes" shown on the plan of survey of lands of Lillian Pearl Lohnes and known as the Battery Point Farm at Garden Lots, made by Errol B. Hebb, P.L.S., and dated at Bridgewater, N.S., the 17th day of August, A.D., 1961, and outlined in red on the said plan.

LOT NUMBER TWO:

Beginning at the intersection of the northern shore of Lunenburg Harbour by the eastern boundary of the lands described herein as Lot Number One and marking the margin between the uplands so called and the sand and gravel beach; Thence in a generally northerly course along the several courses of the boundary between the said uplands and the said beach to the mean high water mark of the southwestern shore of the Eel Pond; Thence along the several and varying courses of the mean high water mark of the southern shore of the Eel Pond in an easterly direction to the inlet and outlet of the Eel Pond; Thence in a generally southwestern direction along the mean high water mark of the said inlet and outlet to Lunenburg Harbour; Thence in a generally westerly direction along the mean high water mark of the said Lunenburg Harbour to the boundary between the uplands and the beach which marks the place of beginning.

The said Lot Number Two contains an approximate area of 18.85 acres more or less and is shown delineated in red on a plan of survey showing property of Lillian Pearl Lohnes, known as Lohnes' Beach, at Garden Lots, in the County of Lunenburg, Nova Scotia, which plan was made by Errol B. Hebb, P.L.S., and dated at Bridgewater, N.S., on the 22nd day of August, A.D., 1961.

All directions herein contained are of the Magnetic Meridian of 1961.

R.S., c. 31, Sch.
