

Dec 15, 1980

## LOCAL AUTHORITIES BOARD,

## ANNEXATION OF LAND!

(The Municipal Government Act),

## TOWN OF BROOKS

BOARD ORDER No. 13482

FILE No. 43(A)11

Before:  
The 'Local' Authorities Board  
for the Province of Alberta

In the matter of The Municipal Govern-  
ment Act:

And in the matter of an application by a  
majority of owners petitioning to annex cer-  
tain territory to the Town of Brooks and  
thereby its separation from the County of  
Newell No. 4.

Pursuant to section 20 of The Municipal Government Act, an application was made by  
the majority of the owners of that territory described as:

All that portion of the north-west quarter of section 34 township 18, range 14, west of  
the fourth meridian, which lies to the south west of the Trans-Canada Highway and  
revised canal right-of-way, as shown on plan 5710 G.X.

All that portion of the south-west quarter of section 3, township 19, range 14, west of the  
fourth meridian, which lies to the south west of the Trans-Canada Highway, as shown on  
plan 6094 G.X.

All that portion of the north-east quarter of Section 4, township 19, range 14, west of the  
fourth meridian, which lies to the south west of the Trans-Canada Highway, as shown on  
plan, 6094 G.X.

All government road allowances and government road allowance intersections adjoining  
the above described lands, (hereinafter called "the said territory"). which said territory  
lies immediately adjacent to the Town of Brooks, in the Province of Alberta, petitioning  
the Local Authorities Board for the Province of Alberta, for the annexation of the said  
territory to the Town of Brooks and thereby its separation from the County of Newell  
No. 4 and in respect to which the board held a public hearing into the matter on August  
14, 1980.

Owners petitioning for the annexation of the said territory to the Town of Brooks were  
Harvey H. Astley, Norma E. Astley, Northern Geophysical (1975) Ltd. and William R.  
Oruski. Owners, Hugh W. Beven and Shirley C. Beven, consented to the annexation of their  
property to the town. Owners, Northern Geophysical and W. R. Oruski, were represented by  
O. B. Shantz, solicitor and the Astleys were represented by their solicitor, D. H. Bell.

The Town of Brooks was represented by Councillor E. Fleury and E. L. Lindquist,  
Commissioner.

Representing the County of Newell No. 4 was Reeve T. Musgrove.

The South East Alberta Regional Planning Commission had present staff member J.  
Muller, to present its position.

Highway No. 1 (the Trans-Canada Highway) lies immediately to the east of the Town of  
Brooks and cuts at almost a 45 degree angle from the south east to north east. Recent  
upgradings of the highway to a divided controlled access four lane roadway with an overpass  
have successfully severed all lands lying west of the highway from those lands lying easterly.

With the renewed resource activity in the region and established agricultural base  
flourishing in recent years, the Town of Brooks has undergone a rapid growth in population  
(1975 — 5,714 to 8,873 people in 1980) and development. To meet the growing demand  
there have been a series of applications to annex additional lands to the Town of Brooks.

(Order No. 11402 — January, 1979; Order No. 10650 — June, 1978; Order No. 10040 — November, 1977; 11 in all since 1967). Applications were made by either the owners, or by the town council, to meet immediate objectives. This has resulted in three parcels (which comprise the said territory), each triangular in shape, being cut off from the county proper by Highway No. 1. For planning purposes, all three parcels have been included in the municipal general plan and area structure plan of the town.

Evidence was received that each parcel of the said territory was considered in the Town of Brooks' engineering study, which indicated each capable of being serviced with water and sanitary sewer utilities, although one parcel belonging to W. Oruski (portion of NW 34-18-14-W4th) would require a lift station. As the Town of Brooks had recently constructed a sanitary sewage treatment facility designed to service a population of 25,000, there was sufficient design capacity to meet any increased flow from the said territory. A new water treatment and high lift water supply system has recently been constructed with a design capacity to serve a population of 18,000 people. With the construction of a proposed water reservoir within two years, all demands of the said territory could be met. No additional sizing or facilities will be required to service the said territory.

Storm water drainage, it was proposed, would be handled by surface drainage to a number of small lakes or sloughs. Such a drainage system is currently being developed by the Town of Brooks.

Because of the past history of irrigation in the area, the Northern Geophysical (1975) Ltd. property (portion SW 3-19-14-W4th) is subject to a high water table, although solutions to this problem have been suggested. Access to each parcel is now obtained from the Town of Brooks.

The Town of Brooks, with a population of 8,873, projected its population to continue to grow at a rate of 8.5% per year (for 1980 the growth rate has been 11%) and to reach a population of 25,000 by the year 2,000. It was projected that to serve the increase in population, the town would require approximately a further 3,031 acres. Board Order No. 11402 added some 910 acres, leaving the town some 2,021 acres short of its projected requirements and only sufficient land for five to eight years. The approximately 155 acres within the said territory would help alleviate this shortfall.

It was pointed out that the municipal general plan of the Town of Brooks proposed that the said territory be designated for commercial and industrial uses. Reference was made to Local Authorities Board Order No. 11402 which noted the town had, at the rate of growth indicated, only a five to eight year supply of commercial and industrial lands. Therefore, it was stated that the annexation of the said territory to the town was imperative.

The Town of Brooks supported the annexation of the said territory to the town, conditional upon the land uses being the subject of future reviews.

At the hearing which resulted in Board Order No. 11402, the County of Newell No. 4 had suggested that the said territory should be placed within the Town of Brooks' jurisdiction, as it is a logical addition, and it is difficult for the county to service the respective parcels. The County of Newell No. 4 therefore had no objections to the application to annex the said territory to the Town of Brooks.

The South East Alberta Regional Planning Commission supported the application to annex the said territory to the Town of Brooks.

Alberta Agriculture, by letter to the board dated May 27, 1980, made the following observations:

"The soil on these parcels is classified C.L.I. 2 and 4. The Class 4 soil, which is 30% of the total, is poorly drained and salty. The remaining 70% is rated high for irrigation. Current agricultural production is low.

There appears to be no urgency to annex this land because current land reserves within the town will meet demand for 5 to 8 years. On the other hand, considering the highway as a natural boundary, these parcels should be annexed to the town at some future date.

Agriculture does not see the immediate need, but has no objection to the proposed annexation."

Alberta Transportation, by letter to the board dated June 5, 1980, commented as follows:

"It is noted that the three parcels abut Highway 1 (T.C.H.) at their northeasterly boundary. Since this facility is to ultimately be a fully access controlled highway, access will be limited to the new interchange location at the town's main access road and at the intersection of S.R. 543 which is near the south-east corner of SW 3-19-14-4. In planning the land use and subdivision of the parcels adjacent to Highway 1 near the junction of S.R. 543, consideration should be given to future right-of-way requirements for long range intersection improvements. Buffers for noise attenuation may also be required adjacent to the highway depending on the type of development proposed.

This department will be pleased to discuss highway related requirements with the town at such time that their subdivision or development plans are being formulated."

The board, having considered the evidence presented to it at the hearing, has reached the following conclusions:

1. That the Town of Brooks, being a farm service community serving resource development in its area, and with growing industrial development, will continue to grow in population and development, probably at projected rates, and therefore in the 20 year planning time frame, will require additional lands for industrial and commercial purposes.
2. That the said territory, being cut off from the County of Newell No. 4 by the recent upgrading of Highway No. 1, is a logical expansion to the Town of Brooks, may be economically serviced with utilities within the town's existing or planned plant capacity and will provide the town with a clearly defined boundary.
3. That the application by the majority of owners to annex the said territory to the Town of Brooks and thereby its separation from the County of Newell No. 4 should be granted in full.

Therefore, subject to the Lieutenant Governor in Council approving this order, or prescribing conditions that the order is subject to and approving the order subject to those conditions, or varying the order and approving the order as varied, it is ordered as follows:

- I. That there be annexed to the Town of **Brooks**, in the Province of Alberta, and thereupon & separated from the County of **Newell No. 4**, the following described lands:

All that portion of the north-west quarter of section 34, township **18**, range **14**, west of the fourth meridian which lies to the south west of the Trans-Canada Highway and revised canal right-of-way, as shown on plan **5710 G.X.**

all that portion of the south-west quarter of section 3, township **19**, range **14**, west of the fourth meridian, which lies to the south west of the Trans-canada Highway as shown on plan **6094 G.X.**

All that portion of the north-east quarter of section **4**, township **19**, range **14**, west of the fourth meridian, which lies to the southwest of the Trans-Canada Highway; as shown on plan **6094 G.X.**

All government road allowances and government road allowance intersections adjoining the above described lands.

(A sketch showing the general location of the annexed lands is attached as Schedule "A").

- II. That any taxes owing to the County of Newell No. 4 as at December 31, 1980, in respect of the aforementioned properties shall transfer to and become payable to the Town of Brooks together with any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Brooks collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to the County of Newell No. 4.

- III. That the assessor for the Town of Brooks shall for taxation purposes in the year 1981, re-assess the annexed lands and assessable improvements thereon, which are by this order annexed to the town so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Brooks and the provisions of The Municipal Taxation Act regarding the assessment roll shall *mutatis mutandis* apply to such assessment.

- IV. That the Chief Provincial Assessor, appointed pursuant to the provisions of The Municipalities Assessment and Equalization Act shall for taxation or grant purposes commencing in the year 1981, re-assess or re-value, as the case may be, all properties that are assessable or subject to valuation under the terms of The Electric Power and Pipe Line Assessment Act and

The Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this order annexed to the Town of Brooks, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

v. That the effective date of this Order is the 1st day of January, 1981.

Dated and signed at the City of Edmonton; in the Province of Alberta, this 2nd day of September, 1980.

Certified a true <sup>copy</sup>  
R. MYRONIUK, Acting Secretary.

LOCAL AUTHORITIES BOARD  
C. I. SHELLEY, Charman.  
J. A. HAMMOND, Member.

