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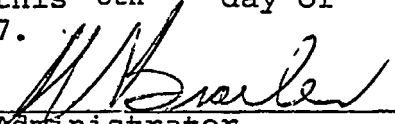
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DATED: SEPTEMBER 8, 1987

THE CORPORATION OF THE TOWN OF GRIMSBY
BY-LAW NO. 87-104


A BY-LAW TO REPEAL BY-LAW NO 86-78 AS
IT APPLIES TO PART OF THE LANDS DESIGNATED
THEREBY.

Read a first time this 8th day of
September , 1987.



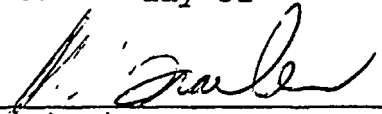
Town Administrator

Read a second time this 8th day of
September , 1987.



Town Administrator.

Read a third time this 8th day of
September , 1987.



Town Administrator.

MESSRS. CHOWN, CAIRNS,
Barristers and Solicitors,
80 King Street, P. O. Box 760,
St. Catharines, Ontario.
L2R 6Y8

RG:nc

THE CORPORATION OF THE TOWN OF GRIMSBY
BY-LAW NO. 87-104

RECEIVED
IN THE OFFICE

SEP 21 1987

ARCHITECTURE AND
PLANNING
HERITAGE BRANCH

A BY-LAW TO REPEAL BY-LAW NO. 86-78
AS IT APPLIES TO PART OF THE LANDS DESIGNATED THEREBY.

WHEREAS the Council of The Corporation of the Town of Grimsby on July 14th, 1986, enacted By-Law No. 86-78, which designated the lands municipally known as 376 Nelles Road North, Grimsby, Ontario, as being of architectural and/or historical value or interest pursuant to The Ontario Heritage Act; and

WHEREAS Section 32(1) of The Ontario Heritage Act provides that an owner of property designated as being of historical or architectural value or interest may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property; and

WHEREAS the owner of the lands municipally known as 376 Nelles Road North, Grimsby, Ontario, has applied to the Council of The Corporation of the Town of Grimsby to repeal the said By-Law No. 86-78 insofar as it applies to that part of the lands designated by By-Law No. 86-78 described in Schedule "A" hereto annexed; and

WHEREAS the Council of The Corporation of the Town of Grimsby has consented to the application of the owner of the lands described in Schedule "A" pursuant to Section 32(2)(b) of The Ontario Heritage Act.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRIMSBY ENACTS AS FOLLOWS:


1. By-Law No. 86-78 be and the same is hereby repealed insofar as it applies to the lands described in

Schedule "A" attached hereto and forming part of this By-Law.

READ A FIRST TIME THIS 8TH DAY OF SEPTEMBER, 1987.



Ross Hall - Mayor




Ronald C. Bracher,
Town Administrator.

READ A SECOND AND THIRD TIME AND FINALLY PASSED THIS 8TH
DAY OF SEPTEMBER, 1987.



Ross Hall - Mayor



Ronald C. Bracher,
Town Administrator.

Certified to be a true copy of
By-Law No. 87-104 passed on the
8TH day of SEPTEMBER 1987


Clerk.

SCHEDULE 'A'

Part of Lot 6, Concession No. 1, formerly in the Township of North Grimsby, now in the Town of Grimsby, Regional Municipality of Niagara, and shown as Part 2 on a Plan of Survey deposited in the Registry Division of North Niagara (No. 30) as 30R-4946.

THIS IS SCHEDULE "A" TO
BY-LAW NO. 87-104 PASSED
THIS 8TH DAY OF SEPTEMBER,
1987.

SIGNATURES OF SIGNING OFFICERS:


MAYOR


TOWN ADMINISTRATOR

IN THE MATTER OF THE ONTARIO HERITAGE ACT
AND IN THE MATTER OF THE LANDS PREMISES
IN THE TOWN OF GRIMSBY, KNOWN MUNICIPALLY
AS 376 NELLES ROAD NORTH, GRIMSBY, ONTARIO.

NOTICE OF PASSAGE OF A DESIGNATING BY-LAW
PURSUANT TO PART IV OF THE ONTARIO HERITAGE ACT

TAKE NOTICE THAT the Council of The Corporation of the Town of Grimsby passed By-law No. 87-104 on September 8th, 1987, which repeals By-law No. 86-78 from a portion of the above captioned lands.

THE PURPOSE of By-law No. 86-78 was to designate the land and property as a property of Architectural and Historical Interest. By-law No. 86-78 is being repealed only where it affects the vacant yard space (approximately 2.75 acres) of the property and more accurately described as Part 2 on Reference Plan 30R-4946. The dwelling and outbuildings are still designated pursuant to By-law No. 86-78.

ANY PERSON may within thirty days of the first publication of this notice, send by registered mail or deliver to the Clerk of The Corporation of the Town of Grimsby notice of his or her objection to the by-law, together with a statement of the reasons for the objection and all relevant facts. When a Notice of Objection has been received, the Council of The Corporation of the Town of Grimsby will refer the matter to the Conservation Review Board for a hearing and report.

THIS NOTICE FIRST PUBLISHED on the 23rd day of September, 1987.

R.C. Bracher
Town Administrator
Town Hall
160 Livingston Avenue
P.O. Box 159
Grimsby, Ontario

REPORT TO: D. Turcotte, Chairman & Members of
Grimsby LACAC

RE: Request by the Estate of Mary S. Burnham to
Delete Designation Pursuant to Part IV of the
Ontario Heritage Act from 376 Nelles Road North
(Lake Lawn)

DATE: May 27, 1987

1.0 Introduction

The following report deals with the events leading up to the request for a by-law releasing a portion of lands (2.74 acres) from historical designation in order to facilitate the sale of the property. The subject lands are located at 376 Nelles Road North, Grimsby, and shown as Part 2 on the attached map. A number of recommendations are also included in this report.

2.0 Background

On July 14th, 1986, Council passed By-law No. 86-78 designating 376 Nelles Road North, pursuant to Section 29 of the Ontario Heritage Act (1975), as being of architectural and/or historical value or interest. The lands and premises known as Lake Lawn, named so because of the pasture that stretched from the house to the lake, consists of a total lot area of approximately 1.43 hectare (3.54ac).

Concern was raised by the executors of the Mary Burnham Estate, (i.e. Lake Lawn), soon after its designation as a historical site. The executors had planned the eventual disposition and probable sale of vacant lands on the property, and they felt that such designation would cause some difficulties in its disposition. The executors did, however, grant that the house and sundry buildings were of historical importance, since the house was built in 1846 by John Adolphus Nelles. John Nelles was the son of one of the original United Empire Loyalist that had first settled in Grimsby.

In early 1987, the Estate of Mary Burnham applied for land severance with the Land Division Committee to convey 0.08 acres of the property, which includes the house, a shed and a garage. A total of 2.74 acres were to be remnant lands. The conveyance was granted by the Land Division Committee subject to a number of conditions. One of the conditions, the subject of this report, was that the applicant must rezone both subject and remnant parcels to an appropriate category as required by the Town of Grimsby

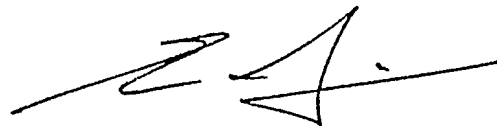
A request was then submitted to the Town of Grimsby, by the solicitors of Mary Burnham Estate, so that the remnant lands (2.74ac) may be released by means of a by-law from the previous historical designation (By-law No. 86-78). By releasing this land from its previous historical designation, it would facilitate the sale of these lands. The conveyed 0.80 acre, which include historical structures would, however, remain designated as a place of historical interest.

3.0 Recommendation

It is recommended that Report P.A. 87-105 regarding the request by the Estate of Mary Burnham to release a portion of 376 Nelles Road North (Lake Lawn) from designation pursuant to Part IV of the Ontario Heritage Act, be approved and that the by-law be prepared and forwarded to Council for approval once the necessary notice has been given.

Prepared by,

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'E. Iovio', with a stylized flourish at the end.

L. Lipiec
LACAC Researcher

E. Iovio, M.C.I.P.
Planning Administrator

EI/LL/vm

SITE PLAN

NOT TO SCALE

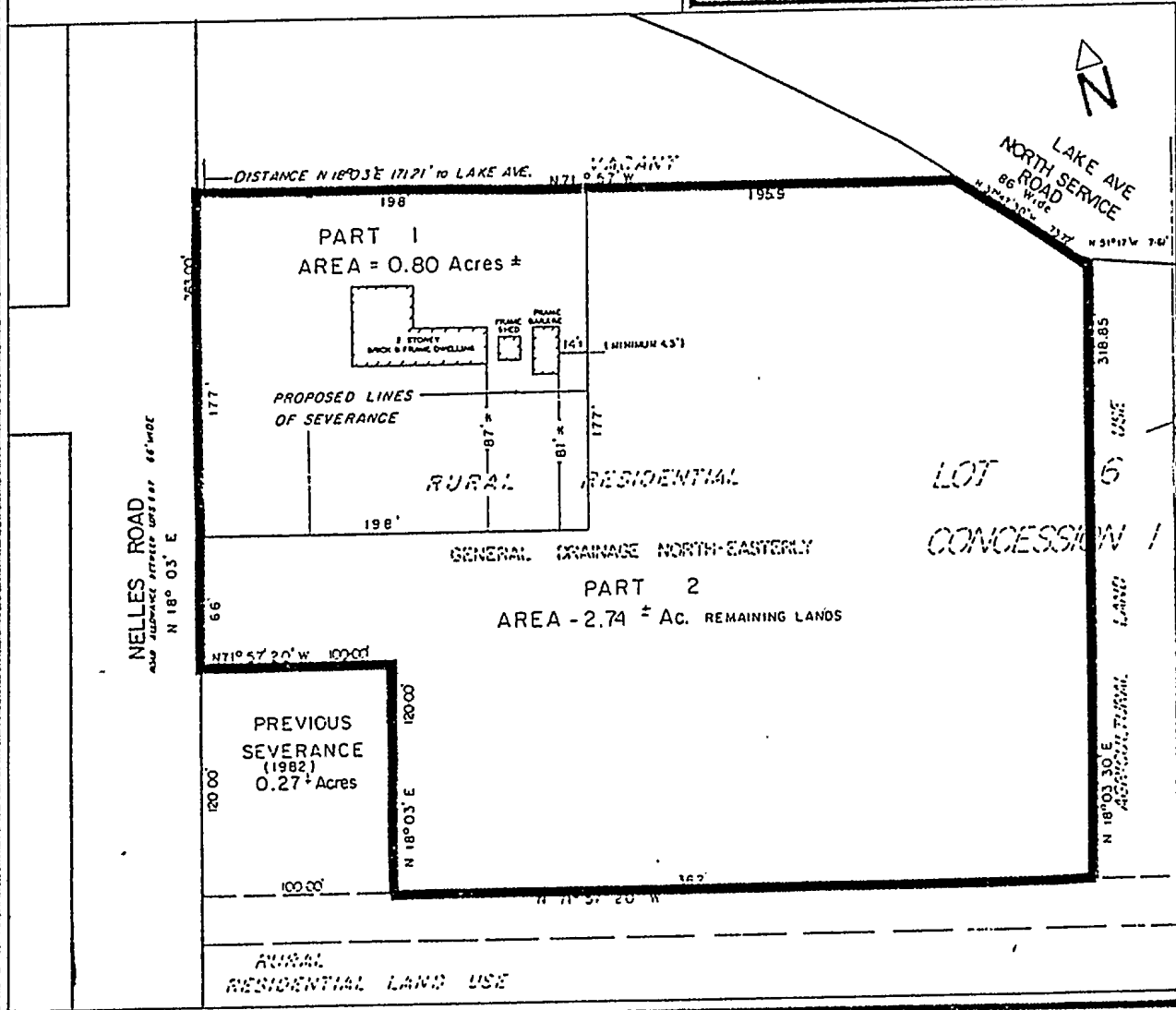
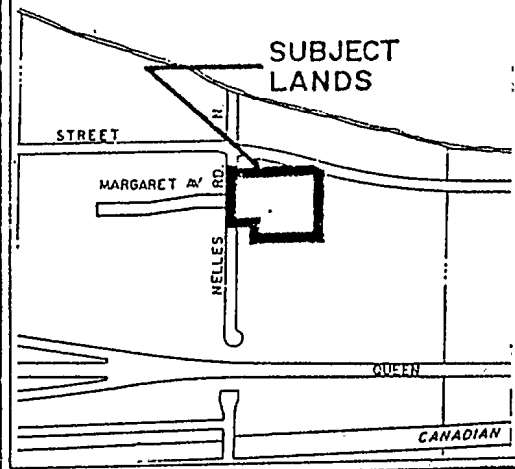
LEGEND:



SUBJECT LANDS

LOCATION PLAN

NOT TO SCALE



FILE NUMBER Z-87-17

DATE MAY 7, 1987



Town of Grimsby
Planning Department