

THE CORPORATION OF THE TOWNSHIP OF KING

BY-LAW NUMBER 2009-99

**A BY-LAW TO DESIGNATE
THE FIRST KING BAPTIST CEMETERY
AS A HERITAGE SITE UNDER THE
ONTARIO HERITAGE ACT**

WHEREAS Part IV, Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, as amended authorizes the Council of a municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural value or interest,

AND WHEREAS the Council ('Council') of the Corporation of the Township of King ('Township') has determined that the First King Baptist Cemetery located on lands described as Concession 11, Part Lot 19, and municipally known as 15075 – 12th Concession in the Township of King in the Regional Municipality of York (the 'Lands') shall be designated as a property of cultural heritage value or interest pursuant to Section IV of the *Ontario Heritage Act*, 1990, c.O.18;

AND WHEREAS Council has caused to be served on the Ontario Heritage Trust notice of intention to so designate the First King Baptist Cemetery for the reasons set out in Appendix "A" attached to this By-law, and has caused such notice of the intention to be published in the local newspaper having general circulation in the municipality;

AND WHEREAS 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 Township of King **HEREBY ENACTS AS FOLLOWS:**

1. The property known as the First King Baptist Cemetery located on lands described as Concession 11, Part Lot 19, in the Township of King in the Regional Municipality of York is designated pursuant to Part IV of the *Ontario Heritage Act* as a property of cultural heritage value or interest.

2. The Township Solicitor is authorized to cause a copy of this By-law to be registered against the Lands as described in Clause 1 above in the proper Land Registry Office.
3. The Clerk is authorized and directed to cause a copy of this By-law to be served on the *Ontario Heritage Trust* and to cause notice of passing of this By-law to be published in the local newspaper having general circulation in the municipality.

READ a **FIRST** and **SECOND** time this 30th day of November, 2009

READ a **THIRD** time and **FINALLY PASSED** this 30th day of November, 2009



Margaret Black, Mayor



Chris Somerville, Clerk

APPENDIX 'A' TO BY-LAW NUMBER 2009-99

THE FIRST KING BAPTIST CEMETERY TOWNSHIP OF KING

REASONS FOR DESIGNATION:

Property Name: First King Baptist Cemetery
Street Address: 15075 12th Concession
Location: Concession 11, Part Lot 19
Municipality: Township of King, Regional Municipality of York
Assessment Roll: #077 445 **Property Owner:** Township of King

The Township of King Heritage Committee wishes to advise King Township council the property known municipally as First King Baptist Cemetery is recommended for designation for its cultural heritage value or interest under Part IV of the *Ontario Heritage Act*. It meets criteria for municipal designation prescribed by *Ontario Regulation 9/06* under the three categories of design/physical value, historical/associative value and contextual value.

Description of Property

First King Baptist Cemetery is an inactive, small, rural, mid to late 19th-century community cemetery located at 15075 12th Concession, on the east side immediately south of the 17th Sideroad. Measuring 0.5 acre at 165 ft wide by 132 ft deep, it is situated at the northwest section of Concession 11 Lot 19, in the one time community of Hammertown.

Statement of Cultural Heritage Value or Interest

The cultural heritage value of First King Baptist Cemetery is related to its design/physical value as a typical small, mid to late 19th-century, local community cemetery situated in a rural setting. Its remaining markers and monuments of simple limestone and upright granite columns, arranged predominantly in 2 opposing clusters in an open, park like, grassed landscape, evoke the intent and care chosen as the place where living families and friends, in a calming environment, could remember their dead. Remains of an 30' by 40' foundation preserves the memory of the one time First King Baptist Church.

The cultural heritage value of First King Baptist Cemetery is related to its historical/ associative value as the burial site of early Scottish settlers of the one time community of Hammertown. It was first created as the family burial ground by the property owner and Scottish immigrant Donald Kennedy and his wife Mary circa 1839. The property was the site of the one time First King Baptist Church, destroyed by fire circa 1970. The approximately 23 markers and headstones, their inscriptions dating from 1839 to 1945 commemorating the approximately 31 burials of the Kennedy's and their extended family, several who were fellow Scottish immigrants from the Isle of Islay, Argyle County, stand witness to those families and individuals that first settled the once thriving community.

The cultural value of First King Baptist Cemetery also relates to its contextual value for its more than 168 years influence on the continued rural character of the immediate landscape. Its simple, open landscape serves as a link to the rural past and as a spiritual and visual landmark to the community.

Description of Heritage Attributes

The heritage attributes of First King Baptist Cemetery related to its cultural heritage value as a small, rural 19th-century burial site of early Scottish settlers in the area and its influence on the rural character of and spiritual value to the community are portrayed by:

- the variety of styles and material of its original markers and monuments, with their surviving inscriptions
- its placement of the original markers and monuments
- the original placement of gravesites
- its location and dimensions
- the open, park like setting
- the level, grassed landscape
- the 30' by 40' foundation remains of the one time First King Baptist Church at the northwest corner of the lot

Reference: Clerks Department Report CL-2009-35, October 19th, 2009.