7/84

THE CORPORATION OF

THE TOWNSHIP OF FLAMBOROUGH

BY-LAW NO. 84 -79 - H

Being a By-Law to designate the properties municipally known as:

1. The older of the two residences on the Walberla Enterprises Limited (George Lochner) property 2463 Highway #5 West, in part of Lot 3, Concession 3 (Beverly) Township of Flamborough.

2. The residence of Jack Cooper, 141 Highway #8, in part of Lot 7, Concession 1 (West Flamborough) Township of Flamborough.

as being of Architectural and/or Historical Value or interest.

WHEREAS Section 29 of The Ontario Heritage Act, R.S.O. 1980, authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings or structures thereon, as described in Schedule "A" attached hereto, to be of architectural and historical value or interest;

AND WHEREAS the Council of the Corporation of the Township of Flamborough has caused to be served on the owners of the lands and premises known municipally as:

1. 2463 Highway #5 West, the residence of George Lochner in part of Lot 3, Concession 3 (Beverly) Township of Flamborough.

2. 141 Highway #8, the residence of Jack Cooper, in part of Lot 7, Concession 1 (West Flamborough) Township of Flamborough,

and upon the Ontario Heritage Foundation, Notice of Intention to so designate the aforesaid real property, and has caused such notice of intention to be published in a newspaper having general circulation in the Municipality;

AND WHEREAS no notice of objection to the proposed designation has been served on the Clerk of the Municipality within the prescribed time;

AND WHEREAS the reasons for the proposed designations are set forth in Schedule "B", attached hereto;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF FLAMBOROUGH ENACTS AS FOLLOWS:

BY-LAW NO. 84-79-H

1. There are designated as being of architectural and historical value or interest, the real properties known as:

   (a) Number 2463 Highway 5 West, the residence of George Lochner (Walberla Enterprises Limited) in part of Lot 3; Concession 3 (Beverly) now Township of Flamborough.

   (b) Number 141 Highway 8, the residence of Jack Cooper, in part of Lot 7, Concession 1 (West Flamborough) now Township of Flamborough.

   and more particularly described in Schedule "A" attached hereto.

2. The Township's Solicitor is hereby authorized and directed to cause a copy of this By-law to be registered against the properties described in Schedule "A" attached hereto, in the Land Registry Office for the Registry Division of Wentworth.

3. The Clerk is hereby authorized to cause a copy of this by-law to be served on the owners of the properties and on the Ontario Heritage Foundation, and to cause notice of the passing of this By-Law to be published in a newspaper having general circulation in the Township of Flamborough, once for each of three consecutive weeks.

4. The Clerk is also authorized to place a description of this By-Law in the local Register for Designating Properties.

READ A FIRST, SECOND AND THIRD TIME, AND PASSED IN COUNCIL, THIS 20th DAY OF AUGUST 1984.

Mayor

Deputy- Clerk

SCHEDULE "A" TO

BY-LAW NO. 84-79 - H

1. Number 2463 Highway 5 West, part of Lot 3, Concession 3 in the former Township of Beverly, now in the Township of Flamborough, the residence of George Lochner, Owner: Walberla Enterprises Limited.

2. Number 141 Highway 8, part of Lot 7, Concession 1 in the former Township of West Flamborough, now in the Township of Flamborough, the residence of Jack Cooper.

SCHEDULE "B" TO

BY-LAW NO. 84-79-H

1. 2463 Highway #5 West - G. Lochner Residence

This one-and-a-half storey clapboard dwelling, built prior to 1844 is a simple form of Georgian style architecture, a design unusual in Flamborough.

The four windows in the facade and the two in the east wall retain the original 9 over 6 double hung sashes, and the front doorway its sidelights.

It is historically significant, having been built on property originally of a 200 acre Crown grant to the Hon. Peter Russell, a British Officer in the American War of Independence, who emigrated to Upper Canada in 1796 and settled in Toronto. He was appointed Administrator of Upper Canada.

2. 141 Highway #8 - Jack Cooper Residence

This stately brick residence, combining Georgian and Italianate styles was built in 1862.

It retains most of its outstanding interior and exterior architectural features, including the original windows and shutters, entrance doorway, sidelights and transom.

The historical significance of this property is that it passed through the hands of important pioneer and United Empire Loyalist people, all descendants of very early settlers.

The house was built for Mr. Kenneth Wishart, prominent businessman and Treasurer of Municipal Council. His wife was the daughter of Peter Van Every of the Butler's Rangers.

84-79-H.

IN THE JUDICIAL DISTRICT)	IN THE MATTER OF By-law Number 84-79-H of the Corporation of the Townhip of
OF HAMILTON-WENTWORTH)	Flamborough being a By-law to designate certain properties as being of
)	Architectural and/or Historical Value or interest
)	
)	AND IN THE MATTER OF Section 29 of the Ontario Heritage Act R.S.O. 1980
)	

I. HUGH FAIRBAIRN McKERRACHER, of the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, Solicitor, MAKE OATH AND SAY AS FOLLOWS:

1. I am the Solicitor for the Corporation of the Township of Flamborough a Municipal Corporation which did on the 20th day of August, 1984 pass By-law Number 84-79-H designating certain properties in the Township of Flamborough as being of Architectural and/or Historical Value or Interest pursuant to Section 29 of the Ontario Heritage Act R.S.O. 1980.

2. That the property set out in aforesaid By-law Number 84-79-H do not contain a local description.

3. The said By-law affects lands in the Township of Flamborough in the Regional Municipality of Hamilton-Wentworth, formerly in the Township of West Flamborough in the County of Wentworth and being composed of part of Lot Number Seven (7) in the First Concession more particularly described as follows:

> ALL AND SINGULAR that certain parcel or tract of land and situate lying and being in the Township of Flamborough, in the Regional Municipality of Hamilton-Wentworth formerly in the Township of West Flamborough, in the County of Wentworth, and being composed of Part of Lot Number Seven (7) in the First Concession more particularly described as follows:
> PREMISING that the bearings used herein are assumed astronomic and are referred to that part of Oak Avenue as shown on Registered Plan 1036 on a course of North Seventy Degrees Fifty-Eight minutes East (N 70° 58' E.);
> COMMENCING at the northwest angle of Lot Number One (1) according to a subdivision known as Grand Vista Gardens Addition the Plan thereof registered as number 773;
> THENCE South Seventy-one degrees Six minutes and Thirty Seconds West (S 71° 06' 30" W) Six Hundred and Sixty-eight and twenty-two hundredths feet (668.22') to an iron bar planted;

THENCE North Eleven Degrees Forty-two Minutes Thirty Seconds West (N 11° 42' 30" W.) Twenty Six and fifty-two one Hundredths feet (26.52) to an iron bar planted;
THENCE North Twelve Degrees Forty-Six Minutes West (N.12° 46' W.) One thousand Three hundred and Thirty-two and Seventy-nine one Hundredths Feet (1,332.79) to an iron bar planted.
THENCE North Thirteen Degrees Forty-One Minutes Twenty Seconds West (N.13° 41' 20" W.) Four Hundred and three and nineteen one hundredths feet (403.19) to an iron bar planted on the southerly limit of Provincial Highway No. eight (8);
THENCE North Seventy-Six Degrees Fifteen Minutes Forty Seconds East (N. 76° 15' 40" E.) along the southerly limit of Provincial Highway No. Eight (8), Six Hundred and Fifty-nine and Twenty-Four one hundredths (659.24) feet to an iron bar planted;
THENCE South Thirteen Degrees Nine Minutes Fifteen Seconds East (S13° 09' 15"E.),One Thousand Seven Hundred and one and Forty-two one hundredths feet (1,701.42) more or less to the place of beginning.

4. The Instrument also affects lands in the Township of Flamborough in the Regional Municipality of Hamilton-Wentworth formerly in the Township of Beverly in the County of Wentworth and being composed of Part of Lot Three (3) in the Third Concession of the said Township and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Flamborough in the Regional Municipality of Hamilton-Wentworth (formerly in the Township of Beverly, in the County of Wentworth) being composed of part of Lot Three (3) in the Third Concession of the said Township and being more particularly described as follows:
COMMENCING at a point in the westerly limit of said Lot Three (3) distant Two thousand One Hundred and Seventy eight feet (2,178) from the northwest angle of said Lot Three (3) and on a bearing of South Thirteen degrees East (S 13° E);
THENCE continuing along the said Westerly limit South Thirteen Degrees East (S 13° E.) Four Thousand Four Hundred and Twenty-two (4,422) feet to the southwest angle of the said Lot;
THENCE North Seventy-seven Degrees East (N77° E.) along the southerly limit of said Lot, One Thousand Three Hundred and Twenty (1,320) feet to the southeast angle of said Lot;
THENCE North Thirteen Degrees West (N 13°W.) along the easterly limit of said Lot Four Thousand Nine Hundred and Fifty (4,950) feet;
THENCE South Seventy-seven Degrees West (S 77°W) Six Hundred and Sixty (660) feet;
THENCE South Thirteen Degrees East (S 13°E.) Five Hundred and Twenty-eight (528) feet;
THENCE North Seventy-seven Degrees West (N 77° W.) Six Hundred

and Sixty (660) feet to the place of commencement of the herein described parcel.

SAVE AND EXCEPT those lands expropriated by the Department of Highways as shown on Plan attached to Miscellaneous Plan Number 99 and Miscellaneous Plan Number 396, the latter being registered on the 10th day of November, 1952.

AND SUBJECT TO AN EASEMENT in favour of Imperial Oil Limited, as shown on Plan attached to Instrument No. 21015 registered on the 6th day of December, 1951 in the Book for the Township of Beverly.

AND I make this solemn declaration, conscientiously beleiving it to be true and knowing that it is of the same force and effect as if made under oath.

DECLARED before me at the City of Hamilton)
in the Regional Municipality of Hamilton-)
Wentworth this 28 day of Aug ,)
1984.)

A Commissioner etc.