THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 78-87

To Designate the Lands and Building Municipally known as 398 Wilson Street East, in the Town of Ancaster, as Lands and Building of Historic Value, Architectural Value and Interest

WHEREAS this Council is empowered under sub-section (6) of Section 29 of The Ontario Heritage Act to enact By-laws to designate real property, including buildings and structures thereon, as described in Schedule "A" attached hereto to be of historic or architectural value or interest, and

WHEREAS this Council has caused to be served upon the owner of the lands and premises known municipally as 398 Wilson Street East, in the Town of Ancaster, and upon the Ontario Heritage Foundation notice of intention to so designate the described property and has caused such notice of intention to be published in a newspaper having a general circulation in this Municipality once for each of three consecutive weeks, and

WHEREAS no notice of objection to the proposed designation of the described property has been served on the Clerk of this Municipality within the time prescribed by the said Statute, and

WHEREAS this Council's reasons for the proposed designation are as set forth in Schedule "B" attached hereto.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF ANCASTER ENACTS AS FOLLOWS:

1. In this By-law the word "property" means real property and includes all buildings and structures thereon.

2. There is hereby designated as being of historic value, architectural value and interest the property known municipally as 398 Wilson Street East, in the Town of Ancaster, and more particularly described in Schedule "A" attached hereto.

3. YATES and YATES are hereby authorized and directed to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto in the Land Registry Office for the Registry Division of Wentworth.

4. The Clerk is hereby authorized and directed to cause a copy of this By-law to be served upon the owner of the property and upon the Ontario Heritage Foundation and to cause notice of this By-law to be published in a newspaper having general circulation in the Town of Ancaster.

ENACTED AND PASSED THIS 11th DAY OF DECEMBER 1978.

Mayor

Clerk

THIS AGREEMENT made, in duplicate, the 13th day of April 1981.

B E T W E E N:

THE CORPORATION OF THE TOWN OF ANCASTER
(hereinafter called the "Town")

OF THE FIRST PART,

- and -

MARY ELIZABETH McKEON
(hereinafter called the "Owner")

OF THE SECOND PART.

WHEREAS The Corporation of the Town of Ancaster is the Owner of a 6 inch x 6 inch plaque, reading "*DESIGNATED PROPERTY, ONTARIO HERITAGE ACT*", with the Crest of the Town of Ancaster thereon, and

WHEREAS Mary Elizabeth McKeon is the registered Owner of the lands and premises municipally known as 398 Wilson Street East, in the Town of Ancaster, more particularly described as part of Lot Number 45, Concession 2, in Schedule "A" attached hereto, and

WHEREAS pursuant to By-law No. 78-87 of The Corporation of the Town of Ancaster and pursuant to the provisions of The Ontario Heritage Act, S.O. 1974, Chapter 122, the lands and premises municipally known as 398 Wilson Street East, in the Town of Ancaster, were designated as a building or structure of historical or architectural value or interest, and

WHEREAS by Section 37(1) of The Ontario Heritage Act, the Town is entitled to enter into agreements, covenants and easements with Owners of real property or interest therein, for the conservation, protection and preservation of the heritage of Ontario, and

WHEREAS by Section 37(3) of The Ontario Heritage Act, such covenants and easements entered into by the Town when registered in the proper Land Registry Office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be enforced by the Town or its assignee against the Owner(s) or any subsequent Owner(s) of the real property, even where the Town owns no other land which would be accommodated or benefited by such covenants and easements, and

WHEREAS the Owner and the Town desire to conserve the present historical, architectural, aesthetic and scenic character and condition of the building on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

NOW WITNESSETH this Agreement that in consideration of the sum of TWO ($2.00) DOLLARS now paid by the Town to the Owner, (the receipt of which is hereby acknowledged) and for other valuable consideration, and in further consideration of the granting of the covenants herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Town agree to abide and be bound by the following covenants, easements and agreements.

1. Duties of Owner

   (a) The Owner shall and doth hereby allow the Town as Owner of the plaque to attach the said plaque to premises described in Schedule "A" hereto and grant to the Town the privilege of maintaining the said plaque on the premises.

   (b) The Owner does hereby permit the Town servants and agents to enter with material and equipment necessary for the installation, maintenance and inspection of the said plaque and its mountings.

   (c) The Owner shall not, without the prior written approval of the Town, remove the plaque from the premises.

2. Duties of Town

   (a) The Town agrees to install and mount and to maintain a plaque at its own expense on premises municipally known as 398 Wilson Street East, in the Town of Ancaster.

   (b) The Town agrees that, upon the removal of the designation of the premises pursuant to The Ontario Heritage Act, it will remove the plaque from the premises and as far as practicable restore the premises to their same condition as prior to the installation of the plaque.

3. The Owner and the Town agree that at all times the plaque is and remains the property of the Town.

4. Nothing contained herein in this Agreement requires the Owner of the premises to open the premises to public viewing.

5. This Agreement shall enure to the benefit of and be binding upon the parties hereto, their successors, administrators and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their seals under the hands of their officers duly appointed in that behalf.

Signed, sealed, and delivered in the presence of:

Nicola Peterson

THE CORPORATION OF THE TOWN OF ANCASTER

Mayor

Clerk

MARY ELIZABETH McKEON

Registered Owner

SCHEDULE "B"

Reasons for Designation of 398 Wilson Street East, in the Town of Ancaster

The Marr House/Heritage Bookstore, known municipally as 398 Wilson Street East, in the Town of Ancaster, being of historic and architectural value and interest, is a well-preserved and charming Georgian stone house dating from circa 1850 although some stylistic details suggest an earlier date. The use of stone as a construction material relates the building to several other important buildings on Wilson Street. For these reasons the building is of great importance to the Wilson Street streetscape. Without restricting the generality of the foregoing the reasons for this Council designating the described premises include the intention that the following features of the described premises should be preserved, that is,

(a) the four facades of the building, including the exposed stonework construction, and

(b) the roof and chimneys and return eaves, and

(c) the 5-pane toplight over the front door; the surviving northeast ground-floor window in the east facade with its 12-over-12 sash should be preserved for reference in case the owner should desire to return the present 2-over-2 sashes to their original organization, but

this Council has no intention that any alteration, maintenance, repair, replacement or improvement of elements of the premises requires the prior written consent of this Council unless such affect the reasons for the designation of the premises as described in paragraphs (a) to (c) herein.