

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2022 - 114

A BY-LAW TO DESIGNATE THE WELLAND CANAL SECOND AQUEDUCT, ON THE EAST SIDE OF THE WELLAND RECREATIONAL WATERWAY ALONG THE BOARDWALK AND DIRECTLY WEST OF THE PRESENT CITY HALL AT 60 EAST MAIN STREET, MUNICIPALLY KNOWN AS 8 MERRITT ISLAND, WELLAND, OF CULTURAL HERITAGE VALUE OR INTEREST.

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter O.18, as amended, authorizes the council of a municipality to enact By-laws to designate property within the municipality to be of cultural heritage value or interest;

AND WHEREAS property means real property and includes all buildings and structures thereon;

AND WHEREAS the City Clerk has caused a Notice of Intention to be served upon the owner's of the property, together with the Ontario Heritage Trust and published in a newspaper, having general circulation in the municipality, in accordance with the provisions of the said Ontario Heritage Act (herein the "Act");

AND WHEREAS no Notice of Objection to the proposed designation was served upon the City Clerk of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Welland Canal Second Aqueduct located on the east side of the Welland Recreational Waterway (former Welland Canal) along the Boardwalk and directly west of the present City Hall at 60 East Main Street, municipally known as 8 Merritt Island, in the City of Welland, as legally described in Schedule "A", shall be and the same is hereby designated as being of cultural heritage value or interest.
2. The Reasons for Designation are attached hereto as Schedule "B" and shall for all purposes form a part of this By-law.
3. This heritage designation is solely for the said Welland Canal Second Aqueduct and for no other purposes, or portions of the real property herein set out. Further, this heritage designation does not apply to the Scenic Lookout Structure located atop the Welland Canal Second Aqueduct.
4. This By-law shall be registered against the property on which the Welland Canal Second Aqueduct is located and which is described in Schedule "A" attached hereto, in the Land Registry Office for Niagara South, in accordance with section 29(19) of the said Act.
5. The City Clerk shall cause a copy of this By-law to be served upon the owners of the property and on the Ontario Heritage Trust and to cause notice of this By-law to be published in the Tribune, in the City of Welland, in accordance with section 29(8) of the Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 7<sup>TH</sup> DAY OF JUNE, 2022.

MAYOR

  
CITY CLERK

## Schedule "A"

Welland Canal Second Aqueduct, Welland, Ontario

### Legal Description

WELLAND CANAL LYING SOUTH OF WOODLAWN RD & NORTH OF EAST MAIN ST AND WEST MAIN ST, BEING LTS 13 - 40 PL 563; LTS 62 - 66 PL 563; LTS 1 - 8 PL 571; LTS 12 - 28 PL 571; LTS 42 - 57 PL 571; LTS 80 - 86 PL 571; LT 00 PL 564; REUTER LOT PL 564; D. D'EVERARDO LOT PL 564; CHURCH OF ENGLAND PARSONAGE LOT PL564; JEFFREY LOT PL 564; TWP LT 238 THLD: PT LT JT PL 564; PT TWP LT 238 B.F. THLD; PT TWP LT 247 THLD EXCEPT PTS 2 AND 3 ON 59R14803; PT TWP LT 239 THLD; PT TWP LT 248 THLD: PT LT 26 CON 5 CLD PARTS 1, 2 & 4, 59R4081; PT LT 25 CON 5 CLD; PT ROAL BTN TWP LTS 247 & 248 THLD; PT RDAL BTN TWP LTS 238 & 247 THLD: PT RDAL BTN TWP LTS 238 & 238 B.F. THLD, PT 1 59R3476 , PT 1 59R3477; PT OF AQUEDUCT ST., THE ORIGINAL BED OF THE WELLAND RIVER, LYING BTN THE TWP OF THOROLD & CROWLAND ; LT MM PL 564; GERMAN AV & PT OF MEADOW ST. (FORMERLY ROSE ST), RAYMOND ST, MCCORMICK ST PL 571; DUFFERIN ST, SMITH ST & HOBSON ST PL 563; EXCEPT MEM390, PTS 1 & 2 59R5011, PTS 1,2,3,4,5 59R5147, PTS 2 & 3 59R3385, PT 3 & 5 59R4081, PT 1 59R6058, PTS 1, 3, 12, 13, 14 59R5159, PTS 1 & 2 59R5011, PT 4 59R4976, PT 1 59R5213, PT 8 59R5212, PT 1 59R10252, PT OF PT 1 59R3477 LYING TO THE NORTH OF PT 1 59R5213, PT 1 59R10252 AND PT 8 59R5212, PTS 1 & 2 59R5748, SAVE AND EXCEPT PARTS 1,2,3,13,14,15,16,17, PLAN 59RI2332; S/T AA89590; SUBJECT TO AN EASEMENT OVER PT TWP LOT 247 THOROLD, BEING PART 1, PL 59R14803 IN FAVOUR OF PT TWP LT 247, THOROLD, DESIGNATED AS PTS 2 AND 3, PL 59R14803 AS IN SN401573; CITY OF WELLAND



## Schedule "B"

### STATEMENT OF CULTURAL HERITAGE VALUE OR INTEREST

#### **Description of the property – Welland Canal Second Aqueduct, Welland, ON**

This stone aqueduct, now largely filled with earth, is located on the east side of the Welland Recreational Waterway (former Welland Canal) along the Boardwalk and directly west of the present City Hall at 60 East Main Street.

#### **Statement of Cultural Heritage Value or Interest**

This stone aqueduct was built between 1842 and 1850 during construction of the Second Welland Canal to replace the original 1829 wooden aqueduct which carried the Canal over the Welland River (Chippawa Creek). Constructed of thousands of cut stones weighing approximately one ton each, it consists of a series of four stone arches supporting a large trough through which the canal and ships once passed. It was designed by Irish born engineers Walter and Francis Shanly and built by contractor Samuel Zimmerman. This aqueduct remained in use until construction of the Fourth Welland Canal (1913-1932).

The first urban settlement in what is now Welland came about due to the necessity to construct an aqueduct (of which this is the earliest surviving example) over the Welland River and the nucleus and downtown core of the present city grew up around it. The settlement itself was first known as "Aqueduct", later "Merrittsville" and finally "Welland". The aqueduct, therefore, can be said to be the catalyst that created this community.

#### **Description of Heritage Attributes**

Key attributes of the aqueduct that reflect its value as the oldest surviving aqueduct on the Welland Canal are:

- constructed of thousands of ashlar cut stones weighing approximately one ton each;
- consists of a series of four stone arches 45 feet wide with a span of 45 feet each capped with rows of stone voussoirs and stabilized with projecting buttresses that support a large trough (now infilled with earth) through which the canal and ships once passed;
- when it was completed in the 1840's, the aqueduct measured 45 feet wide and over 315 feet long;
- may be the oldest surviving stone aqueduct to carry water transportation in Canada