

## **BY-LAW NO. 160**

### **A BY-LAW RELATING TO THE SACKVILLE WATERFOWL PARK**

1. Whereas the Sackville Waterfowl Park was created with the following aims and purposes:
  - a) To create and manage an area of wetland in the Town of Sackville for the purpose of:
    - (i) providing breeding habitat for waterfowl and other wetland wildlife species;
    - (ii) providing residents and visitors to the Town with opportunities for year-round outdoor educational and recreational experiences in a natural setting;
    - (iii) maintaining additional park/green space within the Town.
  - b) To undertake habitat improvements which will enhance the area's attractiveness both to wildlife and to visitors without compromising its natural integrity through underdevelopment (e.g. paved pathways, vehicular traffic, etc.).
  - c) To undertake an information program, through signage pamphlets, etc., which will interpret the park as a managed wetland for wildlife, thus enhancing the visitor's enjoyment and appreciation of the area while keeping disturbance of wildlife and habitat to a minimum.
  - d) To serve as a focus for the Town of Sackville's choice of a waterfowl theme for its downtown and area tourism development initiatives.
2. Therefor, the Mayor and Town Council of the Town of Sackville enact as follows:
  - a) No person shall be in or on the grounds of the Sackville Waterfowl Park as outlined in Schedule "A", one-half hour after sunset in the evening and one-half hour before sunrise in the morning, without the approval in writing from the Chief of Police or the Chief Administrative Officer.
  - b) There will be no molesting of waterfowl or other wildlife in the park, including the disturbance of nests or destruction of habitat.
  - c) There will be no hunting or trapping within the park without written permission from the Chief of Police and the Chief Administrative Officer, and having been issued a permit in accordance with Schedule "B" attached hereto.
  - d) The park will be closed to all vehicular traffic including bicycles.

- e) Visitor access will be restricted to footpaths, board-walks and observation/rest areas, with the exception of management, study or other specifically authorized activities.
  - f) Littering, defacing of signs, and other acts of vandalism are strictly prohibited.
  - g) Dogs must be on a leash when within the boundaries of the Waterfowl Park.
3. Any person who violates any provisions of this By-Law shall upon conviction, be liable for a penalty of not less than \$200.00 and not more than \$1,000 and in default of payment is liable to imprisonment in accordance with subsection 31(3) of the Summary Convictions Act.
4. By-Law No. 130 and 130A - A By-Law Relating to the Sackville Waterfowl Park are hereby repealed.
5. This By-Law comes into effect on the date of final passing thereof.

Read a first time this 8th day of December, 1997.

Read a second time this 8th day of December, 1997.

Read a third time and done and passed Council this 12th day of January, 1998.

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MAYOR

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CLERK

**SCHEDULE "A"**

ALL those two parcels of land, containing a total of 76,570 square feet, more or less, comprising Parcel "A", containing 28,570 square feet, more or less, and Parcel "B", containing 48,000 square feet, more or less, both located at Sackville, County of Westmorland, Province of New Brunswick, Mile 0.56 to 1.06, of the lessor's Tormentine Subdivision, each shown outlined in red on Plan No. 26965, dated 26 May 1987, attached hereto and forming part hereof.

INCLUDING all the rights, privileges and appurtenances thereto belonging.

PARCEL ONE All that certain lot, piece or parcel of land situated in the Town of Sackville, in the County of Westmorland and the Province of New Brunswick, bounded and described as follows:

NOTE: In the following description all co-ordinates referred to are of the New Brunswick Grid System and all azimuth as referred to are of the same system.

COMMENCING at a survey marking where the south boundary of lands of the Canadian National Railways meets the property of Mount Allison University at the northwest limits of the Canadian National Railways line to Cape Tormentine and having co-ordinates of North 735725.453 East 465570.119 and being the place of beginning;

THENCE southwesterly along the CNR right of way on an azimuth of  $185^{\circ} 29' 19''$  and a distance of 98.859 meters to survey markers;

THENCE continuing southeasterly along the CNR right of way on an azimuth of  $176^{\circ} 53' 01''$  a distance of 70.243 metres to a survey marker;

THENCE continuing southeasterly along the CNR right of way of an azimuth of  $176^{\circ} 43' 57''$  a distance of 107.718 metres to a point;

THENCE continuing southeasterly along the CNR right of way on an azimuth of  $179^{\circ} 14' 46''$  a distance of 31.572 metres to a point and to the lands of Lounsbury Co. Ltd.;

THENCE southwesterly along the northwesterly boundary of Lounsbury Co. Ltd. on an azimuth of  $249^{\circ} 48' 44''$  a distance of 25.853 metres to a point;

THENCE southwesterly along the northwesterly boundary of lands of Mount Allison University on an azimuth of  $267^{\circ} 44' 39''$  a distance of 95.766 metres to the northeasterly limits of East Main Street;

THENCE northwesterly along the limits of East Main Street on an arc of a circle having a radius of 154.026 metres on an arc distance of 83.433 metres to southeast corner of lands of St. Paul's Anglican Church;

THENCE northeasterly along lands of St. Paul's Anglican Church on an azimuth of  $28^{\circ} 51' 34''$  a distance of 3.192 metres to an iron pipe;

THENCE continuing along the same line on an azimuth of  $28^{\circ} 51' 34''$  a distance of 25.298 metres to the northeast corner of lands of the St. Paul's Anglican Church;

THENCE northwesterly along lands of St. Paul's Anglican Church on an azimuth of  $292^{\circ} 51' 18''$  a distance of 13.106 metres to an iron bar;

THENCE northeasterly along the southeasterly boundary of the lands of Robert Alcorn on an azimuth of  $29^{\circ} 00' 09''$  a distance of 117.581 metres to a survey marker;

THENCE northwesterly along the northeasterly boundary of the lands of Robert Alcorn on an azimuth of  $291^{\circ} 27' 29''$  a distance of 25.000 metres to a survey marker;

THENCE northeasterly on an azimuth of  $02^{\circ} 30' 07''$  a distance of 144.030 metres to a point and to lands of the Canadian National Railways;

THENCE southeasterly along the southwesterly boundary of lands of the Canadian National Railways on an azimuth of  $101^{\circ} 42' 43''$  a distance of 134.129 metres to the place of beginning.

The above described parcels of land containing 4.550 hectares being shown on a "Plan to Accompany Lease of Parcels "A" and "B" from Mount Allison University to the Town of Sackville ", said plan being dated July 2, 1987 as prepared by James C. Henderson, N.B.L.S., said plan being annexed hereto and filed herewith.

### PARCEL TWO

All those certain lots, pieces or parcels of land, situate, lying and being at the Town of Sackville aforesaid, which were conveyed to the Grantor as part of the land contained in a deed of the United Church of Canada, dated the 10th day of August A.D., 1967, duly recorded as NO. 277389, in Book 215, page 735, on the 7th day of November A.D., 1967, and more particularly bounded and described as follows:

FIRST: - Beginning at the point of intersection of the northeast side line of lands on the Home with the N.B. - P.E.I. Railway; Thence  $N 48^{\circ} 32' W$  a distance of 726 feet to lands of the University; Thence  $N 11^{\circ} 45' W$  a distance of 342.5 feet; Thence  $N 24^{\circ} 30' E$  to point 11 on a plan of the property of the Home; Thence  $S 57^{\circ} 40' E$  a distance of 600 feet; Thence  $N 48^{\circ} 54' E$  a distance of 132.1 feet; Thence  $S 66^{\circ} 45' E$  a distance of 315.1 feet to the N.B. - P.E.I. Railway; Thence  $S 37^{\circ} 30' W$  along the right of way of the N.B. - P.E.I. Railway a distance of 858 feet to the place of beginning.

ROBERT DONCASTER ET UX (FLORENCE)  
to  
THE TOWN OF SACKVILLE

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of Sackville, County of Westmorland and Province of New Brunswick, and more particularly bounded and described as follows:

COMMENCING at a survey marker having co-ordinates Northing 736 247.789 Easting 465 376.072, said point being identified as Point 2 on Subdivision Plan of J.W. Baughan Limited and Robert Doncaster;

THENCE in an easterly direction upon bearing  $102^{\circ} 28' 35''$  a distance of 215.146 metres to a survey marker;

THENCE continuing in an easterly direction upon bearing  $102^{\circ} 28' 02''$  a distance of 15.333 metres to a fence corner post;

THENCE in a northerly direction upon bearing  $18^{\circ} 46' 48''$  a distance of 40.315 metres to a survey marker;

THENCE in a southeasterly direction upon bearing  $118^{\circ} 01' 31''$  a distance of 61.46 metres to a survey marker, said survey maker being on the westerly side of the Canadian Government Railways;

THENCE following the westerly boundary of the Canadian Government Railways Line in a southerly direction upon bearing  $192^{\circ} 08' 30''$  a distance of 230.974 metres to a survey marker;

THENCE in a westerly direction upon bearing  $268^{\circ} 21' 48''$  a distance of 89.786 metres to a survey marker;

THENCE in a southwesterly direction upon bearing  $205^{\circ} 14' 57''$  a distance of 41.67 metres to a survey marker;

THENCE in a westerly direction upon bearing  $277^{\circ} 01' 00''$  a distance of 182.899 metres to a survey marker;

THENCE in a southwesterly direction upon bearing  $239^{\circ} 43' 40''$  a distance of 3.80 metres to a survey marker;

THENCE in a northwesterly direction upon bearing  $323^{\circ} 32' 42''$  a distance of 72.187 metres to a survey marker;

THENCE in a westerly direction upon bearing  $285^{\circ} 00' 53''$  a distance of 225.238 metres to a survey marker;

THENCE in a northerly direction upon bearing  $00^{\circ} 06' 31''$  a distance of 89.855 metres to a survey marker;

THENCE in a northeasterly direction upon bearing  $77^{\circ} 41' 59''$  a distance of 168.503 metres to a survey marker;

THENCE continuing in a northeasterly direction upon bearing  $73^{\circ} 03' 03''$  a distance of 150.83 metres to a survey marker being the point or place of beginning and being all of Parcel B of the J.W. Baughan Limited and Robert Doncaster subdivision, prepared by Walter C. Rayworth, N.B.L.S., on the 27th day of March, 1987 and filed in the Registry Office for the County of Westmorland with this document.

AND CONTAINING 12.46 hectares.

AND BEING A PORTION OF THE LANDS conveyed to Robert Doncaster by Fred Doncaster et ux (Pauline) by Deed dated the 26th day of October, A.D. 1962 and duly recorded in the Registry Office for the County of Westmorland on the 5th day of October, A.D. 1976 in Book 534 at Pages 521-523 as Number 357360.

AND BEING APPROVED FOR REGISTRATION by Marjorie R. Andrews For Development Officer, Town of Sackville, on the 4th day of October, A.D. 1976.

SECOND: - Beginning at the point of intersection of the southeast side of the N.B. - P.E.I. Railway with the north side line of Clarence Street; Thence northeasterly along the N.B. - P.E.I. Railway right of way a distance of 149 feet; Thence  $S 45^{\circ} E$  along an old fence a distance of 111 feet; Thence  $S 74^{\circ} W$  along an old ditch a distance of 168 feet to the place of beginning;

THIRD: - A right of way in common with the Home 10 feet in width and along the existing right of way on the north side of lands of the Home and continuing over the lands being conveyed by the University to the Home to lands retained by the University to be used in common by the University and the Home, and by any person lawfully using the said right of way with their authority or permission.

The same having been approved for registration by A.B. Zwicker, Development Officer for the Town of Sackville, on the 28th day of June, 1976.

J.W. BAUGHAN  
to  
THE TOWN OF SACKVILLE

ALL that certain lot, piece or parcel of land situate, lying and being in the Town of Sackville, County of Westmorland and Province of New Brunswick, and more particularly bounded and described as follows:

COMMENCING at a survey marker having co-ordinates Northing 736 247.789 Easting 465 376.072, said point being identified as Point 3 of Subdivision Plan of J.W. Baughan Limited and Robert Doncaster;

THENCE in a northeasterly direction upon bearing  $38^{\circ} 08' 40''$  a distance of 103.18 metres to a survey marker;

THENCE in a southeasterly direction upon bearing  $118^{\circ} 01' 30''$  a distance of 19.345 metres to a survey marker;

THENCE in a southwesterly direction upon bearing  $208^{\circ} 01' 28''$  a distance of 30.48 metres to a survey marker;

THENCE in a southeasterly direction upon bearing  $118^{\circ} 01' 30''$  a distance of 167.61 metres to a survey marker;

THENCE continuing in a southeasterly direction upon bearing  $118^{\circ} 01' 30''$  a distance of 15.441 metres to a point;

THENCE in a southerly direction upon bearing  $198^{\circ} 46' 48''$  a distance of 9.433 metres to a fence post;

THENCE in a westerly direction upon bearing  $282^{\circ} 28' 02''$  a distance of 15.333 metres to a survey marker;

THENCE continuing in a westerly direction upon bearing  $282^{\circ} 28' 35''$  a distance of 215.146 metres to a survey marker being the point or place of beginning and being all of Parcel A of the J.W. Baughan Limited and Robert Doncaster Subdivision, prepared by Walter C. Rayworth, N.B.L.S., on the 27th day of March, 1987 and filed in the Registry Office for the County of Westmorland with this document.

AND CONTAINING 0.91 hectares.

AND BEING PART OF THE LANDS conveyed to J.W. Baughan Limited by Deed duly recorded in the Registry Office for the County of Westmorland in Book 1121 at Pages 220 as Number 475565.

DOOLEY'S INC.

to

TOWN OF SACKVILLE

ALL that certain lot, piece or parcel of land and premises situate, lying and being on the North side of Bridge Street, in the Town of Sackville, County of Westmorland and Province of New Brunswick, more particularly bounded and described as follows:

COMMENCING at a survey marker having N.B. grid coordinates Easting 465571.154 and Northing 735409.869, being the point or place of beginning,

THENCE in a Southwesterly direction 242 Degrees 00 Minutes 09 Seconds a distance of 1.068 Meters to a survey marker;

THENCE continuing in a Southwesterly direction upon bearing 151 Degrees 21 Minutes 36 Seconds a distance of 3.947 Meters to a survey marker;

THENCE continuing in a Westerly direction upon bearing 262 Degrees 07 Minutes 26 Seconds a distance of 12.029 Meters to a survey marker;

THENCE in a Southwesterly direction upon bearing 224 Degrees 20 Minutes 11 Seconds a distance of 11.478 Meters to a survey marker;

THENCE in a Northerly direction upon bearing 02 Degrees 18 Minutes 20 Seconds a distance of 10.179 Meters to a survey marker;

THENCE in Northeasterly direction upon bearing 68 Degrees 44 Minutes 10 Seconds a distance of 25.863 Meters to a survey marker;

THENCE in a Southerly direction upon bearing 179 Degrees 13 Minutes 00 Seconds a distance of 7.930 Meters to a survey marker, being the point and place of beginning.

AND CONTAINING 171.4 square meter.

AND BEING all of Lot 95-1 of Subdivision Plan of Unit One, Dooley's Inc. Subdivision dated November 1, 1995 and registered at the Registry Office in and for the County of Westmorland as Number 201034 on December 4, 1995. Said Plan BEING APPROVED FOR REGISTRATION by Stirling Marsh, Development Officer, Tantramar Planning District Commission, on December 1, 1995.

AND BEING a portion of the land conveyed to Dooley's Inc. by Lounsbury Company Limited registered in the Westmorland County Registry Office on June 9, 1995 in Book 2337 at Page 231 as Number 607726.