

Before:

The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal
Government Act:

And in the matter of an appli-
cation by the majority of the
registered owners of certain pro-
perties in the Summer Village of
Birchcliff, Alberta petitioning for
annexation of a certain territory
of lands to the immediately ad-
joining County of Lacombe No.
14.

Pursuant to an application by the Council of the Summer Village of Birchcliff in the Province of Alberta petitioning for the annexation of the following described territory to the County of Lacombe No. 14, the Board conducted a public hearing of the matter in the City of Red Deer, Alberta on November 1st, 1972:

- (a) South-west quarter of section 16, township 39, range 1, west of the fifth meridian
- (b) All that portion of the original road allowance adjoining the west boundary of the said south-west quarter of section 16 lying north of the production south easterly of the north easterly limit of Woodland Avenue as shown on registered Road Plan 3098 E.O.
- (c) The original road allowance adjoining the south boundary of the said south-west quarter of section 16

Representing the Summer Village of Birchcliff was Secretary-treasurer H A Raymond and Mayor Dr G. R. Hancock

The County of Lacombe No 14 was represented by Commissioner Roy Robbins.

Interested landowners in attendance included T. J. Walsh, Q C owner of property within viewpoint subdivision of the summer village and president Oglivie of the Kiwanis Club of Red Deer owners of the east half of the south-west quarter of section 16, township 39, range 1, west of the fifth meridian within the summer village.

The summer village represented generally that the two parcels comprising the 160 acres in the south-west quarter of section 16 had inadvertently been included within the limits of the summer village on its incorporation. The owners of neither parcel had requested inclusion and the organizers of the petition for formation of the summer village had not intended that the south-west quarter of section 16 should be included in the summer village.

The summer village submitted that the quarter section was isolated from the general contour of the lands in the summer village bordering on the lake and were primarily farm lands, for which the present owners had sought separation to the County of Lacombe No. 14 upon discovery that the lands had been included in the summer village at erection in error.

The County of Lacombe stated generally that the east half of the south-west quarter of section 16 (80 acres) owned by Kiwanis Club of Red Deer was chiefly used for summer camp purposes — not agricultural purposes — the improvements thereon being assessed.

Also the county stated generally that the west half of the south-west quarter of section 16 (80 acres) owned by H. M. Ranaghan was chiefly used for holiday and recreation purposes — not agricultural purposes — the improvements thereon being assessed.

In summary therefore the Council submitted that the south-west quarter of section 16 did not have a primarily agricultural use, its present uses being more akin to those related to those administered by a summer village than the county and that therefore the south-west quarter of section 16 should remain in the summer village

Mr. Walsh reviewed the manner in which the petition for incorporation of the summer village was raised, particularly stressing that the petitioners did not contact the owners of the lands in the south-west quarter of section 16 prior to incorporation because it was not the intention of the petitioners to include the south-west quarter of section 16 in the limits of the summer village

Mr Walsh submitted that the lands in south-west 16 were added by the administration, Department of Municipal Affairs to the original area proposed for incorporation by the petitioners

Mayor Dr. G. R. Hancock confirmed Mr. Walsh's evidence and stated that Administrator Swann, Department of Municipal Affairs, on being appraised of "the error" gave him assurance that it was reasonable and probable that the south-west 16 could be taken out of the summer village. He further stated that as soon as the council of the summer village was formed, the two concerned landowners filed letters requesting separation of their lands in south-west 16 from the summer village. Dr. Hancock viewed the lands in south-west 16 as primarily farm lands.

President Ogilvie, Kiwanis Club of Red Deer, stated that his Club, owners of the east half of the south-west quarter of section 16, township 39, range 1, west of the fifth meridian supported annexation of their lands to the County of Lacombe on the following general grounds:

(a) the lands were originally included in the summer village without consent of the owner.

(b) the lands were included in the village in error, being entirely separated (isolated) therefrom.

(c) the club fears increased taxation in the summer village.

(d) the major portion of the lands are used for agricultural purposes and have been so used for many years.

The Red Deer Regional Planning Commission was represented by assistant planner Rasmussen who spoke to the commission's letter to the Board dated September 11, 1972 in which no objection was raised to the proposal to separate (annex to the County) the south-west 16.

Mr. Rasmussen explained that if the lands are not an integral part of the summer village and their uses are predominantly agriculture in nature, there are advantages to the lands being in a rural municipality where property owners may take advantage of farm programs.

Upon considering all the evidence presented to it and upon inspecting the sites concerned in the application as well as the adjoining areas, the Board has reached the following substantial conclusions:

(1) the lands contained in the west half of the south-west quarter of section 16, township 39, range 1, west of the fifth meridian (Ranaghan) are predominately agricultural in nature and use with the exception of a summer cottage situate thereon. Some forty (40) acres out of eighty (80) acres was cultivated in 1972 and the lands have been farmed for many years.

(2) the lands in the east half of the south-west quarter of section 16, township 39, range 1, west of the fifth meridian (Kiwanis Club) are primarily agricultural in nature with some fifty (50) to sixty (60) acres estimated to be leased for agricultural purposes in 1972 and twenty (20) to thirty (30) acres used for a Kiwanis Club sponsored Girl Guide Summer Camp. The agricultural use has prevailed for many years.

(3) the comparatively isolated location of the two eighty (80) acre parcels from the remainder of the summer village favours their annexation to the County of Lacombe.

(4) retention of the two very large parcels in the summer village does not appear justified against the wishes of the summer village and the registered owners in the circumstances related at the hearing.

I. It is ordered therefore that the application by the Summer Village of Birchcliff in the Province of Alberta for annexation of the following described lands to the County of Lacombe No 14 be granted in full and the said lands are hereupon separated from the said summer village.

Firstly: All of the south-west quarter of section 16, township 39, range 1, west of the fifth meridian.

Secondly: All that portion of the original road allowance adjoining the west boundary of the said south-west quarter of section 16 lying north of the production south easterly of the north easterly limit of Woodland Avenue as shown on Registered Road Plan 3098 E O.

Thirdly The original road allowance adjoining the south boundary of the said south-west quarter of section 16

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

II. Any taxes owing to the Summer Village of Birchcliff as at December 31st, 1972 in respect of the aforementioned annexed property shall transfer to and become payable to the County of Lacombe No. 14 together with the amount of any lawful penalties and costs levied thereon in respect of such taxes, however, upon the County of Lacombe No. 14 collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the county to the Summer Village of Birchcliff

III. The Assessor for the County of Lacombe No 14 shall for taxation purposes in the year 1973, re-assess or re-value, the annexed lands and assessable improvements thereon so that the assessment or valuation thereof shall be fair and equitable with other lands and assessable improvements in the County.

IV. 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 1973, 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 County of Lacombe No. 14, so that the assessment or valuation shall be fair and equitable with properties of a similar nature

V. The effective date of this Order shall be the 1st day of January, 1973.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 30th day of April, 1973.

LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).

Certified a true copy,

B. CLARK, Secretary.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 6300
EFFECTIVE DATE - JANUARY 1, 1973

 AFFECTED AREA(S)

