



Province of Alberta
Order in Council

O.C. 130/2009

MAR 18 2009

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor

The Lieutenant Governor in Council orders that

- (a) effective January 1, 2009, the land described in Appendix A and shown on the sketch in Appendix B is separated from the Municipal District of Rocky View No. 44 and annexed to the Town of Chestermere,
- (b) any taxes owing to the Municipal District of Rocky View No. 44 at the end of December 31, 2008 in respect of the annexed lands are transferred to and become payable to the Town of Chestermere together with any lawful penalties and costs levied in respect of those taxes, and the Town of Chestermere upon collecting those taxes, penalties and costs must pay them to the Municipal District of Rocky View No. 44,
- (c) the assessor for the Town of Chestermere must assess, for the purpose of taxation in 2009 and subsequent years, the annexed land and the assessable improvements to it,

CHAIR

and makes the Order in Appendix C.

For Information only

Recommended by: Minister of Municipal Affairs

Authority: Municipal Government Act
(sections 125 and 138)

APPENDIX A

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44 AND ANNEXED TO THE TOWN OF CHESTERMERE

ALL THAT PORTION OF SECTION TWENTY-ONE (21), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN SOUTH OF THE SOUTH BOUNDARY OF PLAN 761-0158 AND EXCLUDING THAT PORTION OF THE NORTH-SOUTH ROAD ALLOWANCE WEST OF SAID SECTION LYING NORTH OF THE PRODUCTION WEST OF PLAN 761-0158

ALL THAT PORTION OF THE WEST HALF OF SECTION TWENTY TWO (22), TOWNSHIP TWENTY FOUR (24), RANGE TWENTY EIGHT (28) WEST OF THE FOURTH MERIDIAN SOUTH OF THE SOUTH BOUNDARY OF PLAN 7307JK INCLUDING ALL THAT PORTION OF PLAN 2078JK SOUTH OF THE PRODUCTION EAST OF THE SOUTH BOUNDARY OF PLAN 7307JK AND INCLUDING ALL THAT PORTION OF PLAN 5730JK WITHIN SAID HALF SECTION AND EXCLUDING ALL THAT PORTION OF THE NORTH-SOUTH ROAD ALLOWANCE WEST OF SAID HALF SECTION LYING NORTH OF THE PRODUCTION WEST OF THE SOUTH BOUNDARY OF PLAN 7307JK

SECTION SIXTEEN (16), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN

SECTION NINE (9), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN

SECTION FOUR (4), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN

ALL THAT PORTION OF SECTION THREE (3), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF CHESTERMERE

SECTION THIRTY-FIVE (35), TOWNSHIP TWENTY-THREE (23), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN AND INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE ADJACENT TO THE EAST SIDE OF SAID SECTION

ALL THAT PORTION OF SECTION TWO (2), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY EIGHT (28) WEST OF THE FOURTH-MERIDIAN NOT WITHIN THE TOWN OF CHESTERMERE

THE WEST HALF OF SECTION ONE (1), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN

ALL THAT PORTION OF SECTION ELEVEN (11), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF CHESTERMERE

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION TWELVE (12), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN SOUTH OF THE NORTH BOUNDARY OF PLAN 781-0589 BLOCK A AND INCLUDING ALL THE NORTH-SOUTH ROAD ALLOWANCE WEST OF SAID QUARTER SECTION AND INCLUDING THAT PORTION OF THE EAST-WEST ROADWAY LYING NORTH OF THE NORTH BOUNDARY OF PLAN 781-0589 LOT 24 AND INCLUDING THAT PORTION OF THE EAST-WEST ROADWAY LYING NORTH OF THE PRODUCTION WEST OF THE NORTH BOUNDARY OF PLAN 781-0589 LOT 24 TO THE WEST SIDE OF SAID QUARTER SECTION

THE NORTHWEST QUARTER OF SECTION TWELVE (12), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN

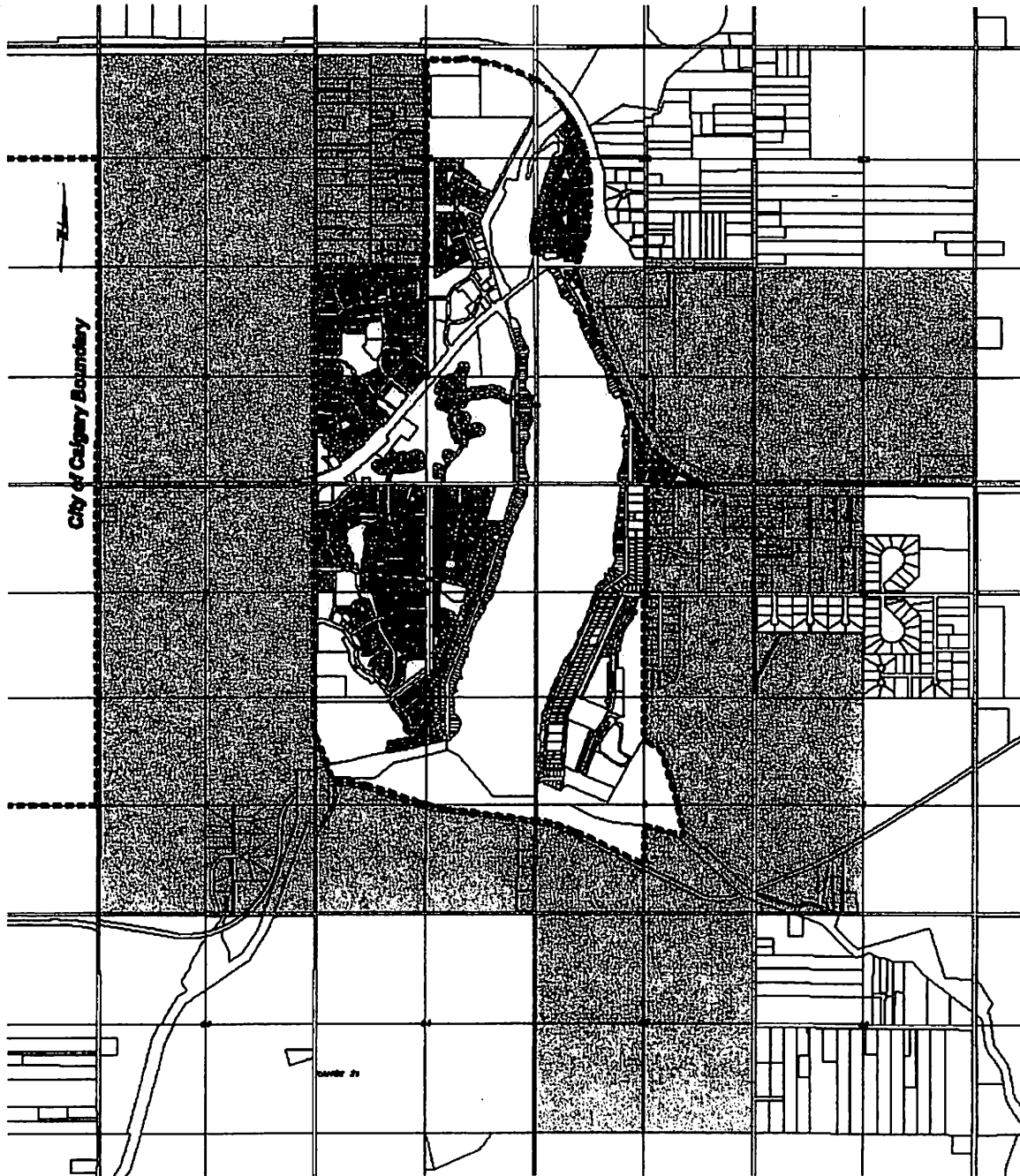
ALL THAT PORTION OF SECTION FOURTEEN (14), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF CHESTERMERE

SECTION THIRTEEN (13), TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN INCLUDING ALL THAT PORTION OF THE NORTH-SOUTH ROAD ALLOWANCE LYING EAST OF SAID SECTION

ALL THAT PORTION OF PLAN 1691LK WITHIN THE SOUTHEAST QUARTER OF SECTION TWENTY THREE (23), RANGE TWENTY EIGHT (28), WEST OF THE FOURTH MERIDIAN

APPENDIX "B"

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS RECOMMENDED FOR ANNEXATION TO THE TOWN OF CHESTERMERE



Legend



Area to be annexed to the Town of Chestermere

APPENDIX C

ORDER

1 In this Order,

- (a) “annexation area” means the land described in Appendix A and shown on the sketch in Appendix B;
- (b) “effective date” means the date on which this Order in Council is signed by the Lieutenant Governor in Council;
- (c) “farm property” means
 - (i) a farmstead,
 - (ii) the parcels of land remaining after the separation of a farmstead to create a farmstead title,
 - (iii) a parcel of land used for the raising, production and sale of agricultural products pursuant to section 1(i) of the Matters Relating to Assessment and Taxation Regulation (AR 220/2004) or any successor legislation, and
 - (iv) a farm building as defined in the Matters Related to Assessment and Taxation Regulation (AR 220/2004) or any successor legislation;
- (d) “farmstead” means a parcel of land that
 - (i) encompasses a habitable dwelling that has existed on the parcel for a minimum of ten (10) years,
 - (ii) has a maximum area not exceeding one quarter section, and
 - (iii) is located on land used for the raising, production and sale of agricultural products;
- (e) “triggering event” means, with respect to a parcel of land, the occurrence, at the request of or on behalf of the landowner, of any of the following on or after the effective date:
 - (i) the Town of Chestermere Council, pursuant to the Land Use Bylaw in effect at the time for the Town of Chestermere, approves an application for redesignation of the parcel to a land use other than agricultural or urban reserve (or its equivalent), or to a land use other than that permitted by the land use designation that is in effect for the parcel on the effective date;

- (ii) the parcel of land is subject to a local improvement bylaw providing for a local improvement project which results in the connection of improvements on the parcel of land to the Town of Chestermere's water or sanitary sewer services;
- (iii) improvements on the parcel of land are otherwise directly connected to the Town of Chestermere's water or sanitary sewer services;
- (iv) the parcel of land is the subject of a subdivision or separation of title, whether by registered plan of subdivision, by instrument or by any other method whereby a new parcel of land (including the residual parcel) is created, except where the parcel of land contains a farmstead prior to the subdivision or separation of title.

2 Lands and improvements within the annexation area, other than farm property, will be assessed by the Town of Chestermere on a market value basis and will be taxed at the lowest applicable mill rate of either the Municipal District of Rocky View No. 44 or the Town of Chestermere until the earlier of

- (a) the occurrence of a triggering event, and
- (b) December 31, 2023.

Thereafter, the lands and improvements within the annexation area will be subject to taxation at the same rate as other land and improvements within the Town of Chestermere.

3(1) Farm property within the annexation area

- (a) must be assessed by the Town of Chestermere on the same basis as if the farm property had remained in the Municipal District of Rocky View No. 44, and
- (b) must be taxed by the Town of Chestermere in respect of each assessment class that applies to the annexed land and the assessable improvement to it using the lower of
 - (i) the municipal tax rates established by Municipal District of Rocky View No. 44, and
 - (ii) the municipal tax rates established by the Town of Chestermere,

for a period of thirty (30) years. At the expiry of the thirty (30) year period, farm property will be subject to taxation at the same rate as other land and improvements within the Town of Chestermere.

(2) Notwithstanding subsection (1), any applicable exemption under section 22 of the Matters Related to Assessment and Taxation Regulation (AR 220/2004) shall continue to apply to farm property within the annexation area, as if the farm property had remained in the Municipal District of Rocky View No. 44, for a period of 30 years. At the expiry of the 30-year period, or at

such earlier time as the exemption is discontinued or becomes inapplicable under the Municipal Government Act or its regulations, farm property within the annexation area will be subject to taxation at the same rate as other land and improvements within the Town of Chestermere.

4 The Town of Chestermere shall pay to the Municipal District of Rocky View No. 44:

- (a) \$265, 795.00 on or before January 31, 2010,
- (b) \$265, 795.00 on or before January 31, 2011,
- (c) \$265, 795.00 on or before January 31, 2012,
- (d) \$265, 795.00 on or before January 31, 2013,
- (e) \$265, 795.00 on or before January 31, 2014,
- (f) \$265, 795.00 on or before January 31, 2015,
- (g) \$265, 795.00 on or before January 31, 2016,
- (h) \$265, 795.00 on or before January 31, 2017,
- (i) \$265, 795.00 on or before January 31, 2018, and
- (j) \$265, 795.00 on or before January 31, 2019.

5 Title to the public utility lot located in the East Half of 13-24-28 W4M shall remain vested in the Municipal District of Rocky View No. 44 and shall not transfer to the Town of Chestermere as a result of this annexation.