THE CORPORATION OF THE TOWN OF ANCASTER

BY-LAW NO. 79-26

To Designate the Lands and Building Municipally known as 838 Mineral Springs Road, 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 owners of the lands and premises known municipally as 838 Mineral Springs Road, 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 838 Mineral Springs Road, 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 owners 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 12th DAY OF FEBRUARY 1979.

Mayor

Clerk

SCHEDULE "A"

Description of Lands

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying d being a part of Lots 39 and 40, Concession 1, and part of the road allowance between Concessions 1 and 2, in front of Lots 39 and 40, in the Town of Ancaster, in the Regional Municipality of Hamilton-Wentworth (formerly in the Township of Ancaster, in the County of Wentworth) and Province of Ontario, containing 15.000 acres and shown as Part 1 on a compiled plan by A. T. McLaren, O.L.S., dated April 29th, 1971, more particularly described as follows:

PREMISING that bearings are astronomic in nature and are referred to the meridian through the Southwest corner of Lot 34, Concession 1, in the Township of Ancaster and relating all bearings herein thereto:

COMMENCING at an iron bar in a line joining the Southeast corner of the said Lot 39, Concession 1, to a stone monument at the Northeast corner of Lot 39, Concession 2, distant fifteen and twelve one-hundredths feet (15.12') measured South nine degrees and twenty-one minutes East (S. 9° 21' E.) from the said Southeast corner of the said Lot 39, Concession 1:

THENCE South nine degrees and twenty-one minutes East (S. 9° 21' E.) along the said joining line, fifty-one feet (51.00') to the said stone monument;

THENCE South seventy-seven degrees and twelve minutes West (S. 77° 12' W.) along the Southerly limit of the said road allowance between Concessions 1 and 2 as closed by By-law No. 169 (Registered September 1876 as Instrument No. 2294) seven hundred and thirty-one and sixty-four one-hundredths feet (731.64');

THENCE North six degrees and twenty-four minutes and ten seconds West (N. 6° 24' 10" W.) one thousand, one hundred and twenty-five and forty-three one-hundredths feet (1125.43') to an iron bar in the Southerly limit of the Mineral Springs Road;

THENCE following an old post and wire fence defining the Southerly and Southwesterly limit of the said Mineral Springs Road, the following 11 courses; South fifty-eight degrees and twenty-nine minutes East (S. 58° 29' E.) two hundred and twenty-six and eighteen one-hundredths feet (226.18') to an iron bar; South sixty degrees and twenty-one minutes East (S. 60° 21' E.) one hundred and forty-two

and fifty-one one-hundredths feet (142.51') to an iron bar; South seventy-nine degrees and thirty-four minutes East (S. 79° 34' E.) eighty and thirty-three one-hundredths feet (80.33') to an iron bar; North eighty-six degrees and six minutes and ten seconds East (N. 86° 06' 10" E.) ninety-nine and nine one-hundredths feet (99.09') to an iron bar; South eighty-one degrees and fifty-five minutes and ten seconds East (S. 81° 55' 10" E.) fifty-six and sixty-two one-hundredths feet (56.62') to an iron bar; South seventy-one degrees and forty-six minutes and ten seconds East (S. 71° 46' 10" E.) forty-five and twenty-one one-hundredths feet (45.21') to an iron bar; South forty-eight degrees and thirty-three minutes and forty seconds East (S. 48° 33' 40" E.) fifty and two one-hundredths feet (45.21') to an iron bar; South forty-eight degrees and thirty-three minutes and forty seconds East (S. 48° 33' 40" E.) fifty and two one-hundredths feet (50.02') to an iron bar; South thirty-eight degrees and forty-nine minutes and fifty seconds East (S. 38° 33' 40" E.) eighty and one one-hundredth feet (80.01') to an iron bar; South twenty-seven degrees and twenty-eight minutes and twenty seconds East (S. 27° 28' 20" E.) four hundred and thirty-four and forty-seven one-hundredths feet (434.47') to an iron bar;

South forty-nine degrees and six minutes and ten seconds East (S. 49° 06' 10" E.) one hundred and eighty-eight and seven-tenths feet (188.70') to an iron bar; South forty-nine degrees and twenty-four minutes East (S. 49° 24' E.) twenty-eight and sixty-five one-hundredths feet (28.65') to an iron bar;

THENCE South seventy-three degrees and twenty-three minutes West (S. 73° 23' W.) two hundred and twenty-four and sixty-seven one-hundredths feet (224.67') to the point of commencement.

SUBJECT TO an easement 33 feet in perpendicular width for a wood pole transmission line, and an easement 66 feet in perpendicular width for a steel tower transmission line, in favour of the Hydro Electric Power Commission of Ontario, registered as Instrument No. 22381 and shown on a plan attached thereto.

SCHEDULE "B"

Reasons for Designation of 838 Mineral Springs Road, in the Town of Ancaster

"Woodend", known municipally as 838 Mineral Springs Road, in the Town of Ancaster, being of historic and architectural value and interest, is the finest rural-gothic stone building in the Dundas Valley. Built circa 1862, it is sited along Mineral Springs Road in keeping with the picturesque lanscape-architecture principles of the day, and possesses much of the original Laing garden layout. The house was the residence of Ancaster's first Reeve and Warden of the County, John Heslop. In 1958 the property and house was bought by Mr. George Donald, who restored the house and donated "Woodend" to the Hamilton Region Conservation Authority in 1971. 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 facades of the existing stone building with the exclusion of the garage and windows on the west facade which will provide access to the new addition and garage, and

(b) the roof gables, chimneys and bargeboards, and

(c) the fenestration, shutters and doors, and

(d) all original wooden architectural elements of the exterior, and

(e) all architectural features of the main hall and stairway and the drawing room to the east of the hall, and

(f) the open space area surrounded by Mineral Springs Road and the semi-circular driveway,

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 (f) herein. Further, this Council has no intention to require prior written consent for the construction and maintenance of other buildings upon the lands described in Schedule "A" and/or any landscape adjustments in respect of such lands.

It is clearly understood that Schedule "A" covers a more extensive area than is intended to be protected for historical purposes by this By-law. The description in Schedule "A" was used only as it represents an existing legal survey. The purpose of this By-law is to only protect those portions of "Woodend" as outlined in paragraphs (a) to/and including (f).

It is also clearly understood that this By-law only relates to the existing building known as "Woodend" and not to the addition which is proposed to be built in 1978 and 1979.