

TOWN OF CARBERRY

BY-LAW NO. 5/2006

Being a By-Law of the Town of Carberry to designate an area commonly known as Historic Downtown Carberry situated in the Town of Carberry, Manitoba as being and containing sites of architectural or historic value.

WHEREAS Section 25 of *The Heritage Resources Act* authorizes the Council of a Municipality to enact by-laws to designate a municipal site as a municipal heritage site;

AND WHEREAS *The Heritage Resources Act* defines "municipal site" as

- (a) an area or a place, or
- (b) a parcel of land, or
- (c) a building or structure, or
- (d) an exterior or interior portion or segment of a building or structure,

within a municipality, whether it is privately owned or owned by the municipality;

AND WHEREAS Section 34(1) of *The Heritage Resources Act* provides in part as follows:

A municipality may by by-law, provide for:

- (a) the protection of any municipal heritage site designated or proposed to be designated under this Part, by prohibiting any or all of the things set out in clauses 12(1)(a), (b) and (c), except pursuant to a municipal heritage permit issued by the municipality or by such other means as the municipality deems advisable;
- (b) the issue, suspension and cancellation of municipal heritage permits for the purposes of clause (a);

AND WHEREAS the Council of the Town of Carberry is satisfied that the area and its component properties are of sufficient architectural, heritage or natural value or interest;

AND WHEREAS the Council of the Town of Carberry has caused to be served upon the Minister of Culture, Heritage and Tourism, c/o Heritage Designation Officer, Historic Resources Branch, Main Floor, 213 Notre Dame Avenue, Winnipeg, Manitoba, R3B 1N3, and upon the owners and lessees of the lands and premises commonly known as:

(continued on next page)

Common Name	Address
Historic Downtown Carberry - Municipal Office - Bank of Montreal - HMS Insurance - Parking Lot - CVM Restaurant - Natural Wellness Clinic - Carberry News Express - Randolph Kowalchuk - Don Forbes Investments - Modern Bakery - McMillan Pharmacy - Linda Wright - Studio 48 - 125 th Commemorative Park - Reilly Ventures - Arlene's Floral Boutique - Dale Gabler - Old Town Hall - Drop-In Centre - McPhail Agencies - Spud City Food Mart - Canada Post Office - Gavco Clothing - Sprucewoods Pizza - Harburn Flooring - Henry Carroll Law Office - Carberry Library - Public Washroom - Davidson Fine Foods - Westoba Credit Union - Ray's Diner - The Style Shop - Sprucewoods Employment - Bailey Building - Old Bank of Montreal - John McNeily - Fabric Shop - Royal Canadian Legion - Spirit Sands Support Services - Carberry Motor Inn	316 Fourth Avenue 10 Main Street 14 Main Street 20 Main Street 24 Main Street 30 Main Street 34 Main Street 38 Main Street 40 Main Street 42 Main Street 44 Main Street 46 Main Street 48 Main Street 50 Main Street 108 Main Street 110 Main Street 112 Main Street 122 Main Street 130 Main Street 134 Main Street 140 Main Street 145 Main Street 141 Main Street 135 Main Street 125 Main Street 121 Main Street 115 Main Street 113 Main Street 109 Main Street 47 Main Street 43 Main Street 41 Main Street 39 Main Street 37 Main Street 33 Main Street 31 Main Street 29 Main Street 25 Main Street 19 Main Street 9 Main Street

a Municipal Notice of Intent to so designate the aforesaid municipal site and has caused such Notice of Intent, stating the date, time and place for a hearing, not earlier than twenty-one (21) days after the last date of the service so prescribed in the Act was made, to be held by the municipality to receive objections and other representations with respect to the proposed by-law, and has caused such Notice of Intent to be published in at least two (2) issues of a newspaper having general circulation in the municipality and having filed a copy of the Notice of Intent in the proper Land Titles or Registry Office.

AND WHEREAS no objection to the proposed designation has been served on the Clerk of the Municipality.

THEREFORE, the Council of the Town of Carberry enacts as follows:

A municipal site, commonly known as Historic Downtown Carberry, including the exteriors of all buildings and structures located within the area bounded by the centre lines of the boundary streets of the Town described as follows:

Commencing at the centre of Fourth Avenue and proceeding North along the Easterly edge of Lot 21 Block 42 Plan 44; thence proceeding West to the centre of the rear lane between Main Street and Toronto Street; thence proceeding North along the rear lane to its intersection with Second Avenue; thence proceeding West along Second Avenue to its intersection with the rear lane between Main Street and Simcoe Street; thence proceeding South along the rear lane to its intersection with the South side of Lot 20 Block 41 Plan 44; thence proceeding West to the centre of Simcoe Street; thence proceeding South to the intersection of Simcoe Street and Fourth Avenue, and thence East to the point of commencement, and legally described as including the following properties:

All of Lots 1 - 20, Block 23, Plan 44; all of Lots 21 - 40, Block 24, Plan 44; all of Lots 16 - 40, Block 41, Plan 44; all of Lots 1 - 15, 20 & 21, Block 42, Plan 44; and all of Lots 1 & 2, Plan 29902;

and being exclusive of all lands vested in the crown is hereby designated as a Municipal Heritage Site pursuant to *The Heritage Resources Act* of Manitoba:

The exteriors (except where interior features noted) of the municipal sites, as follows:

Common Name	Legal Description
Municipal Office	Lot 21/22, Block 42, Plan 44
Bank of Montreal	Lot 2, Plan 29902
HMS Insurance	Lot 1, Plan 29902
Parking Lot	Lot 13/15, Block 42, Plan 44
CVM Restaurant	Lot 12/13, Block 42, Plan 44
Natural Wellness Clinic	Lot 10/11, Block 42, Plan 44
Carberry News Express	Lot 8/10, Block 42, Plan 44
Randolph Kowalchuk	Lot 7, Block 42, Plan 44
Don Forbes Investments	Lot 6, Block 42, Plan 44
Modern Bakery	Lot 4/5, Block 42, Plan 44
McMillan Pharmacy	Lot 3/4, Block 42, Plan 44
Linda Wright	Lot 3, Block 42, Plan 44
Studio 48	Lot 2, Block 42, Plan 44
125 th Commemorative Park	Lot 1, Block 42, Plan 44
Reilly Ventures	Lot 20, Block 23, Plan 44
Arlene's Floral Boutique	Lot 19, Block 23, Plan 44
Dale Gabler	Lot 16/18, Block 23, Plan 44
Old Town Hall	Lot 11/15, Block 23, Plan 44
Drop -In Centre	Lot 9/11, Block 23, Plan 44
McPhail Agencies	Lot 7/8, Block 23, Plan 44
Spud City Food Mart	Lot 1/6, Block 23, Plan 44
Post Office	Lot 39/40, Block 24, Plan 44
Gavco Clothing	Lot 35/38, Block 24, Plan 44
Spruce Woods Pizza	Lot 30/34, Block 24, Plan 44
Harburn Flooring	Lot 27/30, Block 24, Plan 44
Henry Carroll Law Office	Lot 26/27, Block 24, Plan 44
Carberry Library	Lot 23/25, Block 24, Plan 44
Public Washroom	Lot 23, Block 24, Plan 44
Davidson Fine Foods	Lot 21/22, Block 24, Plan 44
Westoba Credit Union	Lot 40, Block 41, Plan 44
Ray's Diner	Lot 38, Block 41, Plan 44
Style Shop	Lot 37, Block 41, Plan 44
Sprucewoods Employment	Lot 36, Block 41, Plan 44
Bailey Building	Lot 34/35, Block 41, Plan 44
Old Bank of Montreal	Lot 32/34, Block 41, Plan 44
John McNeily	Lot 31, Block 41, Plan 44
Fabric Shop	Lot 30/31, Block 41, Plan 44
Royal Canadian Legion	Lot 28/29, Block 41, Plan 44
Spirit Sands Support	Lot 26/27, Block 41, Plan 44
Carberry Motor Inn	Lot 16/25, Block 41, Plan 44

are hereby designated as a Municipal Heritage Site pursuant to *The Heritage Resources Act* of Manitoba:

The Chief Administrative Officer is hereby authorized to cause a copy of the Manitoba Heritage Notice in respect hereto to be served upon the Minister of Culture, Heritage and Tourism, in c/o Heritage Designation Officer, and upon the owners and lessees of the said Municipal Site, and to cause a copy of the Municipal Heritage Notice in respect hereto to be published in at least one (1) issue of a newspaper having general circulation in the Municipality.

The municipal sites, commonly known as Historic Downtown Carberry are hereby protected by prohibiting any or all of the things set out in clauses 12(1)(a), (b) and (c) of *The Heritage Resources Act* except pursuant to a municipal heritage permit issued by the Municipality. Compliance with the *Standards and Guidelines for the Conservation of Historic Places in Canada* shall be considered prior to the issuance of a permit.

The Chief Administrative Officer is hereby authorized to cause a copy of this by-law to be registered against the properties described above in the proper land registry office.

DONE AND PASSED in open council duly assembled at the Municipal Office at Carberry in the Province of Manitoba this 12 day of June, 2007.

TOWN OF CARBERRY



Mayor

(S E A L)



Chief Administrative Officer

Read a First time this 10 day of October, 2006.
Read a Second time this 12 day of June, 2007.
Read a Third time this 12 day of June, 2007.