



BOARD ORDER NO. 20637

FILE: ATHA-T-10

IN THE MATTER OF THE 'Municipal Government Act'

AND IN THE MATTER OF THE 'County Act':

AND IN THE MATTER OF an application by the Town of Athabasca, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Athabasca No. 12.

This is a petition to the Alberta Local Authorities Board by the Town of Athabasca, in the Province of Alberta, for the annexation of all that territory described in Appendix 'A'.

SUMMARY

The Town of Athabasca petitioned for the annexation of a full quarter section and the north south road allowance providing access to the quarter from Highway No. 55. The purpose of the annexation is to allow the owner to develop a mobile home park and an industrial subdivision served by Town water and sewer.

The County of Athabasca No. 12 supported annexation in accordance with an agreement with the Town. The agreement is that annexation will only occur when it is reasonably sure that additional development is needed and will occur.

The proposal was considered by Local Government Advisory Branch of Alberta Municipal Affairs, Alberta Agriculture, Food and Rural Development, Alberta Transportation and Utilities and Alberta Environmental Protection and the Departments either support or have no objections to the proposed annexation.

FINDINGS OF FACT

Having read and considered the documents shown on Appendix "B" attached hereto, the Board finds the facts in the matter to be as follows.

- 1 Donald Miller, owner of 7.73 acres within the SE 15-66-22-W4, requested the Town of Athabasca to annex his land,
- 2 Pagen Holdings Ltd., owner of 150.98 acres within the SE 15-66-22-W4, requested the Town of Athabasca to annex their lands in order to develop a mobile home park and industrial subdivision,
- 3 the County of Athabasca No. 12, at their regular meeting of December 17, 1992, adopted a resolution that no objection would be offered by the County to the proposed annexation;
- 4 the County of Athabasca No. 12, at their regular meeting of December 17, 1992, adopted a second resolution that responsibility for the maintenance of the roadway immediately adjacent to the east half of Section 15-66-22-4 should be vested with the Town of Athabasca,
- 5 the Town of Athabasca advised the Board that the Town agrees to accept responsibility for the maintenance of the roadway immediately adjacent to the east half of Section 15-66-22-W4;
- 6 Alberta Environmental Protection has no objection to the annexation proposed by the Town of Athabasca,
- 7 the Local Government Advisory Branch of Alberta Municipal Affairs support the annexation of the SE 15-66-22-W4 to the Town of Athabasca,
- 8 Alberta Transportation and Utilities has no concerns regarding the annexation as proposed by the Town of Athabasca;
- 9 Alberta Agriculture, Food and Rural Development has no objection to the annexation of the SE 15-66-22-W4.



LOCAL AUTHORITIES BOARD

BOARD ORDER NO. 20637

FILE: ATHA/T-10

In consideration of the above, the Board makes the following decision for the reasons set out below

DECISION

Subject to the Lieutenant Governor in Council approving this Order, or prescribing conditions that the 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:

1. That there be annexed to the Town of Athabasca, in the Province of Alberta, and be separated from the County of Athabasca No. 12 all that territory described in Appendix "A" attached hereto.

(A sketch showing the general location of the annexed territory is attached as Appendix "C".)

2. That any taxes owing to the Town of Athabasca as at December 31, 1993, in respect of the annexed lands shall transfer to and become payable to the Town of Athabasca together with any lawful penalties and costs levied in respect of any such taxes; however, upon the Town of Athabasca collecting any or all of such taxes, penalties or costs, they shall be paid by the Town to the County of Athabasca No. 12.
3. That the assessor for the Town of Athabasca shall, for taxation purposes in the year 1994, reassess the annexed lands and assessable improvements, which are by this Order annexed to the Town of Athabasca so that the assessment shall be fair and equitable with other lands and assessable improvements in the Town of Athabasca, and the provisions of the Municipal Taxation Act regarding the assessment roll shall apply.
4. That 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 1994, reassess or revalue, 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 is fair and equitable with properties of a similar nature.
5. That the effective date of this Order is the 31 day of December, 1993.

REASONS

The owners wish to develop a mobile home park and industrial subdivision serviced with water and sewer by the Town of Athabasca. It has been indicated that there is a demand for mobile home facilities, which are not available at the present time. The Town of Athabasca has a limited amount of industrial land available and the proposed location will allow rerouting of east bound truck traffic away from the downtown area.

The County of Athabasca No 12 and the Town of Athabasca have an understanding that annexation will only occur when it is determined that the proposed development is reasonably assured of proceeding. With the consent of the County and the undertaking by the Town of Athabasca to accept responsibility for the maintenance of the access road to the quarter section, all issues have been addressed.

Dated and signed at the City of Edmonton in the Province of Alberta this 10th day of May, 1993

LOCAL AUTHORITIES BOARD

A R Grover,
CHAIRMAN

CERTIFIED A TRUE COPY,


SECRETARY



LOCAL AUTHORITIES BOARD

BOARD ORDER NO. 20637

FILE. ATHA/T-10

APPENDIX "A"

DETAILED DESCRIPTION OF THE TERRITORY SOUGHT FOR AND ANNEXED TO THE TOWN OF ATHABASCA:

SOUTH EAST QUARTER OF SECTION FIFTEEN (15), TOWNSHIP SIXTY-SIX (66), RANGE TWENTY-TWO (22), WEST OF THE FOURTH MERIDIAN AND THAT NORTH SOUTH ROAD ALLOWANCE ADJOINING THE EAST BOUNDARY THEROF.

THE ABOVE DESCRIBED LANDS CONTAIN SIXTY-FIVE AND EIGHTY-FIVE HUNDRETHS (65.85) HECTARES (162.72 ACRES), MORE OF LESS.

APPENDIX "B"

DOCUMENTS CONSIDERED BY THE BOARD:

<u>NO.</u>	<u>ITEM</u>
1.	Resolution of Council for the Town of Athabasca adopted at a regular meeting of Council held January 5, 1993.
2.	Letter addressed to the Town of Athabasca, dated December 17, 1992, from the County of Athabasca No. 12.
3.	Letter addressed to the Town of Athabasca, dated November 25, 1992, from Donald Miller.
4.	Letter addressed to the Town of Athabasca, dated November 17, 1992, from Pagen Holdings Ltd.
5.	Comments of Alberta Environmental Protection, dated February, 1993.
6.	Letter addressed to the Local Authorities Board, dated February 3, 1993, from the Energy Resources Conservation Board.
7.	Memorandum addressed to the Local Authorities Board, dated February 11, 1993, from the Local Government Advisory Branch of Alberta Municipal Affairs.
8.	Memorandum addressed to the Local Authorities Board, dated February 23, 1993, from Alberta Transportation and Utilities
9.	Memorandum addressed to the Local Authorities Board, dated February 24, 1993, from Alberta Agricultural, Food and Rural Development.
10.	Letter Addressed to the Local Authorities Board, dated April 13, 1993, from the Town of Athabasca.

APPENDIX "C"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER NO 20637

EFFECTIVE DATE DECEMBER 31, 1993

AFFECTED AREA(S)

