

LOCAL AUTHORITIES BOARD

Order No. 6722

File: L.A. 7520-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 Administrative Procedures Act:

And in the matter of a petition by the majority of the registered owners of certain territory immediately adjoining the Summer Village of Sunset Point, for annexation of their lands to the said village.

Pursuant to an application by the majority of the registered owners of the following described territory which immediately adjoins the Summer Village of Sunset Point, Alberta, and now lies in the County of Lac Ste. Anne No. 28, petitioning for annexation of the said territory to the said summer village, the Board conducted a public hearing of the matter in the Village of Sangudo, Alberta, on Wednesday, August 29th, 1973.

The applicants were represented by Mr. and Mrs. W. A. Goode.

The Summer Village of Sunset Point was represented by Mayor Robert Broad.

Reeve Carl Christman, Councillor James Burns and Secretary-treasurer Arnold Koberstein represented the County of Lac Ste. Anne No. 28.

The petitioners submitted that they sought the advantage of the following additional urban services offered by the Summer Village of Sunset Point through annexation:

- (a) regular garbage pick up,
- (b) local police protection, including enforcement of speed limits,
- (c) street oiling to eliminate dust problem,
- (d) street lighting,
- (e) well water supply.

The Summer Village of Sunset Point supported the petitioner's application as a logical addition to the village.

The County of Lac Ste. Anne opposed the granting of the annexation on the general grounds that:

- (a) it should be allowed to retain the area to gain revenues therefrom to offset earlier heavy expenditures for proper grading, gravelling and drainage therein;
- (b) tax payments may be withheld pending annexation and not taken into account if annexation is ordered;
- (c) not enough consideration is given to the net contribution of the area to assets and liabilities when considering annexation;
- (d) certain summer villages don't pay for school buses, snow plowing costs incurred therein by the county under emergent conditions.

The county was of opinion that a continuation of a policy of expanding summer villages would lead to the county ceasing to provide grading and snowplowing services to these municipalities without cost.

The county also indicated a policy of looking closely at approval of additional subdivisions — which, in time become summer villages or additions thereto, with the view of preventing the undesirable effects on the County of annexations (or formation of summer villages).

Lastly, the county submitted that if all its summer villages were unorganized, it could provide the eleven “hamlets” with their present services at a county mill rate below the existing county rate (But at mill rates in the eleven “hamlets” (disorganized summer villages) higher than had previously prevailed.)

After reviewing all the evidence presented to it the Board has reached the following substantial conclusions

- (1) the territory proposed for annexation to the summer village is a logical addition to the Summer Village of Sunset Point.

The area comprises subdivided lands, the majority of whose registered owners seek an urban administration and services.

It appears to the Board on the basis of the evidence presented to it that these services can best be supplied by the Summer Village of Sunset Point, and that the Board should not therefore deny the territory any village services that may be available to it by refusing to grant the annexation application

Prior consultation between the petitioners and the summer village council on the proposed annexation was evident in the presentations before the Board.

- (2) the opposition to the annexation by the County of Lac Ste. Anne is one of a general nature and one to which Reeve Christman indicated he did not expect the Board to make a specific reply in the case of the present application.

Certainly the county did not introduce specific supporting figures to isolate revenues and expenditures in the “hamlet” cum summer village area over the formative to present time with a view of showing the net “revenue/expenditure” position in the annexation territory.

Respecting, the specific matter of persons withholding payment of their taxes to the County pending possible annexation of their lots to the summer village, the Board will direct that any arrears of taxes outstanding at December 31, 1973, shall become payable to the summer village but upon collection shall forthwith be paid by the village to the county. The Board agrees with the county that it is entitled to all taxes outstanding to the end of December 1973.

The matter of the county charging summer villages for snow plowing or grading services is one of internal administration and not for the Board.

It is ordered therefore as follows:

I. That there be annexed to the Summer Village of Sunset Point in the Province of Alberta and thereupon be separated from the County of Lac Ste. Anne No. 28 the following portions of lot 21 Lac Ste. Anne Settlement, in the Province of Alberta, detailed herewith.

Firstly: All of Subdivision Plan 2060 M.C.

Secondly: That part of Road Plan 7204 K.S. contained in said Lot 21.

Thirdly: Lot R2, Block 1, Plan 621 T.R.

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

II. Any taxes owing to the County of Lac Ste. Anne No. 28 as at December 31, 1973 in respect of the aforementioned annexed properties shall transfer to and become payable to the Summer Village of Sunset Point, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however upon the summer village 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 Lac Ste Anne No. 28.

III. The assessor for the Summer Village of Sunset Point shall for taxation purposes in the year 1974 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 related lands and assessable improvements in the Summer Village of Sunset Point.

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 1974, 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 Sunset Point, 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, 1974.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 11th day of January, 1974.

Certified a true copy,  
B. CLARK, Secretary.

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

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No 6722  
EFFECTIVE DATE - JANUARY 1, 1974

 AFFECTED AREA(S)

