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TOWN OF NEWMARKET

Anita Moore, AMCT
Town Clerk
905-953-5300, ext. 237
amoore@newmarket.ca

May 3, 2005



Ontario Heritage Foundation
10 Adelaide Street East
Toronto, ON M5C 1J3

Dear Sir/Madam:

**RE: Notice of Passing of a By-law
By-law 2005-44**

This is to advise you that the Corporation of the Town of Newmarket passed By-law 2005-44, which designates a property (White Oak Tree – 438 Botsford Street) as being of architectural and historical value or interest.

Enclosed for your information is a copy of the newspaper advertisement, which will be published on May 10, 2005 for the first time, and one subsequent week thereafter.

I also enclose a copy of By-law 2005-44 for your information.

If you have any questions pertaining to the above matter, please do not hesitate to contact this office.

Sincerely

Anita Moore
Anita Moore
Town Clerk

AM:am

Enclosures (2)

8/18/05
✓ entered



TOWN OF NEWMARKET

Anita Moore, AMCT
Town Clerk
905-953-5300, ext. 237
amoore@newmarket.ca

NOTICE OF PASSING OF A HERITAGE BY-LAW

IN THE MATTER OF THE ONTARIO HERITAGE ACT, R.S.O. 1990, CHAPTER 18 SECTION 29(6).

AND IN THE MATTER OF THE LANDS AND PREMISES LOCATED AT 438 BOTSFORD STREET, TOWN OF NEWMARKET

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket has passed By-law 2005-44 to designate the "White Oak Tree" located at 438 Botsford Street as being of architectural and historical value or interest.

PUBLISHED A FIRST TIME THIS 10TH DAY OF MAY 2005.
PUBLISHED A SECOND TIME THIS 17TH DAY OF MAY 2005.

A. Moore
Town Clerk
395 Mulock Drive
Newmarket, Ontario
L3Y 4X7

905-895-5193



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2005-44

**A BY-LAW TO DESIGNATE A PROPERTY AS BEING OF ARCHITECTURAL AND HISTORICAL VALUE OR INTEREST.
(White Oak Tree – 438 Botsford Street)**

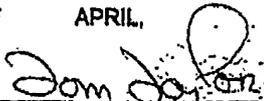
WHEREAS Section 29 of the *Ontario Heritage Act R.S.O. 1990* authorizes the Council of a municipality to enact by-laws to designate real property – heritage attributes, including all buildings and structures thereon, to be of architectural or historical value or interest; and

WHEREAS the Council of the Corporation of the Town of Newmarket has caused to be served on the owner of the lands and premises municipally known as 438 Botsford Street, and upon the Ontario Heritage Foundation, notice of intention to designate the aforesaid real property – heritage attributes being a White Oak tree, and has caused such notice of intention to be published in a newspaper having general circulation in the municipality for two consecutive weeks.

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. There is designated as being of architectural and historical value or interest the real property – heritage attributes being a White Oak tree, described in Schedule "A" attached, comprising of the description outlined (White Oak tree) in Schedule "B" attached.
2. The reasons for designation of LT 56 PL 81 Newmarket; PT LT 58 PL 81 Newmarket as in R564078; Town of Newmarket, Regional Municipality of York, municipally known as 438 Botsford Street are described in Schedule "B" hereto.
3. The Municipal 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.
4. 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 a newspaper having general circulation in the municipality for two consecutive weeks.

ENACTED THIS 25TH DAY OF APRIL, 2005.



Tom Taylor, Mayor



Anita Moore, Town Clerk

SCHEDULE "A" TO BY-LAW 2005-44

LEGAL DESCRIPTION

LT 56 PL 81 Newmarket: PT LT 58 PL 81 Newmarket as in R564078; Town of
Newmarket, Regional Municipality of York, municipally known as 438 Botsford Street

SCHEDULE "B" TO BY-LAW 2005-44
REASONS FOR PROPOSED DESIGNATION

The White Oak tree (*Quercus Alba*) located at the rear of 438 Botsford Street (Liberty Hall), Town of Newmarket is 25 metres high with a diameter (at breast height) of 147 cm and has a crown spread of 24.5 metres. This site had been designated as a heritage home built in the early 1800's; however, the tree had not been specifically mentioned in this designation.

White Oak trees are valued for their longevity and for their finely grained wood. There are documented cases, in North America, of White Oaks 373 and 419 years old. This type of tree is native to Southern Ontario. Newmarket is located at the northern edge of its natural growing range. Oaks grow in this area but the conditions are less than ideal. Longevity is affected by this so trees in the area tend to not live as long as those growing in a more southerly location.

It is estimated that the tree is at least 200 years old but not older than 300 years. It certainly has played a role in the early years of the history of Newmarket – much like the old Elm Trading Tree that grew in the centre of Timothy Street about a block south of this Oak. (By 1980 the Trading Tree had died and was removed).

Since the two trees were so close to each other an historical connection can be made between them. The Oak tree is unique and has played a vital role in the life of the town. Designation makes note of the special importance of this tree in the history and development of Newmarket and protects and promotes its' life for many future years.