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City of Kitchener
EX INDUSTRIA PROSPERITAS



DEPARTMENT OF GENERAL SERVICES
AND CITY CLERK

October 18, 1990

REGISTERED MAIL

**RECEIVED
IN THE OFFICE**

City Hall, P.O. Box 1118
22 Frederick Street
Kitchener, Ontario
Canada, N2G 4G7

OCT 22 1990

**ARCHITECTURE AND
PLANNING
HERITAGE BRANCH**

Ms. Nancy Smith
Heritage Branch
Ministry of Culture and Communications
77 Bloor Street W.
Toronto, Ontario
M7A 2R9

Dear Ms. Smith:

Re: Designation By-law: 1) No. 90-160 - 37-39 King Street West
2) No. 90-161 - 45 King Street West
3) No. 90-162 - 234 Frederick Street

Attached are copies of the by-laws designating 37-39 King Street West, 45 King Street West, and 234 Frederick Street. The by-laws were registered on October 12, 1990 as Instrument No. 1055912, No. 1055913 and No. 1055914, respectively.

If you have any further questions or concerns, please call me at (519) 741-2276.

Yours truly,

Dianne H. Gilchrist
Committee Secretary

Encl.

/dr

BY-LAW NUMBER 90-160

OF THE

CORPORATION OF THE CITY OF KITCHENER

(Being a by-law to designate part of the property municipally known as 37-39 King Street West in the City of Kitchener as being of architectural value)

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1980, Chapter 337, authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of architectural or historical value or interest;

AND WHEREAS the Council of The Corporation of the City of Kitchener has caused to be served on the owner of the lands and premises known municipally as 37-39 King Street West in the City of Kitchener, and upon the Ontario Heritage Foundation, a Notice of Intention to Designate as being of architectural value that part of the aforesaid real property more particularly hereinafter described, and has caused such Notice of Intention to be published in a newspaper having general circulation in the municipality once for each of three consecutive weeks;

AND WHEREAS no Notice of Objection to the proposed designation has been served upon the Clerk of the Municipality;

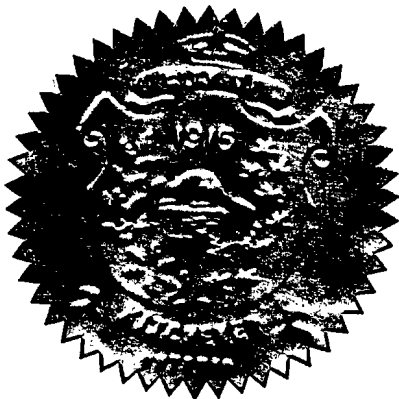
NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. There is designated as being of architectural value that part of the aforesaid real property known as 37-39 King Street West which pertains to the entire King

Street elevation above the first storey level.

2. The City Solicitor is hereby authorized to cause a copy of this By-law to be registered against the whole of the property described in Schedule "A" hereto (of which the said designated area forms a part) in the proper land registry office.
3. The Clerk is hereby authorized to cause a copy of this By-law to be served on the owner of the aforesaid property and on the Ontario Heritage Foundation and to cause notice of the passing of this By-law to be published in the same newspaper having general circulation in the community once for each of three consecutive weeks.

PASSED at the Council Chambers in the City of Kitchener
this 9th day of October, A.D. 1990.



W. Cardillo MAYOR
[Signature] CLERK

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Kitchener, in the Regional Municipality of Waterloo (formerly the County of Waterloo) and Province of Ontario and being composed of part of Lots numbers 3 and 4 in Section Number three of Frederick Gaukel's Survey, Plan 381, on the south side of King Street between Queen and Ontario Streets in the said City more particularly described as follows:

BEGINNING at the most northerly angle of said Lot 4;

THENCE South sixty (60) degrees thirty-five (35) minutes east along the south limit of King Street, a distance of One (1) foot to a point, such point being the Point of Commencement of the herein to be described parcel of land;

THENCE continuing South sixty (60) degrees thirty-five (35) minutes east along the south limit of King Street, a distance of twenty-three (23) feet seven (7) inches to the centre line of a brick party wall;

THENCE South twenty-nine (29) degrees fifteen (15) minutes west along the centre line of the front part of the said wall, forty-nine (49) feet to the centre line of another brick party wall running parallel with King Street and connected with the first mentioned brick wall;

THENCE South sixty (60) degrees thirty-five (35) minutes east parallel with the South limit of King Street following the centre line of the last mentioned brick party wall, four (4) feet to the centre line of another brick party wall meeting the same and running parallel with the first mentioned brick party wall;

THENCE South twenty-nine (29) degrees fifteen (15) minutes West following the centre line of the last mentioned brick party wall fifty-two feet and five-tenths of a foot (52.5);

THENCE North sixty (60) degrees thirty-five (35) minutes West parallel with the South limit of King Street, four (4) feet more or less to the production South westerly of the centre line of the first mentioned brick party wall;

THENCE South twenty-nine (29) degrees fifteen (15) minutes west following the said produced centre line of the first mentioned brick party wall fifty-seven feet and eighty-nine one hundredths of a foot (57.89) more or less to the North limit of Hall's Lane;

THENCE North sixty (60) degrees West along the same Twenty-three (23) feet and Seven (7) inches to a point, said point being distant one (1) foot on a bearing of south sixty (60) degrees east from the North west limit of said Lot 4;

THENCE North twenty-nine (29) degrees fifteen (15) minutes East parallel with the North west limit of Lot 4 and distant one (1) foot therefrom, a distance of One Hundred and Fifty-nine feet and Seventy-two One Hundredths of a foot (159.72) more or less to the Point of Commencement.

TOGETHER with all right, title and interest whatsoever of the grantor in and to that part of said Lot Number 4 conveyed to Jacob M. Staebler as aforesaid by Deed registered as Number 10367 and to a certain party wall mentioned and described therein and in and to and subject to the covenants and agreements with respect thereto set forth and contained in said deed number 10367.

TOGETHER with and subject to two certain party wall agreements, one dated the 24th day of February, 1910 and the other dated the 7th day of February, 1913 and registered in the said Registry Office as Number 25031 and 29502 respectively.

TOGETHER with and subject to a certain party wall agreement bearing date the 5th day of November, 1910 and registered in the said Registry Office on the 14th day of November, 1910 as Number 25872 for the City of Kitchener.

REASONS FOR DESIGNATION

37-39 King Street West

The designation described herein has been made on architectural grounds and pertains to all structural and decorative elements including the colonnade, entablatures, piers, attic and copings but excluding the later shop front on the ground level.

The subject property is an early 20th century commercial facade and contributes to the King Street streetscape. The entire elevation is conceived as an Ionic portico in antis with three columns framed between piers.

The specific features included in the designation are: all elements of the balconies, including floors, ceilings and balustrades; all elements of the glazed screens on the upper floors, including doors, windows, mullions, frames and glazing.