



An agency of the Government of Ontario



Un organisme du gouvernement de l'Ontario

This document was retrieved from the Ontario Heritage Act Register, which is accessible through the website of the Ontario Heritage Trust at **www.heritagetrust.on.ca**.

Ce document est tiré du registre aux fins de la *Loi sur le patrimoine de l'Ontario*, accessible à partir du site Web de la Fiducie du patrimoine ontarien sur **www.heritagetrust.on.ca**.



Office of the City Clerk

ONTARIO HERITAGE TRUST

MAR 28 2011

RECEIVED

September 22, 2010

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

ATTENTION: SEAN FRASER, TEAM LEADER, CONSERVATION SERVICES

Dear Sir:

**RE: CITY OF KINGSTON – MUNICIPAL HERITAGE COMMITTEE (LACAC) –
APPROVALS – SEPTEMBER 21, 2010**

I would confirm that Kingston City Council, at its regular Council meeting held on September 21, 2010, approved the resolutions (Clauses 1 to 31, Report No. 126) shown in the attached correspondence.

As required by the Ontario Heritage Act, and as requested by Marcus Letourneau, Heritage Planner, we are providing this information to you.

Yours truly,

Carolyn Downs
City Clerk

/ki

Enclosures

Cc: C. Beach, Commissioner, Sustainability & Growth

File No.

The Corporation of the City of Kingston
216 Ontario Street, Kingston, ON K7L 2Z3

Phone: (613) 546-4291 ext. 1247

Fax: (613) 546-5232

cdowns@cityofkingston.ca



Rec'd March 28, 2011

Clerk's Department
MEMORANDUM

TO: Cynthia Beach, Commissioner, Sustainability & Growth Group

FROM: Carolyn Downs, City Clerk


DATE: September 24, 2010

**SUBJECT: DESIGNATION OF DENYES MONUMENT (PRINCESS STREET) -
ONTARIO HERITAGE ACT**

Pursuant to Section 29(6) of the Ontario Heritage Act, attached please find a copy of By-Law No. 2010-87, "A By-Law to Designate The Denyes Monument (Princess Street), to be of Cultural Heritage Value and Interest Pursuant to the Provisions of the Ontario Heritage Act (RSO 1990, Chapter 0.18)", which By-Law was registered on title on August 20, 2010, as Instrument No. FC97759.

If you require any further information, please do not hesitate to contact Lindsay Lambert or Marcus Letourneau, Heritage Planners.

Yours truly,


Carolyn Downs
City Clerk

/ki

Enclosure

Cc: L. Lambert, Heritage Planner
M. Letourneau, Heritage Planner, Culture & Heritage Division (with copy of By-Law)
S. Powley, Committee Clerk (KMHC)
Ontario Heritage Trust (with copy of By-Law)
J. Moran, Records Clerk (By-Laws & Agreements) (with original By-Law)

Our File No. P18



I, Carolyn Downs, hereby certify this to be a true and correct copy of By-Law No. 2010-87,
"A BY-LAW TO DESIGNATE THE DENYES MONUMENT (PRINCESS STREET), TO BE OF
CULTURAL HERITAGE VALUE AND INTEREST PURSUANT TO THE PROVISIONS OF THE
ONTARIO HERITAGE ACT (R.S.O. 1990, Chapter 0.18), which By-law was passed by the
Council of the Corporation of the City of Kingston on May 18, 2010.

DATED at Kingston, Ontario
this 16th day of July, 2010

Carolyn Downs, City Clerk
The Corporation of the City of Kingston

BY-LAW NO. 2010-87

A BY-LAW TO DESIGNATE THE DENYES MONUMENT (PRINCESS STREET), TO BE OF CULTURAL HERITAGE VALUE AND INTEREST PURSUANT TO THE PROVISIONS OF THE ONTARIO HERITAGE ACT (R.S.O. 1990, Chapter 0.18)

PASSED: May 18, 2010

WHEREAS Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest;

AND WHEREAS Council has consulted with its Municipal Heritage Committee and has approved the designation of a property located at Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataraqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R) on XXX, 2009;

AND WHEREAS Notice of the designating by-law was published in the Kingston Whig Standard, which is a newspaper having general circulation in the municipality on December 1, 2009;

AND WHEREAS no notice of the objection to the proposed designation was served to the Clerk of the Corporation of the City of Kingston;

THEREFORE the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. To designate as being of cultural heritage value and interest the following property in the City of Kingston:

(a) Denyes Monument

2. The above mentioned property is more particularly described in Schedule "A" attached hereto.

3. For the purpose of interpretation, it is understood that the area of cultural heritage interest extends 3 metres in every direction of the monument's base or to the limits of the real property, whichever is closer.

4. A copy of the Designating By-Law shall be registered against the property affected in the proper land registry office. The City Clerk is hereby authorized to cause a copy of this By-Law to be served on the owner of the land described in Schedule "A" hereto and on The Ontario Heritage Trust and to cause Notice of the Passing of this By-law to be published in the Kingston Whig Standard.

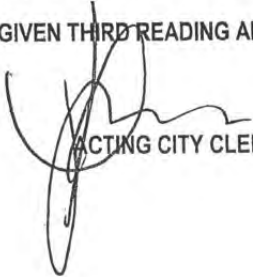
5. For the purpose of interpretation, 'Maintenance' on this property will include the following works:

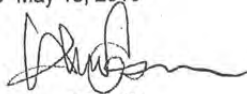
Maintenance is considered routine, cyclical, non-destructive actions, necessary to slow the deterioration of a historic place. It entails the following actions: periodical inspection; general property cleanup; and lawncare activities.

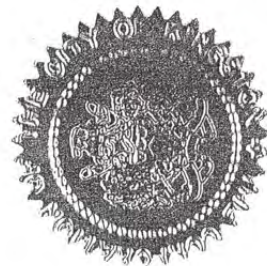
6. The City reserves the right to install a designated property plaque or interpretive panel.
7. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READINGS May 4, 2010

GIVEN THIRD READING AND FINALLY PASSED May 18, 2010


ACTING CITY CLERK


MAYOR



Schedule "A"
Description and Reasons for Designation
Denyes Monument

Legal Description

Civic Address: Princess Street and Nottinghill Avenue
Lot/Concession: Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataragui Woods Drive), aka the King's Highway No. 2; Kingston Township
PIN 36087-0388 (R)

Description of Property

The Denyes Monument is located on the south side of Princess Street (formerly Highway 2 West) within the municipal road allowance (Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Cataragui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R)). The Denyes Monument is valued because of its physical/designed attributes. The monument is built of local fieldstone in a simple, traditional cairn style with a memorial plaque on the north face of the cairn. The monument is of historical/associative value because it memorializes the sacrifice of Frederick Denyes (a Ministry of Transportation Employee and United Empire Loyalist descendent) and the loss of Kenneth Macrow. The contextual value of the monument stems from its sensitive positioning near the site of the accident and its role as a landmark on Princess Street.

Statement of Cultural Heritage Value/Statement of Significance

The cultural heritage value of the Denyes Monument property lies in its physical/design attributes, its historical association, and its contextual values.

Physical/Design Values

The Denyes Monument is valued because of its physical/designed attributes. The monument is built of local materials in a simple, traditional cairn style. However, it is of an unusual design in that it is constructed of fieldstone, with four sloping sides rising to a short pyramid. The monument is the third cairn constructed,

serving as a replica of two earlier versions which were located nearby. The north elevation of the cairn, which faces Princess Street, has a limestone dedication plaque with a small shelf. The plaque reads as follows:

IN MEMORY OF
FREDERICK DENYES
KILLED JUNE 15, 1929
ENDEAVORING TO SAVE THE
LIFE OF A CHILD KENNETH
MACROW AGED 4 YEARS
FROM THE PATH OF A RAPIDLY
APPROACHING AUTOMOBILE
BOTH WERE KILLED
FREDERICK DENYES WAS A
NATIVE OF THIS DISTRICT AGED
56 YEARS AND OF UEL ANCESTRY
SUCH HEROIC DEEDS SHOULD
NOT BE SOON FORGOTTEN
GREATER LOVE HATH NO MAN
THAN THIS, THAT HE GIVETH
HIS LIFE FOR ANOTHER
TO HIS MEMORY BOW YOUR
HEAD IN RESPECTFUL HOMAGE

When Princess Street was widened in the late 1970s, it was necessary to move the original monument. During this move, the monument was damaged, and a second cairn was constructed using the original memorial plaque. In 2004, on the 75th anniversary of the accident, the Ministry of Transportation had a new monument (third version) and plaque (second version) constructed. The monument was built by Sergio Bidinost, a local stonemason and was moved slightly from its previous location.

Historical/Associative Values

The Denyes Monument property is of historical/associative value because it memorializes the sacrifice of Frederick Denyes (a United Empire Loyalist descendent) and the loss of Kenneth Macrow. The monument is valued by the community, who contributed to its construction, the families of the two victims, as well as the Ontario Ministry of Transportation (formerly the Department of Highways). Frederick Denyes was the first Department of Highways employee killed in the line of duty.

On June 19, 1929, (there is a date error on the current plaque), Mr. Denyes attempted to rescue a four year old boy, Kenneth MacRow, from being hit by an oncoming automobile. Both Mr. Denyes and the boy were killed. Following the accident, community members contributed funds to have the roadside memorial built.

Contextual Values

The property is of contextual value because it is located near the location where the accident occurred. At the time it was built and dedicated, Princess Street was a provincial highway located in Kingston Township. Princess Street has since become a municipal roadway and Kingston Township is now part of the City of Kingston. It serves as a local landmark and is highly visible from the roadway.

Character Defining Elements/Heritage Attributes

Physical/Design Attributes

- Unusual use of fieldstone;
- Simplicity of the traditional cairn form; and
- Memorial plaque on the north side of the cairn.

Historical/Associative Attributes

- Association with the accident that killed Mr. Frederick Denyes and Kenneth MacRow; and
- Monument memorializes the death of the first Department of Highways employee in the line of duty.

Contextual Attributes

- Monument is located in the area of where the fatal automobile accident occurred; and
- It is located in a highly visible roadside location.

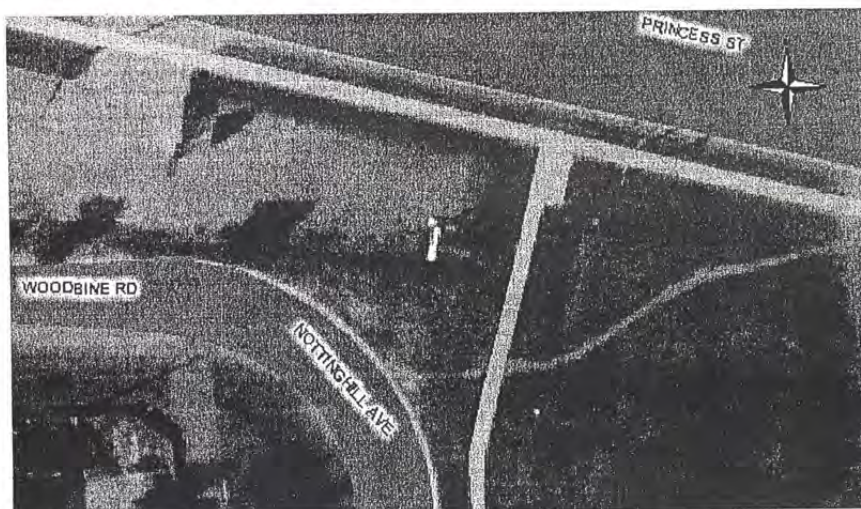


Figure 1: 2004 Ortho Image showing area of the monument.

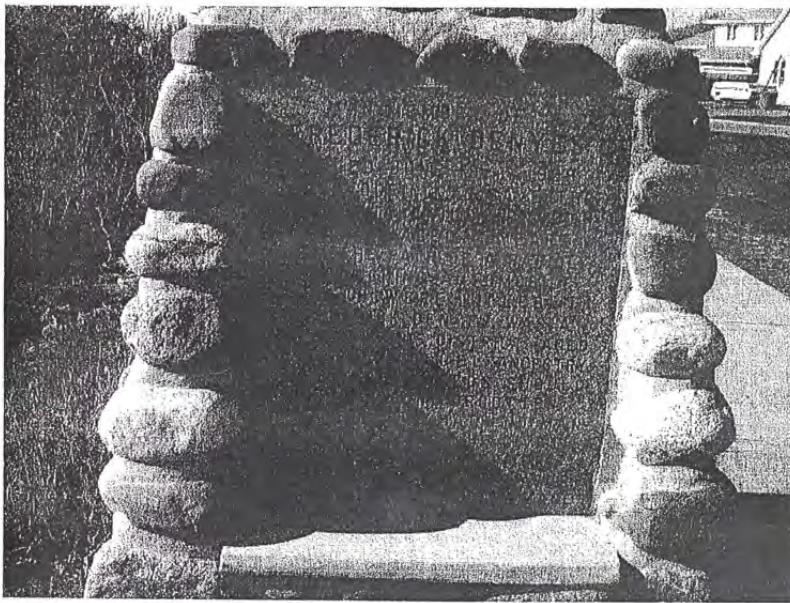


Figure 2: Denyes Monument Plaque

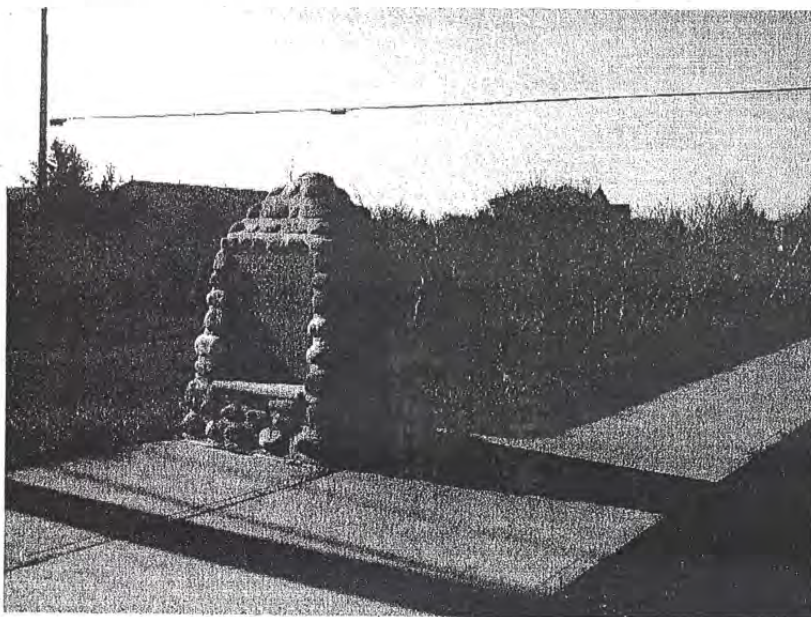


Figure 3: Denyes Monument

Local Hero and Child

Perished in 1929 Mishap

Contributed by: Sharon Compeau

If you are driving on outer Princess Street and who doesn't these days? - you will pass a small rock cairn located on the south side of the street across from Minos Village Restaurant. To many drivers and pedestrians, this small monument may not even warrant a second glance, if they even notice it in the first place. That's sad, because the plaque recognizes the selflessness of a man who gave his life trying to save a little boy from being hit by an automobile.

It began and ended on the sunny morning of Wednesday, June 19, 1929.

The Kingston Whig Standard's large front-page headlines that day read; "Cataraqui Man Killed by Auto Trying to Save Little Boy." "Fred Denyes Met Instant Death on Highway When Trying to Save Lad Being Hit by Auto." "Heroic Road Sign Painter Dashed After Tot."

Fred Denyes, a road painter working on the stretch of Highway 2 then five miles west of Kingston, saw a car stop and let a little boy out. The little boy, Kenneth MacRow, ran around Fred Denyes' painting truck and in front of an oncoming car. In a valiant attempt to save the child, Denyes raced out in front of the car to grab the little boy's arm. Denyes was hit by the car and killed instantly. The little boy suffered major injuries and died later that day in hospital. The deaths of both these people shocked and saddened the community of Cataraqui.

The small, rough-made fieldstone cairn has a worn cracked cement plaque. It reads: "In memory of Frederick Denyes Killed June 21st, 1929 endeavoring to save the life of a child Kenneth MacRow, aged 4 years, from the path of a rapidly approaching automobile. Both were killed. Frederick Denyes was a native of this district, aged 56 years, and of U.R.L. ancestry. Such heroic deeds should not be soon forgotten. Greater love hath no man than this that he giveth his life for another. To his memory bow your head in respectful homage."

The Kingston West Community Policing Association has since its inception in 1992 and its incorporation in 1897, been a strong advocate of neighborhood and traffic safety. We have lobbied for safer designs of subdivisions yet to be built. We have sought and recommended innovative solutions to traffic problems that, sometimes, have lingered for years in the west end.

The association would like to take this opportunity to recognize a true local hero, Fred Denyes, who gave his life trying to save another life.

As president of the association, I would urge all drivers to take extra caution this summer, especially with many children outside enjoying themselves. To all drivers I say: Please be careful. The children may not always look before stepping of the curb.