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**NOTICE OF
AMENDING BY-LAW NO. 2014-98**

**PURSUANT TO THE PROVISIONS OF
THE ONTARIO HERITAGE ACT R.S.O. 1990, SECTION 30.1,**

AND IN THE MATTER OF THE LANDS AND PREMISES KNOWN MUNICIPALLY AS

Cummington Square

TAKE NOTICE that the Council of the Corporation of the City of Niagara Falls passed a by-law amending Designating By-law 2006-142 on the 12th day of August, 2014.

PURPOSE AND EFFECT OF THE AMENDMENT

The amendment to the designating by-law has updated the legal description contained in Schedule A and the Reasons for Designation contained in Schedule B.

EXPLANATION OF AMENDMENT

The 2006 by-law described the heritage attributes of the property in general terms. Schedule B, Reasons for Designation has been revised to describe the associative and architectural value of the property including the setting and also updated to reflect a more detailed description of the property and the heritage attributes contained within.

Dated at the City of Niagara Falls this 11th day of November, 2014.

A handwritten signature in dark ink, appearing to read "Alex Herlovitch", written over a horizontal line.

Alex Herlovitch
Director of Planning, Building & Development
City of Niagara Falls
4310 Queen Street, P.O. Box 1023
Niagara Falls, ON L2E 6X5

I, the undersigned, Deputy Clerk of The Corporation of the City of Niagara Falls, hereby certify the foregoing to be a true and correct copy of.....
Given under my hand and the seal of the said Corporation this..... day of August, 2014..... Deputy Clerk

CITY OF NIAGARA FALLS

By-law No. 2014 - 98

A by-law to amend By-law No. 2006-142, being a by-law to designate Cummington Square to be of cultural heritage value and significance.

WHEREAS By-law No. 2006-142 designated Cummington Square bounded by Cummington Square East, Main Street, Cummington Square West and Bridgewater Streets to be of cultural heritage value and interest;

AND WHEREAS pursuant to Section 30.1 (2) (a), the council of a municipality may by by-law amend a by-law designating property under Section 29 of the *Ontario Heritage Act* to clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;

AND WHEREAS the requirement for Council to consult with its Municipal Heritage Committee pursuant to Section 30.1 (5) has been fulfilled;

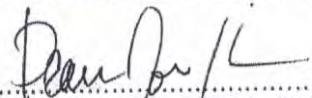
AND WHEREAS The Corporation of the City of Niagara Falls has caused to be served on the owner and the Ontario Heritage Trust, a Notice of the proposed Amendment;


AND WHEREAS no objections have been filed with the Clerk of the Municipality;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. That By-law 2006-142 be amended by deleting Schedule "B" thereto and substituting Schedule "B" attached hereto.
2. The City Solicitor is hereby 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. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the property and upon the Ontario Heritage Trust.

Passed this twelfth day of August, 2014.


DEAN IORFIDA, CITY CLERK


JAMES M. DIODATI, MAYOR

First Reading: August 12, 2014
Second Reading: August 12, 2014
Third Reading: August 12, 2014

SCHEDULE "A" to BY-LAW NO. 98

Cummington Square, Plan 251, Village of Chippawa, except Part 6 on 59R-3037, City of
Niagara Falls.

SCHEDULE "B" to BY-LAW NO. 98

Description of the property – Cummington Square

Cummington Square is a public park which has been used continuously as a place of commemorative and social activities by the residents of Chippawa, and surrounding area, from the time it was set aside in the original village plan by Chippawa's founding father, Thomas Cummings and his family.

Statement of Cultural Heritage Value

Cummington Square is part of the original Crown patent of 200 acres granted in 1784 to Thomas Cummings. Thomas Cummings was a founding father of Chippawa and a leading citizen. Thomas Cummings and his son, James, were prominent merchants contributing to the early economic development of Chippawa. Cummings and his descendants dedicated the lands to the municipality as a village square and site for a Town Hall. A Town Hall was never built on the site.

The Square is flanked on all four sides by streets. Centrally located in the Chippawa business district, it serves as the hub of activity surrounded on three sides by commercial buildings. Many of these same 19th and early 20th century buildings still face the Square.

Cummington Square is a public park which has continuously served as the centre for community activities. Citizens have gathered here, year after year, to enjoy music played in the bandstand, attend a memorial event or to participate in one of the many public functions. The Square has been used to honour those who fought in the World War I, World War II and the Korean War. The Square is an urban park providing a passive open space dedicated for the use of all citizens.

The Square holds significant cultural value because of its association with an early settler and business operator, its connection to early commercial life, its importance as a public place for civic activities and its presence as a park used to recognize the contributions of the community's residents.

The shape of Cummington Square is that of a rectangle having had a portion of the Square taken in 1958 to create parking spaces along the east side. The Square is a level plot of ground covered with grass and crossed by concrete pathways. The light poles and heads are modern; photographs of the original fixtures are available.

The bandstand occupies the location and footprint of the first bandstand erected in the 1920's. The current structure is much altered from the original appearance, such that it is difficult to identify any significant architectural features. It is the location, shape, size, general form and long history as a place for music which are of importance.

The cenotaph/war memorial including the fence and flag pole, are important elements physically and socially. These elements were altered during an upgrading of the square in the late 1990's. They are maintained by the City in consultation with the Royal Canadian Legion - Chippawa Branch 396, as is a commemorative plaque located on the

base of the bandstand. A Parks Canada heritage plaque is located in the Square which outlines the history of the Chippawa.

The plantings, furniture and fixtures are part of a masterplan prepared by the Parks, Recreation and Culture Division. Maintenance, repair and general management customary to the upkeep of the grounds, bandstand, structures and its systems shall continue as a matter of course.

Key features that embody the heritage value and are important to the preservation of Cummington Square include the following heritage attributes:

- The location and layout of the square being flanked on all four sides by streets
- Continuous use as public park
- Name of Cummings family that donated the land for the civic square
- The band stand although not original allows the square to continue to be used for public gatherings whether it is for entertainment or memorial occasions.
- Cenotaph and memorial plaques