

**CITY HERITAGE EASEMENT AGREEMENT
 OLD DON JAIL (March 25, 2002)
 PROVISIONS HAVING APPLICATION TO CONSIDERATION OF IRON BARS ON WINDOWS**

DOCUMENT REFERENCE	SECTION	PROVISION
CITY HEA: AGREEMENT TEXT	2.2 – Repairs and Alterations	The Owner shall not, except as set forth in this Agreement, without the prior written approval of the Municipality, undertake or permit any demolition, construction, alteration, remodelling, or any other thing or act which would materially affect those features of the appearance or construction of the Building as set out in the Reasons for Identification attached hereto as Schedule “B” and as may be depicted in the photographs contained in Schedule “C”.
	2.3 – Permitted Alterations and Development	<p>It is recognized that the Owner has acquired the property for the purpose of fulfilling its mandate, and that it may be necessary for such purpose, for the Owner to undertake, to some extent, demolition, construction, alteration, remodeling or any other thing or act necessary to adapt the Building for such use, but that the Owner is not yet in a position to finalize, through final plans and drawings, a precise description of changes which it requires for such purpose. It is, however, agreed between the parties that the alterations and construction described in Schedule “F”, with such modifications as a re reasonable, will not require prior approval pursuant to paragraph 2.2 provided:</p> <p>a) prior to an application for a building permit, the Owner submits all plans, specifications, studies, detailed drawings and any other materials reasonably required by the (Chief</p>

		Planner) or his or her designated to review the proposed alterations and construction; and b) the (Chief Planner) is satisfied that the alteration and construction are consistent with the Heritage Conservation Principles set out in Schedule "E" (hereinafter the "Heritage Conservation Principles").
	2.5 – Heritage Conservation Principles	Attached hereto and incorporated as Schedule "E" to this Agreement is a Statement of Heritage Conservation Principles accepted by the parties, and as may be amended by mutual agreement, from time to time, to be taken into consideration as guidelines with respect to any of the alterations, renovations, demolition or other change to any features of the Building, which would materially affect the features of the appearance or construction of the Building as set out in the Reasons for Identification.
SCHEDULE "B" – REASONS FOR IDENTIFICATION		...The balanced axial plan features a projecting centre block that rises four stories on the principle (south) façade. Behind a centrally placed rotunda, the rear section of the centre block extends 3 1/2 stories to match the height of the adjoining side wings (east and west)... The principal (south) façade of the centre block is organized into five bays and clad with sandstone....
SCHEDULE "E" – HERITAGE CONSERVATION PRINCIPLES		
3.0 Preservation	3.3 -	The following key principles should be considered in interpreting the property:

<p>Principles</p>	<p>Principles of Heritage Interpretation</p>	<p>... 3. Specific elements related to the historic jail use, such as the window bars, death row or the gallows, are acknowledged as important heritage features.</p>
<p>4.0 Intervention Principles and Guidelines</p>	<p>4.0</p>	<p>In establishing guidelines that can practically govern development, alteration and reuse of the Don Jail building, the basic approach should fundamentally respect the elements of heritage significance of the building and its setting. The distinguishing features, as described in the Reasons for Identification (Schedule "B") and the photographs contained in Schedule "C", should be retained with the least possible intervention necessary to accommodate the Owner's uses. However, a new use to contemporary standards will require change. It is important that the management of any such changes not mar or destroy elements of high heritage significance, whether they be part of the site character, the plan or features of the exterior and interior architecture.</p>
	<p>4.1 - Setting</p>	<p>4.1.1 – <u>Objective</u></p> <p>To retain as a public benefit the vista and view corridor, as defined and shown in Fig. 4.1.3.1 in Schedule "D" to the Jail buildings main façade. This is of extreme heritage value in preserving the image of the structure as an important civic building within the large and publically owned tract of land comprised of the original Scadding Farm purchase.</p>
	<p>4.5 – Facades</p>	<p>4.5.2 – <u>Issues</u></p> <p>4.5.2.1- The south façade was designed to be and remains today the classic example which expresses the public perception of an "important civic building". Any alterations to the south façade could seriously damage the harmony and texture of the original design. Other facades are also important but are somewhat less in the public view.</p>

<p>4.5.2.3 – Iron bars on windows identify the original purpose of the building as a such have heritage value.</p> <p>4.5.3 – <u>Guidelines</u></p> <p>4.5.3.4 - The removal of iron bars on the windows would be a loss of a feature than identifies the building's original heritage significance. The preservation of the iron bars and associated bars on the central pavilion should be maintained. However, the iron bars pose a serious challenge for a hospital, nursing home and retirement living centre. The parties agree, following clarification of the Owner's intent with respect to various parts of the Building, that they will review this item to take into account the impact of the bars on persons to be served by the Building in its new use.</p>		
<p>4.6.1 <u>Objective</u></p> <p>To preserve the existing building fabric and design integrity of the exterior and interior. Where it is not possible to use the same material and techniques, use compatible materials and techniques.</p>	<p>4.6 – Materials</p>	
<p>I. This Agreement shall not be constructed as prohibiting the Owner from effecting the following permitted alterations, subject to compliance with paragraph 2.3 of the Agreement:</p> <p>B. effecting, subject to consideration of the Heritage Conservation Principles, the following alterations:</p> <ul style="list-style-type: none"> - removal of window bars, with the exception of the iron bars located on the central pavilion 		
<p>SCHEDULE "F" PERMITTED ALTERATIONS</p>		