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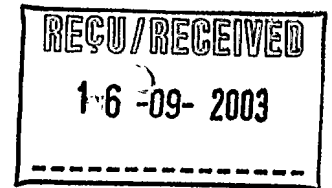


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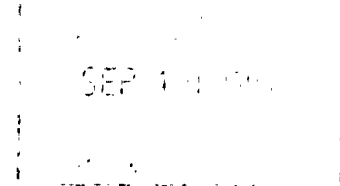
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Kent File



Notice of By-law to Repeal Designation
Under The Ontario Heritage Act

On July 14, 2003 the Council of the Municipality of Chatham-Kent passed By-law
No. 175-2003 to repeal By-law 323-2000 for 13033 Talbot Trail, Community of
Howard.



✓
Jan 27/04
RP

BY-LAW NUMBER 175-2003

OF THE CORPORATION OF THE MUNICIPALITY OF
CHATHAM-KENT

A By-law to repeal By-law 323-2000 for property known as 13033
Talbot Trail, Community of Howard.

FINALLY PASSED the 14th day of July, 2003.

WHEREAS the Ontario Heritage Act, R.S.O. 1990, Chapter O.18
as amended, provides that the Municipal Council may repeal a
by-law designating property within the boundaries of the
Municipality to be of cultural heritage value or interest;

AND WHEREAS Council of the Corporation of the Municipality
of Chatham-Kent has appointed a Local Architectural
Conservation Advisory Committee and the said committee has
recommended that the Municipality repeal By-law 323-2000 for
the hereinafter described property pursuant to The Ontario
Heritage Act;

AND WHEREAS the Council of the Corporation of the
Municipality of Chatham-Kent has given Notice of Intention to
repeal By-law 323-2000 for the hereinafter described property,

AND WHEREAS no Notice of Objection to the proposed
designation has been received by the Corporation of the
Municipality of Chatham-Kent;

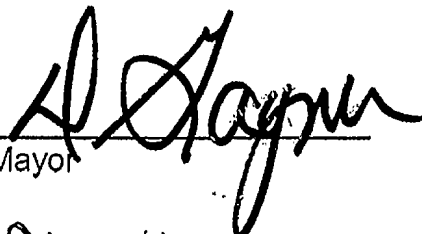
AND WHEREAS the reasons for repealing By-law 323-2000 are
set out in Schedule "B" annexed hereto;

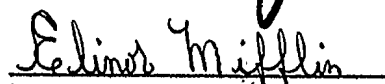
NOW THEREFORE the Municipal Council of the Corporation of
the Municipality of Chatham-Kent enacts as follows:

1. That By-law 323-2000 is hereby repealed.
2. That the Clerk, be authorized to cause a copy of this by-
law to be registered against the property described in
Schedule "A" hereto in the proper land registry office.
3. That the Clerk, be 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 cause notice
of the passing of this by-law to be published in a
newspaper having general circulation in the municipality.

THIS By-law shall come into full force and effect upon the final
passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 14th day of
July, 2003.


Mayor


Deputy Clerk

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being, in the former Township of Howard, County of Kent and now in the Municipality of Chatham-Kent, being composed of Part of Lot 86, North of Talbot Road, said parcel containing by admeasurement 106.40 acres, be the same more or less and more particularly described as follows;

PREMISING that the Northwest limit of King's Highway #3, as widened and shown on Deposit Plan 1349, extending across the herein described parcel has a bearing of North Forty-Six degrees, Twenty-eight minutes East ($N46^{\circ} 28'E$) and relating all bearings herein thereto;

COMMENCING at the point of intersection of the Northwest limit of Kings Highway #3, with the Northeast limit of said Lot 86;

THENCE North Forty-Four degrees, Thirty-six minutes, Twenty seconds West ($N44^{\circ}36'20''W$) along the Northeast limit of said Lot 86, a distance of Six Thousand, Seven Hundred and twenty-six and Sixty-three one-hundredths feet (6,726.64') to the Northerly angle of said Lot 86;

THENCE South Forty-six degrees, fifty minutes West ($S46^{\circ}50''W$) along the Northwest limit of said lot, a distance of Six Hundred and Fifty-six and twelve one-hundredths feet (656.12') to a point in the existing limit between the Northeast and Southwest halves of said Lot, said point being distant Northeasterly along the Northwest limit of said Lot, Six Hundred and Forty and Seventy-eight one-hundredths feet (640.78') from the Westerly angle of said Lot 86;

THENCE South Forty-four degrees, Twenty-eight minutes, Thirty seconds East ($S44^{\circ}28'30''E$) along the existing limit between the Northeast and Southwest halves of said Lot 86, a distance of Six Thousand, Two Hundred and Nineteen and Fifty-Three one-hundredths feet (6,219.53') to a point;

THENCE South Forty-four degrees, Six minutes East ($S44^{\circ}06''E$) parallel with the Southwest limit of said Lot 86, a distance of Five Hundred and Eleven Feet (511') to a point in the said Northwest limit of Kings Highway #3;

THENCE North Forty-six degrees, Twenty-eight minutes, East ($N46^{\circ}28'E$) along said last mentioned limit, a distance of One Thousand and Four and Fifty-Four One-Hundredths Feet (1,004.54') to the point of commencement.

The hereinabove described parcel being the same as described or intended to be described in Instrument #16691, SAVE & EXCEPT, thereout and therefrom that part acquired by the Ministry of Transportation & Communication shown on Deposit Plan 1349.

SCHEDULE 'B'

REASONS FOR BY-LAW REPEAL

The condition of the building on the subject property is such that a considerable monetary investment would be required to simply make the structure habitable. The owners have no interest in restoring or maintaining the building. At one time there was a prospective purchaser willing to restore the building if it could be severed from the farm property. An application to sever was filed with the Municipality in the year 2000 but never finalized. There is no longer a prospective purchaser with the resources and the desire to restore the building.

In light of these circumstances, the owners wish to return the property to its status before the year 2000 severance application. In order to accomplish this, they have abandoned the severance application and have asked the Municipality to repeal the Heritage Designation By-law.

The Heritage Chatham-Kent Committee has considered the requested Heritage By-law repeal. The Committee recognizes that in its current state of repair, the building has little architectural or historic significance, a very large monetary investment would be required to restore the building, and the likelihood of finding a purchaser with both the resources and the interest to restore the building is minimal. Therefore, although the Committee is generally not supportive of requests to de-designate property, they are in agreement with the subject request.

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BY-LAW NUMBER 323-2000

OF THE CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

A By-law to designate the property known as 13033 Talbot Trail, Community of Howard as being of historical and architectural value or interest.

FINALLY PASSED the 4th day of December, 2000.

WHEREAS the Ontario Heritage Act, R.S. O. 1990, Chapter 0.18 as amended, provides that the Municipal Council may designate a property within the boundaries of the Municipality to be of historical and architectural value or interest;

AND WHEREAS Council of the Corporation of the Municipality of Chatham-Kent has appointed a Local Architectural Conservation Advisory Committee and the said committee has recommended that the Municipality designate the hereinafter described property pursuant to The Ontario Heritage Act;

AND WHEREAS given Council of the Corporation of the Municipality of Chatham-Kent has given Notice of Intention to Designate the hereinafter described property to be of a historical and architectural value or interest pursuant to the Ontario Heritage Act;

AND WHEREAS no Notice of Objection to the proposed designation has been received by the Corporation of the Municipality of Chatham-Kent;

AND WHEREAS the reasons for designation are set out in Schedule "B" annexed hereto;

NOW THEREFORE the Municipal Council of The Corporation of the Municipality of Chatham-Kent enacts as follows:

1. That the exterior and the roof of the original main building only, for the property more particularly described in the attached Schedule "A" be and the same is hereby designated to be of historical and architectural value or interest pursuant to The Ontario Heritage Act.
2. That the Director of Legal Services ^{or Clerk} be authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper land registry office.
3. That the Director of Legal Services ^{or Clerk} be 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 cause notice of the passing of this by-law to be published in a newspaper having general circulation in the municipality.

THIS By-law shall come into full force and effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME this 4th day of December, , 2000.



Mayor - William W. Erickson



~~Director of Legal Services - Brian Knott~~
Clerk - Brian W. Knott

SCHEDULE "A"

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being, in the former Township of Howard, County of Kent and now in the Municipality of Chatham-Kent, being composed of Part of Lot 86, North of Talbot Road, said parcel containing by admeasurement 106.40 acres, be the same more or less and more particularly described as follows;

PREMISING that the Northwest limit of King's Highway #3, as widened and shown on Deposit Plan 1349, extending across the herein described parcel has a bearing of North Forty-Six degrees, Twenty-eight minutes East ($N46^{\circ} 28'E$) and relating all bearings herein thereto;

COMMENCING at the point of intersection of the Northwest limit of Kings Highway #3, with the Northeast limit of said Lot 86;

THENCE North Forty-Four degrees, Thirty-six minutes, Twenty seconds West ($N44^{\circ}36'20''W$) along the Northeast limit of said Lot 86, a distance of Six Thousand, Seven Hundred and twenty-six and Sixty-three one-hundredths feet (6,726.64') to the Northerly angle of said Lot 86;

THENCE South Forty-six degrees, fifty minutes West ($S46^{\circ}50''W$) along the Northwest limit of said lot, a distance of Six Hundred and Fifty-six and twelve one-hundredths feet (656.12') to a point in the existing limit between the Northeast and Southwest halves of said Lot, said point being distant Northeasterly along the Northwest limit of said Lot, Six Hundred and Forty and Seventy-eight one-hundredths feet (640.78') from the Westerly angle of said Lot 86;

THENCE South Forty-four degrees, Twenty-eight minutes, Thirty seconds East ($S44^{\circ}28'30''E$) along the existing limit between the Northeast and Southwest halves of said Lot 86, a distance of Six Thousand, Two Hundred and Nineteen and Fifty-Three one-hundredths feet (6,219.53') to a point;

THENCE South Forty-four degrees, Six minutes East ($S44^{\circ}06''E$) parallel with the Southwest limit of said Lot 86, a distance of Five Hundred and Eleven Feet (511') to a point in the said Northwest limit of Kings Highway #3;

THENCE North Forty-six degrees, Twenty-eight minutes, East ($N46^{\circ}28'E$) along said last mentioned line, a distance of One Thousand and Four and Fifty-Four One-Hundredths Feet (1,004.54') to the point of commencement.

The herein above described parcel being the same as described or intended to be described in Instrument #16691, SAVE & EXCEPT, thereout and therefrom that part acquired by the Ministry of Transportation & Communication shown on Deposit Plan 1349.

SCHEDULE "B"

REASONS FOR DESIGNATION

ARCHITECTURAL:

Stylistically, the house is a typical, early 19th century, Ontario vernacular, carpenter-built house of two storeys with a one-storey kitchen ell attached to the rear. The structure is timber framed and clad in wooden clapboard, with broad fascia boards on the gable ends. A central entrance facing the street is sheltered by a modest, bracketed porch roof which would have been supported by two wooded columns rising from a wooden stoop (since removed). The pressed metal roof of 19th century design and manufacture is highly visible from the street. The interior has been completely stripped of any refined woodwork that may have existed, including the banister and newel post.

The subject house is an early 19th century example of an Ontario vernacular, carpenter-built house and a possible coach stop or inn on the Talbot Trail.

HISTORICAL:

Land registry ledgers show the first owner of the 200 acre Lot 86, North Side Talbot Road, Township of Howard, to be Rufus Hubbell (or Kubbell) in 1838. John Palmer's name appears immediately after, owning half of the property. The 1881 Historical Atlas of Essex and Kent shows John Palmer as owner of Lot 89, on which a dwelling is indicated. There is no reference to Hubbell, and no owner is listed for Lot 86, nor does it show any structure on the lot.

The history of the subject house is obscure. Information provided by Fred Hamil's book *The Valley of the Lower Thames*, makes reference to numerous inns and taverns in and around Morpeth (the village known as Howard until 1842 when it was named Morpeth to honour its illustrious visitor, Lord Morpeth, who arrived on the steamboat *Brothers*.) The village "grew up around (Nicholas Cornwall's) mill, where the Talbot Road was crossed by the trail from the lake at the mouth of Big Creek to Arnold's Mills on the Thames River. In 1826 Peter Stover opened the first tavern a short distance to the east."

Other Howard inns after 1800 include: John Carpenter's, William Desmond's (1835), a two storey frame house with cellar and kitchen, John Williams' (1832-34). Peter Stover's (1826-36), William L. Smith's two storey frame house (1832), and Mrs. Wheatley's (1837). The latter was postmistress. Hamil refers to inns in the 1840s, owned by John Palmer, George Maynard and William Sheldon, as well as John White and Alexander Moody.

Clearly, the tavern business along the Talbot Trail thrived during the first half of the 19th century.

Palmer's name as an innkeeper has led to speculation that it was he who owned and operated a coach stop in the subject house.