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TOWN OF ATHABASCA

ORDER No. 12466

FILE No. 32(A)4

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 annex certain territory  
lying immediately adjacent to the boundaries  
of the Town of Athabasca to the said town  
and thereby to separate the territory from the  
County of Athabasca No 12.

Pursuant to section 20 of The Municipal Government Act, the majority of owners of  
certain territory described as:

all those portions of lots 3, 4, 5, and 6, in block 15 as shown on plan of subdivision 2878  
A.I., which lie to the south east and the south-east limit of road plan 2799  
(hereinafter called "the said territory")

**petitioned the Local Authorities Board for the Province of Alberta, for the annexation of the  
said territory to the Town of Athabasca, in the Province of Alberta, and thereby its separation  
from the County of Athabasca No 12, and in respect to which the board held a public hearing  
on November 22, 1979**

**In attendance at the hearing were owners Sergio Pompei and Vincenzi Di Luigi and their  
solicitor, R J Biamonte**

**The Town of Athabasca was represented by Councillor, Dr J H Brown, and C M  
Sawatzky, Municipal Secretary**

**No one appeared on behalf of the County of Athabasca No 12 but, by letter dated  
September 28, 1979, the board was advised that the council, at its meeting of September 13,  
1979, had passed a resolution, stating that it would have no objection**

**The said territory is located adjacent to the extreme north-east corner of the Town of  
Athabasca. The construction of the roadway (road plan 2799) separated the said territory from  
remaining portions of river lots which run towards the Athabasca River. The said territory  
contains some 72.9 acres and slopes slightly to the east**

**It was the owners' intention to subdivide the said territory into small acreages, consisting  
of some 27 parcels. They proposed that individual wells will supply domestic water, as  
adequate supply of water was reported to be available. Sanitary sewage will be collected in  
individual holding tanks and pumped out. No storm water system was mentioned. Gas,  
electric, power, and telephone services would be available**

**It was argued that there was a fair demand for small acreages in the vicinity of the Town  
of Athabasca. Several holdings were evident in the area close to the said territory. As the  
majority of the residents within the said territory would work in or be closely related to the  
town, it was suggested that they should be within the town's jurisdiction**

**The Town of Athabasca supported the annexation of the said territory to the town. It saw  
an immediate residential need by the town, which could be met sooner by this development  
than some other residential developments proposed for the town. Other areas of the town were  
restricted to the development of residential acreages by reason of soil stability problems,  
which meant that even though the town had large undeveloped areas, they would not likely be  
developed**

**The staff of the Municipal Planning Section of Alberta Municipal Affairs, by letter to the  
board dated November 2, 1979, made the following comments in not supporting the  
annexation of the said territory to the Town of Athabasca**

"Athabasca now has several quarter sections of land within its corporate limits which have been proposed for residential development but are as yet undeveloped — this is more than adequate for many years to come given current growth rates (each quarter section can accommodate approximately 500 dwelling units, Athabasca now builds no more than 40 new residential dwellings per year)

"The land, to my knowledge, cannot be provided with municipal water and sewer, urban residential development on such parcels is not usually encouraged

" Nor is residential development on the fringe of an urban municipality usually encouraged, at present it is doubtful if the County would issue a development permit without amending its by-law

"If the property is not under one title it might prove difficult to subdivide the land, considering the subdivision and transfer regulations and the County Zoning By-Law

"It is now generally believed that 'country residential parcels' do not pay their way within most municipalities. If this land were annexed the Town of Athabasca would therefore be faced with costs higher than the revenue to be received "

Alberta Transportation advised by letter to the board, dated October 10, 1979, that it had no objection

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, recreational potential and farm area, will continue its gradual growth
- 2 That, because of the topographical restrictions and high servicing costs, it is impractical to service much of existing undeveloped lands now within the town's boundaries
- 3 That additional land is required to meet the immediate residential needs of the Town of Athabasca
- 4 That because of its shape, fragmentation, and limited agricultural value, the said territory may be best utilized in an urban setting
- 5 That the said territory is a logical extension to the Town of Athabasca
- 6 That the application for annexation of the said territory to 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 or 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 those portions of lots 3, 4, 5 and 6, in block 15 as shown on plan of subdivision 2878 A I which lie to the south east of the south-east limit of road plan 2799

(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, 1979, 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 1980, 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, 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 Municipalities Assessment and Equalization Act, shall, for taxation or grant purposes, commencing in the year 1980, 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 Pipeline 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, 1980.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 14th day of January, 1980.

Certified a true copy,  
B CLARK, Secretary

LOCAL AUTHORITIES BOARD  
C I SHELLEY, Chairman  
J A HAMMOND, Member

**SCHEDULE "A"**

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No 12466

EFFECTIVE DATE JANUARY 1, 1980



AFFECTED AREA(S)

