

## LOCAL AUTHORITIES BOARD

Order No. 6087

File: L.A. 7519-A

Before:

The Local Authorities Board for  
the Province of Alberta.In the matter of The Municipal  
Government Act:And in the matter of The Local  
Authorities Board Act:And in the matter of an applica-  
tion by the Summer Village of  
Sundance Beach, Alberta for an-  
nexation of certain territory lying  
immediately adjacent thereto.

Pursuant to an application by the Summer Village of Sundance Beach in the Province of Alberta petitioning for the annexation of Parcels "A" and "B", registered Plan No. 5423 K.S., being a part of the north-east quarter of section 20, township 47, range 1, west of the fifth meridian, the Board conducted a public hearing of the matter in the Town of Leduc on Tuesday, August 29, 1972.

Appearing as counsel for the applicant was Donald H. Heighington who had as witnesses from the Summer Village Mayor D. A. McCannel and Secretary-treasurer K. D. Armstrong.

The County of Leduc No. 25 was represented by Reeve Mike Woitas, Councillor Ed Glassman, Secretary-treasurer W.A. Bradbury and Development Control Officer Allan D. Wronko.

Interested landowner Dick Dowell appeared on his own behalf.

It was generally submitted by the summer village that –

- (1) the subject parcels "A" and "B" had been inadvertently omitted from the limits of the originally incorporated summer village as defined by Order in Council No. 146/70.
- (2) the landowner wishes the said properties to be annexed to the summer village as was the intention at incorporation.
- (3) the lands are a logical part of the summer village, being physically separated from Kerr Cape Subdivision (in adjoining N. W. 1/4 21-47 1-5) the north-south Government Road allowance which is not open (improved).
- (4) the village provides road maintenance, garbage disposal and cottage patrol services to said Lots "A" and "B", which adjoin two other lots owned by Mr. Dowell (Lots 17 and 18, Block 12, Plan 4972 K.S.) in Sundance Beach and, on one of which lots is situate his private garage.

The landowner, Mr. Dick Dowell supported the summer village application for the general reasons stated, expressing satisfaction with the services he had obtained from the summer village.

The County of Leduc No. 25 opposed the granting of the application generally in the hope that by so doing, and being successful, the retention of Parcels "A" and "B", Plan 5423 K.S., in the county would lend some credence to the county's contention advanced at the hearing, that the east-west road allowance adjoining the south limits of the south

east quarter of section 29, township 47, range 1, west of the fifth meridian may not have been included within the limits of the Summer Village of Sundance Beach under the terms of Order in Council 146/70 and the provisions of section 5(1) of The Municipal Government Act, upon establishment and that the summer village did not therefore have any direction or control over the subject road — a road which is “the Queen’s Highway” for use of all persons according to the county submission.

Upon reviewing the terms of Order in Council 146/70 as they relate to S.E. 29-47-1-5 and applying the provisions of section 5 subsection (1) of The Municipal Government Act, in connection with the establishment of the boundaries of the summer village, the Board has no hesitation in finding that the east-west government road adjoining the south limits of S.E. 29-47-1-5 is included within the limits of the summer village.

The Board therefore has only to deal with the annexation of Parcels “A” and “B”, Plan 5423 K.S., and in this regard the evidence is all but wholly in favour of the applicant, as heretofore related.

It is ordered therefore as follows --

I. That there be annexed to the Summer Village of Sundance Beach in the Province of Alberta and thereupon be separated from the County of Leduc No. 25 the following described territory --

**“All of Parcels “A” and “B”, Registered Plan 5423 K.S., being a part of the north-east quarter of section 20, township 47, range 1, west of the fifth meridian.”**

A sketch showing the general location of the annexed lands is attached as Schedule “A”.

II. Any taxes owing to the county of Leduc No. 25 as at December 31, 1972, in respect of the aforementioned annexed properties shall transfer to and become payable to the Summer Village of Sundance Beach, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Summer Village of Sundance Beach collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the summer village to the County of Leduc No. 25.

III. The assessor for the Summer Village of Sundance Beach shall for the year 1973, re-assess or re-value, the annexed lands and assessable improvements thereon which are by this Order annexed to the summer village, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Summer Village of Sundance Beach.

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 Summer Village of Sundance Beach, 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 3rd day of November, 1972.

LOCAL AUTHORITIES BOARD  
C. G. MACGREGOR (Chairman)

Certified a true copy,  
E. POWELL (Acting Secretary).

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No. 6087  
EFFECTIVE DATE - JANUARY 1, 1973

 AFFECTED AREA(S)

