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ORDER NO. 5010

FILE: C-20-A(4)

THURSDAY—THE THIRD DAY OF DECEMBER, 1970

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 City of Edmonton for annexation of certain territory lying adjacent thereto in the County of Strathcona No. 20.

Pursuant to an application by the City of Edmonton dated September 18, 1970, as amended on November 18, 1970, petitioning for annexation of the lands described in Schedule "B" attached hereto, and which lands lie within the County of Strathcona No. 20, the Board conducted a public hearing of the matter in the said city on Tuesday, November 24, 1970.

The applicant was represented by Alan F. Macdonald, Q.C., City Solicitor, who called as witnesses Commissioner Dudley B. Menzies, P. Eng. and Clive Rodgers, M.T.P.I.C., Director of Planning, City of Edmonton.

The County of Strathcona No. 20 was represented by Counsel Alan M. Brownlee, Q.C., who had in attendance Reeve M. R. Parker and Secretary-Treasurer Alfred Hawkins.

D. R. Matheson appeared as counsel for twelve land-owners in the annexation territory who neither consented nor objected to the annexation proposal after their counsel questioned the city witnesses at length respecting possible infringement on existing rights enjoyed by the owners in the County of Strathcona and other relevant matters.

Interested landowners in the area who made presentations to the Board at the hearing included Louis Lukas, Mrs. I. M. Lukas, Mrs. N. L. Nolt, Jos. Bolbert, Norman Schiewe and Homer Pitts. They directed questions to the Board and to city witnesses concerning assessment, taxation, sequence of the area's development, location of proposed utility and sewer lines and subdivision regulations in the area.

Calgary Power Ltd., an owner of utility corridors within the annexation area, filed written representation with the Board under their submission dated November 23, 1970, requesting protection of the said corridors and protection over its exclusive service rights within the area in question.

W. Reichenbach, owner of lot B, plan 2276 M.C., being a part of the north-west quarter of section 34, township 55, range 24, west of the fourth meridian, in a letter dated November 23, 1970, requested protection from increased taxation until his twenty (20) acre parcel is subdivided and fully serviced.

The Edmonton Regional Planning Commission filed written approval of the annexation proposal in their letter to the Board dated October 22, 1970.

The Department of Highways and Transport in a letter to the city dated September 21, 1970, offered no objection to the annexation proposal.

I. The City of Edmonton represented that the subject territory should be annexed to the city for the following general reasons:

(1) To allow the city or other designated bodies to successively develop the lands for all types of residential and related uses with cost of land to be controlled, the Province of Alberta, represented by Alberta Housing Corporation, having acquired title to the majority of the lands in the territory.

(2) Part of the land area is planned for development at an early date for which development extension of utility services is necessary.

(3) The lands are generally suitable for urban development, the topographical variety throughout the area offering an excellent environment for such development.

(4) Existing land uses are primarily low density agricultural, with a small holdings zone, and a small industrial zone abutting the Calgary Trail.

The low density of present use will provide for maximum flexibility in the overall planning concept for the area.

(5) The additional area is needed by the city to assist in surmounting the significant difficulties the city is experiencing in maintaining an adequate housing supply as well as a supply of reasonably priced lots.

(6) The area can be conveniently serviced with trunk services to the developed areas to the north and north-west.

(7) The one-mile belt adjoining the east limit of Highway No. 2 is intended for high quality industrial and railroad uses, and is a "corridor" through which utility extensions will pass as well as several main access routes to the residential development to the east.

(8) The one-half mile separation between the area designated for housing (S.E.D.A.) and the east-west road lying one-half mile north of the Ellerslie road, will provide an excellent area for flexible planning of major power and road corridors, with desirable control of adjacent developments.

(9) An outline plan for the entire area and a detailed plan of subdivision for the first stage of development is being prepared by the city in order that construction of needed housing may commence in S.E.D.A. in the fall of 1971.

Development of the whole area will take place over approximately a 20 to 30-year period.

(10) The City proposes to provide a level of services to the area equivalent at least to the present services.

II. The County of Strathcona, in a letter addressed by their counsel, Alan M. Brownlee, Q.C., to the City of Edmonton dated October 19, 1970, advised that it—" . . . consents to and approves such annexation without the attachment of conditions".

After considering all the evidence presented to it at the public hearing, and in written presentations read at the hearing, the Board has come to the conclusion that the subject territory should be annexed to the City of Edmonton for the following substantial reasons:

(a) The city established that it had need of the lands to provide it with a supply of suitable lands to meet the demand for all types of residential development at reasonable and controlled prices.

The existing shortage of such a land supply in the present city limits has led to establishment of raw land lot prices which are above the reach of the medium and low income group of prospective homeowners.

(b) The large area of Alberta Housing Corporation Lands which are available to the city or other developers, in the S.E.D. Area for housing development will help ensure reduced and controlled lot prices for the market demand.

(c) The area is capable of economical development with extension of existing and proposed city utility trunk lines and road systems.

(d) The area is not heavily populated or built-up and with its generally desirable topography is suitable for flexible development plans.

The Board will provide "protection" to *bona fide* farm operators in the area from excessive urban-type assessment and taxation until a change in land use is effected, since actual development of some farm lands therein will not occur for perhaps 20 or 30 years.

It is ordered, therefore, as follows:

Firstly: That there be annexed to the City of Edmonton and thereupon be separated from the County of Strathcona No. 20 the lands described in detail on Schedule "B" attached to this Order.

Secondly: That any taxes owing to the County of Strathcona No. 20 as at December 31, 1970, in respect of the aforementioned annexed properties shall transfer to and become payable to the City of Edmonton, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; 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.

Thirdly: The assessor for the City of Edmonton shall for taxation purposes in the year 1971, re-assess or re-value the lands and assessable improvements thereon situate within the territory which is by this Order annexed to the city, other than those farm properties which are described in clause 5 hereunder, so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the City of Edmonton.

Fourthly: The properties described at the *Thirdly* clause shall be taxed at the appropriate city mill rates commencing with the year 1971.

Fifthly: The assessor for the City of Edmonton shall for taxation purposes in the years 1971 to 1975, re-assess any annexed parcel of land comprising a farm unit, as referred to in The Municipal Taxation Act, and the farm buildings thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such lands and farm buildings remained in the County of Strathcona No. 20 provided, however, that if:

(a) the said land or a part thereof is subdivided, or if

- (b) the city, by resolution, or the owner, in writing, establishes before the Board that for other good and sufficient reason, the provisions of clause 5 should be varied, then application may be made to the Board for an Order to implement such variation as is deemed appropriate in the circumstances.

Sixthly: (a) The City of Edmonton, shall for taxation purposes in the years 1971 to 1975, and while the annexed farm lands remain unsubdivided and continue to be used for farm purposes as outlined in clause 5, tax the said farm lands at the appropriate mill rates which are in effect in the applicable year in the city.

(b) The City of Edmonton, or the owner of lands comprising a farm unit, may before December 31, 1974, apply to the Board for an extension in time of the provisions related in clause 5 and 6(a) herein.

Seventhly: 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 1971, 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 City of Edmonton, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

Eighthly: The within Order is no way to affect or abrogate any rights which Calgary Power Limited or any other supplier of utilities in the annexed area may have at the effective date of the Order, section 21 of The Municipal Government Act, being in the Board's view, a specific legislative direction in this regard.

Ninthly: The effective date of this Order shall be the 1st day of January, 1971.

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

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

SCHEDULE "B"

to

LOCAL AUTHORITIES BOARD ORDER NO. 5010

dated December 3, 1970

A list of lands proposed for annexation and annexed to the City of Edmonton pursuant to an application to the Board made by the City under date of September 18, 1970, and as amended pursuant to the city's letter dated November 18, 1970.

Lands in township 52, range 24, west of the fourth meridian:

All of sections 1, 2, 3, 11 and 12; the most southerly two hundred (200) feet throughout of the north one-half of section 4; the south one-half of section 4; the south-east one-quarter of section 10; that part of the south one-half of section 13 lying between the city limits and the north boundary of section 12; and that part of the south-east one-quarter of section 14 lying between the city limits and the north boundary of section 11.

Lands in township 51, range 24, west of the fourth meridian:

All of sections 33, 34, 35 and 36; the north halves of sections 25, 26, 27 and 28; that portion of section 29 lying between the east boundary of the C.P.R. right-of-way and the west boundary of section 28; and that portion of section 32 lying between the east boundary of the C.P.R. right-of-way and the west boundary of section 33. (Note: This south-east development area (S.E.D.A.) is commonly referred to as the proposed Millwoods Subdivision.)

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