

Before  
The Local Authorities Board  
for the Province of Alberta

In the matter of The Municipal Govern-  
ment Act:

And in the matter of an application by the  
majority of owners to have annexed to the  
Town of Athabasca certain territory lying  
immediately adjacent to the Town of Atha-  
basca and thereby its separation from the  
County of Athabasca No. 12.

Pursuant to section 20 of The Municipal Government Act, the majority of owners made application for the annexation to the Town of Athabasca, of certain territory lying immediately adjacent thereto.

Pursuant to this application, the Local Authorities Board for the Province of Alberta held a public hearing into the matter in the offices of the town on March 17th, 1981. The application involved the following described territory:

**All that portion of the south east quarter of section 8, township 66, range 22, west of the fourth meridian which lies westerly of the westerly limit of the road as shown on road plan 5739 L Z**

(hereinafter called "the said territory")

The applicants were represented by Mr Eugene Dulaska and the Town of Athabasca was represented by the Mayor, Mr A J Schinkinger and Councillor Dr Brown. The territory, involving approximately 125.32 acres, abuts the westerly side of Highway No 2 on the southerly approach to the Town of Athabasca.

The comments by Mr Dulaska indicated that he intended to use the property for the development of an auction mart. This proposal was strongly supported by the representatives of the Town of Athabasca who indicated that the facility was a desirable addition to the commercial enterprise now existing in the town. Dr Dulaska indicated the land was reasonably flat and easily accessible for the truck traffic which would service the facility. He further indicated that the land in question, being remote from the centre of the town, could and would be used for the short term maintenance of small herds of livestock which would be sold at this location.

Mayor Schinkinger stated that the lands would not likely be serviced by the Town of Athabasca in the foreseeable future because of the distances over which facilities would have to be extended. The applicant indicated that because of the intermittent use of the buildings, they would provide such facilities as water and sewage on the "said territory" from their own on-site sources.

In addition to notifications sent to the Town of Athabasca, the Local Authorities Board also notified the County of Athabasca No 12, the Planning Services Branch of the Department of Municipal Affairs, Alberta Transportation, Alberta Agriculture, Alberta Environment, Alberta Utilities and Telephones, and the Federation of Alberta Gas Co-ops

Alberta Transportation, in their reply regarding the application, which was forwarded to the board, indicated several concerns. These included the efficient and safe operation of the primary highway route, the possibility that extensive service road and intersection improvements may be required and would be the responsibility of the town and/or the developer, the possible need for additional right-of-way in this particular area and the accommodation of drainage as a result of the new land use. The department did, however, indicate a willingness to discuss the access and other highway related requirements with the town at the time they are formulating subdivision and area plans.

Alberta Agriculture indicated that if a demonstrated need for the land could be shown, then the annexation should proceed. The land, according to the data supplied by Alberta Agriculture, was one of the Canada Land Inventory No 5 and 3 categories and had a low agricultural potential, due mainly to topographical and soil limitation.

The County of Athabasca, by letter dated November 6th, 1980, indicated to the board that they had no objection to the proposed annexation.

The Municipal Planning Branch of the Department of Municipal Affairs objected to the proposed annexation on the grounds that the Town of Athabasca, at present, has sufficient land within its boundaries for development. The land is not, in their opinion, serviceable from the Town of Athabasca, and the annexation of this land to the Town of Athabasca may cause highway-related concerns.

The board, having considered the evidence presented to it, has reached the following conclusions:

I That, because of the strong support for the application and the project by the Town of Athabasca, the annexation should be granted in full.

Therefore, subject to the Lieutenant Governor in Council approving this order or prescribing conditions that this order is subject to and approving the order subject to those conditions, or varying the order and approving the order as varied, it is ordered as follows:

I. That there be annexed to the Town of Athabasca, in the Province of Alberta, and thereupon be separated from the County of Athabasca No 12, the following described territory:

All that portion of the south-east quarter of section 8, township 66, range 22, west of the fourth meridian, which lies westerly of the westerly limit of the road as shown on road plan 5739 L Z.

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

II That any taxes owing to the County of Athabasca No 12, as at December 31, 1980, in respect to the aforementioned properties, shall transfer to and become payable to the Town of Athabasca together with any lawful penalties and costs levied thereon in respect of any such taxes, however, upon the Town of Athabasca collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the town to the County of Athabasca No 12.

III That the assessor for the Town of Athabasca shall, for taxation purposes, commencing in the year 1981, re-assess the annexed lands and assessable improvements thereon which are by this order annexed to the Town of Athabasca so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the town and the provisions of The Municipal Taxation Act regarding the assessment roll shall *mutatis mutandis* apply to such assessment.

IV That the chief provincial assessor, appointed pursuant to the provisions of The Municipal Assessment and Equalization Act shall, for taxation or grant purposes, commencing in the year 1981, 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 Town of Athabasca so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

ORDER IN COUNCIL

V That the effective date of this order is the 1st day of January, 1981

Dated and signed at the City of Edmonton, in the Province of Alberta, this 23rd day of March, 1981

Certified a True Copy  
B CLARK, Secretary

LOCAL AUTHORITIES BOARD,  
C I SHELLEY, Chairman  
T LAUDER, Member

**SCHEDULE "A"**

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No 14032

EFFECTIVE DATE: JANUARY 1, 1981



AFFECTED AREA(S)

