

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 95-59

A BY-LAW TO DESIGNATE THE PROPERTY KNOWN MUNICIPALLY AS THE DURHAM-DEVRIES HOME, 5567 FLY ROAD, PART OF LOT 22, CONCESSION 6, FORMER TOWNSHIP OF CLINTON, NOW TOWN OF LINCOLN, AS BEING OF ARCHITECTURAL AND HISTORICAL VALUE OR INTEREST.

WHEREAS:

Section 29 of the Ontario Heritage Act, Chapter 0.18, R.S.O. 1990, authorizes the Council of the municipality to enact by-laws to designate real property including all buildings and structures thereon to be of architectural or historical value or interest.

The Council of the Corporation of the Town of Lincoln has caused to be served on the owners of the lands and premises known 5567 Fly Road, in the Town of Lincoln, and upon the Ontario Heritage Foundation, notice of intention to so designate the aforesaid real property and has caused such notice of intention to be published in the Lincoln Post Express, a newspaper having general circulation in the municipality once for each of three consecutive weeks in its publications of November 23rd, 30th and December 7th, 1994.

The reasons for the designation are set out in Schedule "B" attached hereto, and forming part of this by-law.

No notice of objection to the proposed designation has been served on the Clerk of the municipality.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. There is designated as being of architectural and historical value or interest the real property known as Durham-DeVries Home, 5567 Fly Road, part Lot 22, Concession 6, former Township of Clinton, now Town of Lincoln, more particularly described in Schedule "A" hereto, for the reasons as described in Schedule "B" attached hereto and forming part of this by-law.
2. The Municipal Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" attached hereto and forming part of this by-law.
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 Lincoln Post Express, a newspaper having general circulation in the municipality, once for each of three consecutive weeks.

BY-LAW read a FIRST time this 18th day of April, 1995.

BY-LAW read a SECOND time this 18th day of April, 1995.

BY-LAW read a THIRD time and FINALLY PASSED this 18th day of April, 1995.

Original signed by:
MAYOR: RAY A. KONKLE

Original signed by:
CLERK: KYLE S. KRUGER

Schedule 'A' to By-law No. 95-59

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Town of Lincoln, in the Regional Municipality of Niagara and Province of Ontario, formerly in the Township of Clinton and the County of Lincoln, and being composed of Part of Lot 22, in Concession 6 of the said Township of Clinton, and being more particularly described as follows:

COMMENCING at a point in the westerly limit of the said Lot 22 distant therein South 01 degree, 39 minutes East, 2279.4 feet from the Northwest angle thereof;

THENCE North 84 degrees, 47 minutes East, 600.0 feet;

THENCE North 01 degree, 39 minutes West, 600.0 feet;

THENCE North 84 degrees, 47 minutes East in the fence defining the line between the North and South halves of said Lot 22, 729.88 feet to the line between lots 21 & 22;

THENCE South 01 degree, 50 minutes East in the line between Lots 21 & 22, 1,660.98 feet to the Southeast angle of the said Lot 22;

THENCE South 84 degrees, 28 minutes and 30 seconds West in the Northerly limit of the road allowance between Concession 6 & 7, 1,335.57 feet to the Southwest angle of the said Lot 22;

THENCE North 01 degree, 39 minutes West in the Easterly limit of the road allowance between Lots 22 & 23, 1,068.45 feet more or less to the point of commencement.

PREMISING that the Easterly limit of the road allowance between Lots 22 & 23 has an assumed astronomic bearing of North 01 degree, 39 minutes West and all bearings herein are referred thereto, as previously described in Instrument #3031-28.

SCHEDULE "B" to By-law No. 95-59

REASONS FOR DESIGNATION

The property on which the house sits was originally a Crown Grant to Paul Marlatt in 1796 - later registered in 1805. (The Marlatts were originally part of the Huguenot migration from France to Virginia in the late 17th Century. They later moved to this area in the 1780's -90's) The property was bought, by Jacob Book in July of 1807 and later sold to James Durham in 1930.

The house was built for James Durham in 1832. In 1974, present owners Harry and Francisca Devries bought the house from the last owner Clayton Thompson. Off white stucco, 2 storey construction, the home features multiple-paned 12/12 windows and sidelights flanking either side of the front door. The interior features an arched ceiling above the doorway and entrance hall, plus original entry hall and side hall doors. There are original red pine floors, baseboards and hand-hewn beams throughout parts of the house. Of interest is a single 2"x8"7' beam (artifact) with the inscription, "Bruce Tallman, Brian Patterson, August 12, 1832" (possibly the builders) taken from an inside wall and preserved by the present owner.