

ORDER No. 11311

FILE: 2(A)2

Before:
The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal Government Act:

And in the matter of an application by the Town of Athabasca petitioning for the annexation to it of certain territory and thereby its separation from the County of Athabasca No 12.

Pursuant to an application by the Town of Athabasca, in the Province of Alberta, petitioning for the annexation of those lands described in Clause I of this Order, (hereinafter called "the said territory") to the Town of Athabasca and thereupon the separation of the said territory from the County of Athabasca No 12; the Local Authorities Board for the Province of Alberta held a public hearing of the matter on Wednesday, the 20th day of September, 1978, in the Town of Athabasca.

Appearing on behalf of the Town of Athabasca were Mayor Herman E Leicht, Councillors Dr J Brown and Mr Gilbert, and C Sawatzky, the Town Administrator

No one appeared on behalf of the County of Athabasca No 12, but by letter dated August 29, 1978, the Board was advised, " that the County of Athabasca has no objection to this annexation "

Provincial Planning Branch of Alberta Municipal Affairs, was not represented at the hearing nor was a written comment submitted

Owners giving a written consent to the annexation of their respective lands to the Town were Joseph and Adeline Dirksen, and George and Jeannette Plante Conditional consent was given by owners Calgary Power Ltd , Pagen Holdings Ltd , Joseph, Glen, Garry and Lloyd Jewell, John Pachalak, Michael and Joyce Klaczek, George and Judith Edwards, and Charles Senz

No representation was obtained from owners Superior Communications Systems Ltd , Crown Development Ltd , Robinson Loxam, or Evelyn Carter George and Jeannette Plante were present at the hearing and voiced support for the annexation

The Town of Athabasca submitted that it is a product of its history and topography Established first as a fur trading post it was a transportation town long before the coming of the railway into Western Canada Afterwards it became the launching site to water routes leading to the Canadian North and to the Peace River district Population reached a high of 3000 by 1900 and when the railway came in 1912, the Town was too large to be moved to a topographically easier site for development The Town consists of 2,405 acres, 480 acres of which are in an area north of the Athabasca River, but which are uneconomical to service The remaining 1925 acres are south of the Athabasca River and contain the original Town site and developed portions Limitations are imposed on the full utilization of these lands as they are divided into four parts by three ravines, and an elevation drop of three hundred feet Lands along the Muskeg Creek and Tawatnaw River are subject to slumpage and in areas are extremely expensive to service with sewers

While the Town population was in decline or stable there were sufficient serviceable lands within the Town's boundaries to meet its needs However, there has been an increase recently in housing needs because of a gradual growth in population, increasing affluence and the removal of much of the older substandard crowded housing The General Plan (December 1976) for the Town of Athabasca indicated the population as being 1,780 and projected a population of 2,585 persons by 1986 As of March, 1978, the Town had only 10 vacant lots which were serviced or could be In the year 1975 there were twenty-two housing units built, in 1976 — fourteen, and in 1977 fifty-five housing units built The Town submitted that these demands would continue The Town was also in need of light industrial lands as it had received a number of requests for same Further, it wished control of lands on its periphery to control excessive creation of small holdings

In reviewing the said territory, the Town suggested that the high table lands to the east of the Town would provide an unlimited supply of stable lands for long term residen-

tial development While it would be costly to extend water service mains to this land, sanitary sewer could be economically developed because of the proximity to the existing Town sewage lagoon

To the south there could be limited expansion Water can easily be provided, but sewage lift stations would be necessary It was in this area the light industrial development was proposed

The Town informed the Board that the cost of extending utilities would be borne by the developers of the respective lands

Mr Plante informed the Board that he did not farm his lands and they were assessed as recreational lands Under the Canada Land Inventory they were classed as Class 5 for agricultural soils

Alberta Transportation by letter dated August 17, 1978, expressed a number of concerns regarding Highway 2 and Highway 55 both of which cut through portions of the said territory Control of access and noise attenuation devices may be required for the highways when adjacent development takes place

The Board, having considered the evidence presented to it at the hearing, both written and oral, has reached the following conclusions

1 That the Town of Athabasca, because of its strategic setting, recreation potential and farm area, will continue its gradual growth

2 That, because of topographical restrictions and high servicing cost, it is impractical to service the majority of existing undeveloped lands now within the Town's boundaries

3 That additional lands are required to meet the present and future residential and light industrial needs of the Town of Athabasca

4 That the said territory, while containing areas which may never be developed for urban purposes, because of the topographical limitations, can not be used for agricultural purposes either, and therefore may best be utilized within the Town for community reserve, buffering and recreational purposes

5 That the said territory is a logical extension to the Town of Athabasca

6 That the application for annexation of the said territory by the Town of Athabasca should be granted in full

Therefore, 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

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

North half of section 8, township 66, range 22, west of the fourth meridian

North-west quarter of section 9, township 66, range 22, west of the fourth meridian

North-west quarter of section 15, township 66, range 22, west of the fourth meridian

South-west quarter of section 22, township 66, range 22, west of the fourth meridian

All that portion of the north-west quarter of section 22, township 66, range 22, west of the fourth meridian described as follows Commencing at the north-east corner of the said quarter section, thence westerly along the north boundary of the said quarter section to its intersection with the easterly limit of the road allowance dividing river lots east at Athabasca Landing from the said lands, thence southerly along the said eastern limit of the said road allowance to an angle in the same, thence westerly along the southerly limit of the said road allowance to its intersection with the west boundary of the said quarter section, thence southerly along the said west boundary to the south boundary of the said quarter section, thence easterly along

the said south boundary to the east boundary of the said quarter section, thence northerly along the said east boundary to the place of commencement, as shown upon a plan of survey of the said township signed at Ottawa on the 22nd day of October, 1908

(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, 1978, in respect of 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 collection 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 in the year 1979, re-assess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Athabasca

IV 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 1979, 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

V. That the effective date of this Order is the 1st day of January, 1979.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 27th day of November, 1978.

Certified a true copy,
R MYRONUIK, Acting Secretary

LOCAL AUTHORITIES BOARD,
DR. D. A. BANCROFT, Chairman,
TOM LAUDER, Member,
JOHN A. HAMMOND, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 11311

EFFECTIVE DATE JANUARY 1, 1979



AFFECTED AREA(S)

