

LOCAL AUTHORITIES BOARD

ORDER NO. 4193

FILE C-20-A

MONDAY—THE TWELFTH DAY OF MAY, 1969

Before:

The Local Authorities Board for the Province of Alberta.

In the matter of The Municipal Government Act; and

And in the matter of an application by Roy Bolster for annexation of lot "B", plan 1681 N.Y. to the City of Edmonton.

Pursuant to an application by Roy Bolster requesting the annexation of lot "B", plan 1681 N.Y.—being part of the south-east quarter of section 33, township 52, range 25, west of the fourth meridian—to the City of Edmonton, the Board conducted a public hearing of the matter in the City of Edmonton on March 3, 1969.

Representing the applicant was J. L. Chapman, Q.C.

The City of Edmonton was represented by Alan F. Macdonald, Q.C., O.B.E., city solicitor, who called City Engineer Hodge and Chief City Planner Rogers as witnesses.

R. N. Giffen, M.T.P.I.C., executive director of the Edmonton Regional Planning Commission appeared for that Commission.

The County of Parkland No. 31 was represented by Deputy Reeve L. Miller and Councillor R. A. Bailey.

The applicant submitted generally that it was in the public interest to annex lot B to the city because:

- (a) the city has need of additional areas in the west for housing, school and water and sewer utility improvements and expansions, and lot B is suitable for these purposes;
- (b) the owner is willing to sell to the city at \$4,500.00 per acre, so much land as the city requires for public highways—an arrangement similar to that made between the city and a large majority of the landowners in sections 21 and 28 which were annexed to the city recently;
- (c) the land is suitable for a limited dividend low rental housing development and J.A.L.A. Properties Ltd. intends to build thereon at least 200 low rental housing units under the limited dividend provisions of The National Housing Act;
- (d) the "substantial conclusions" reached by the Board to support the annexation of aforementioned sections 21 and 28, township 52, range 25, west of the fourth meridian under Board Order No. 3981, support the annexation of lot B at this time;
- (e) a considerable time is needed by the applicant to plan development of the subject lands and annexation of same will not "force" the city to prematurely extend utilities to the forty (40) acre parcel.

The City of Edmonton submitted generally that the application should be denied because:

- (a) it was premature to the city's "immediate" land development requirements;

- (b) its acceptance and implementation would lead to other piecemeal annexation applications which should not be dealt with until the city decides on a longer range annexation plan;
- (c) sewer service cannot reach lot B " . . until 1972 at the earliest".

The County of Parkland No. 31 opposed the proposed piecemeal annexation of lot B as they also opposed the piecemeal annexation of sections 21 and 28 to the city in 1968. The County suggested annexation of the whole of section 33, township 52, range 25, west of the fourth meridian.

The Edmonton Regional Planning Commission opposed the annexation of lot "B" on the basis of a policy to support annexation only where an outline plan for development of the area has been accepted by the annexing municipality.

The Department of Highways, Alberta, offered no opposition to the proposed annexation.

After considering all the evidence filed with the Board and presented to it at the public hearing, the Board has reached the following substantial conclusions:

(1) The applicant who desires to use the land for urban-type residential development established the fact that it was reasonable to expect development up to the subject land within the next three to five years on the basis of present city planning and growth.

(2) The applicant's submission that inclusion of lot B in the city now will facilitate establishment of planning for lot B is probably valid even though lot B becomes a part of a larger overall plan of development.

(3) The city's extension of major sanitary and storm sewer lines in the general west Jasper Place area is being designed to service section 33 (in which is included lot B) as well as other lands east and west of 170th Street.

It seems that the planned development of sections 21 and 28 which now lie in the city will inevitably lead to extension of water, sewer and road services to section 33 and other areas west of 170th street within the next few years.

With planned development already formulated for section 28 in the city to the south and the existing urban-type development in the north part of section 33 in the county, it is unrealistic to not expect reasonably early development of the intervening lands including lot B.

(4) Considering the city's expected growth over the next ten to twenty years, and its present land supply, the Board does not believe that annexation of the forty (40) acre parcel will provide the city with land areas in excess of its reasonable requirements in such a period.

(5) In any event, it appears to the Board that direct city planning control of the forty (40) acre parcel—lot B—is desirable in view of the proximity of the residential development immediately to the east and the shopping centres, hospital complex, etc. in the district and the impending development to the south of lot B.

It is ordered therefore as follows:

I. That lot B, plan 1681 N.Y., being a part of the south-east quarter of section 33, township 52, range 25, west of the fourth meridian, be annexed to the City of Edmonton and thereupon be separated from the County of Parkland No. 31.

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

II. That any taxes owing to the County of Parkland No. 31 as at December 31, 1969 in respect of the annexed property shall transfer to and become payable to the City of Edmonton, together with the amount of any lawful penalties and costs levied thereon; however, upon the city collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the city to the county.

III. That the assessor for the City of Edmonton shall for taxation purposes in the year 1970, re-assess the lands and any assessable improvements thereon which are by this Order annexed to the city, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the City of Edmonton.

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 1970, 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 aforementioned lot "B", 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 shall be the 1st day of January, 1970.

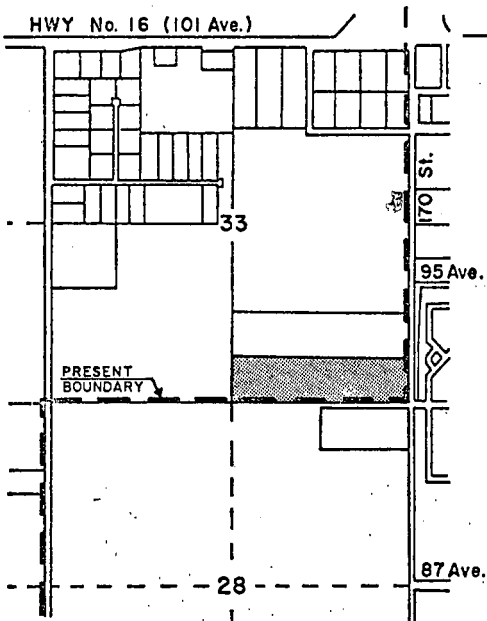
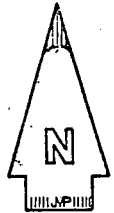
LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).
I. MORRIS (Member).
A. B. WETTER (Member).

Certified a true copy,
W. C. ELLIOTT (Secretary)

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 4193
EFFECTIVE DATE - JANUARY 1, 1970

 AFFECTED AREA(S)



T52 R.25 W. 4 M.
EDMONTON