

TOWN OF BROOKS

Order No. 16160

File No. 43(A)14

Before: The Local Authorities Board for the Province of Alberta

In the matter of the Municipal Government Act

And in the matter of an application by the council of the Town of Brooks to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Newell No. 4.

[Pursuant to section 20 of the Municipal Government Act, the council of the Town of **Brooks**, in the Province of Alberta, petitioned the Local Authorities Board for the annexation to the town of all that territory described as follows:

1. All that portion of the west half of section 34, township 18, range 14, west of the fourth meridian, lying southerly of the Trans-Canada Highway, as shown on plan 5710 G.X. and not within the Town of Brooks.

2. All that portion of the south east quarter of section 34, township 18, range 14, west of the fourth meridian, contained within plans of survey I.R.R. 437 and 821 1655.

3. All that portion of the north east quarter of section 27, township 18, range 14, west of the fourth meridian, contained within plans of survey I.R.R. 436 and 821 1655.

The above described lands contain 32.47 hectares (82.68 acres), more or less.

(hereinafter called "the said territory")

which lies immediately adjacent to the town, and thereby its separation from County of Newell No. 4, and in respect to which the board held a public hearing into the matter on January 26, 1983.

Representing the Town of Brooks were Mayor C. Stark-Dunsmore and J. Wannet, town manager.

Councillor M.G. Andrews and D.N. James, administrator, appeared on behalf of the County of Newell No. 4.

A.J. Muller, assistant director, presented the position of the Southeast Alberta Regional Planning Commission.

Appearing on behalf of the Medicine Hat College were Dr. M.S. Tagg, vice-president, administration, and R. Pepper, director of the Brooks Campus. K.W. Lutz, solicitor, was also present and made a submission.

The Medicine Hat College has for some 20 years conducted off-campus instruction in the Town of Brooks. This program has proven to be very successful with 180 students currently in attendance. While the old hospital has served successfully as the "Brooks Campus", the space available was limited and alternative quarters were now required.

To meet this requirement H. Veiner has donated to the Medicine Hat College the said territory. A condition of the gift was that, besides using it for the Brooks Campus, the said territory be annexed to the Town of Brooks. In response the council of the Town of Brooks at its meeting of August 9, 1982, passed the following resolution:

"that the land donated by Mr. H. Veiner for use as a college site situated in the southeast quarter of Section 34 and the northeast Section of 27, Township 18, Range 14, West of the Fourth Meridian comprising 65 acres, including One-Tree Creek right-of-way between the Town boundary and the property to be annexed, be annexed into the Town of Brooks and further that the Local Authorities Board be petitioned to commence said annexation and further that Resolution #82/299 be rescinded."

It was pointed out the Town of Brooks has had a strict policy of not servicing any property outside its boundaries with utilities and other town services. By annexing the said territory this policy could remain intact. While no direct evidence was given, it was implied that the said territory may be readily serviced by the economical extension of existing utility mains, roads and other infrastructures which have sufficient capacity to service the proposed campus development.

The said territory is to the southeast of the Town of Brooks; to the north and west of the Dominion Horticultural Research Station and south and west of the abutting Trans-Canada Highway No. 1. Along the westerly borders of the said territory is located the Eastern Irrigation District right-of-way (plan 1.R.R.437) known as the One-Tree Irrigation Canal, whose western border forms a portion of the town's easterly boundary.

The Town of Brooks in June 1982 adopted the "Southeast Area Structure Plan" which includes the said territory in its planning process. Access to the said territory from Highway No. 1 would be controlled.

It was reported that there was strong support for the development of the Brooks Campus of the Medicine Hat College, not only in the town but in the County of Newell No. 4 as well. The existing facilities now provide educational services to local residents who, because of marital status, employment or funds, would not be able to travel elsewhere for this education. A new campus would widen the educational opportunities and with the research facilities nearby, it was anticipated the research facilities would provide resource personnel and contribute to a cross-fertilization of knowledge with the faculty.

The council of the County of Newell No. 4 passed a resolution to the effect the county had no objection to the annexation of the said territory to the Town of Brooks and were in agreement with the establishment of the new Brooks Campus.

The Southeast Alberta Regional Planning Commission at its meeting of January 12, 1983, passed a resolution to support the Town of Brooks' petition to annex the said territory. It was pointed out that the Department of Advanced Education of the Government of Alberta is anxious to proceed with plans for the development of the site.

At a special board meeting of the Eastern Irrigation District held August 18, 1982, a motion was passed "agreeing to the annexation of a portion of One-Tree Creek Spillway right of way to the Town of Brooks".

By letters to the board, Alberta Transportation and Alberta Agriculture advised they had no objection to the petition.

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

1. Because of the agricultural setting, irrigation, natural resources and industrial development, the Town of Brooks is and will continue as a growth centre. While growth in population and development will not be as vigorous as in the '70's, the diversity of the town's economic growth is expected to continue.
2. That in attempting to meet the educational demands of the community and region, an extension of the Medicine Hat College into the community has taken place and has now reached the stage of success where a permanent campus and facilities is now warranted in the Town of Brooks.
3. That the said territory can be utilized successfully as a campus site; was considered and included in the Town of Brooks' Southeast Area Structure Plan; contains few, if any, constraints to development and may be readily serviced with utilities and other urban infrastructures and is a logical area for expansion of the town's jurisdiction.
4. That the establishment of a permanent college campus facility in the Town of Brooks will be a positive influence on the town and region, is strongly supported by the town, the County of Newell No. 4, the Department of Advanced Education and the Medicine Hat College and should be encouraged. There being no opposition, the application by the Town of Brooks to annex the said territory 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 be separated from the County of Newell No. 4, the following described territory:

1. All that portion of the west half of section **34**, township 18, range **14**, west of the fourth meridian, lying southerly of the Trans-Canada Highway, as shown on plan **5710 G.X.** and not within the Town of **Brooks**.
2. All that portion of the south east quarter of section **34**, township 18, range **14**, west of the fourth meridian, contained within plans of survey I.R.R. **437** and **821 1655**.
3. All that portion of the north east quarter of section **27**, township 18, range **14**, west of the fourth meridian, contained within plans of survey I.R.R. **436** and **821 1655**.

The above described lands contain **32.47** hectares (82.68 acres), more or less.

(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, 1982, 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 any 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 of Brooks to the County of Newell No. 4.

III. That the assessor for the Town of Brooks shall, for taxation purposes in the year 1983, re-assess the annexed lands and assessable improvements thereon, which are by this order annexed to the Town of Brooks 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 1983, 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 January 1, 1983.

Dated and signed at Edmonton, Alberta, February 11, 1983.

certified a True Copy:
~~Clark~~, Secretary.

Local Authorities Board,
C.I. Shelley, Chairman.
J.A. Hammond, Member.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 16160

EFFECTIVE DATE: JANUARY 1, 1983



AFFECTED AREA(S)

