

TOWN OF BARRHEAD

ORDER NO. 20070

FILE BARR/T-3B

IN THE MATTER OF THE “Municipal Government Act”:

AND IN THE MATTER OF THE “Local Authorities Board Act”:

AND IN THE MATTER OF an application by the Council of the Town of Barrhead for the review of certain conditions contained in Board Order No. 11611, as amended

Pursuant to section 20 of the Municipal Government Act and Section 55 of the Local Authorities Board Act, the Council of the Town of Barrhead, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta for the review and variance of certain conditions contained in Board Order No. 11611 dated March 22, 1979, amended by Board Order No. 19707 dated January 15, 1991, as they affect the following described territory:

THE SOUTH WEST QUARTER OF SECTION TWENTY-NINE (29),  
TOWNSHIP FIFTY-NINE (59), RANGE THREE (3), WEST OF THE FIFTH  
MERIDIAN, CONTAINING 65.2 HECTARES (161 ACRES) MORE OR LESS,  
EXCEPTING THEREOUT:

- A) PLAN 5956 HW - SUBDIVISION CONTAINING 7 19 HECTARES (17 76 ACRES) MORE OR LESS
- B) ALL THAT PORTION LYING WEST OF A LINE DRAWN PARALLEL TO THE WEST BOUNDARY OF THE SAID QUARTER SECTION THROUGH A POINT ON THE SOUTH BOUNDARY THEREOF THREE HUNDRED AND THIRTY (330) FEET EASTERLY FROM THE SOUTH WEST CORNER OF THE SAID QUARTER SECTION, CONTAINING 8 09 HECTARES (20 00 ACRES) MORE OR LESS
- C) PLAN 80PX - ROAD CONTAINING 0 372 HECTARES (0 92 ACRES) MORE OR LESS
- D) ALL THAT PORTION DESCRIBED AS FOLLOWS COMMENCING AT THE POINT OF INTERSECTION OF THE EAST BOUNDARY OF THE SAID QUARTER SECTION AND A LINE DRAWN PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION AND THIRTEEN HUNDRED AND TWENTY (1,320) FEET PERPENDICULARLY DISTANT SOUTHERLY THEREFROM, THENCE SOUTHERLY ALONG THE SAID EAST BOUNDARY TO THE NORTH LIMIT OF SUBDIVISION PLAN 9021973, THENCE WESTERLY ALONG THE SAID NORTH LIMIT SIX HUNDRED AND SIXTY FIVE AND SIX TENTHS (665 6) FEET, THENCE NORTHERLY AND PARALLEL TO THE SAID EAST BOUNDARY OF THE SAID QUARTER SECTION TO INTERSECTION WITH THE SAID PARALLEL LINE, THENCE EASTERLY ALONG THE SAID PARALLEL LINE TO THE POINT OF COMMENCEMENT, CONTAINING 4 40 HECTARES (10 85 ACRES) MORE OR LESS
- E) ALL THAT PORTION WHICH LIES EAST OF THE LAND SUBDIVIDED UNDER PLAN 6213 NY AND NORTH OF A LINE DRAWN PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION AND THIRTEEN HUNDRED AND TWENTY (1,320) FEET PERPENDICULARLY DISTANT SOUTHERLY THEREFROM, CONTAINING 28 3 HECTARES (70 00 ACRES) MORE OR LESS
- F) PLAN 8722857 - SUBDIVISION CONTAINING 0 778 HECTARES (1 92 ACRES) MORE OR LESS
- G) PLAN 9021973 - SUBDIVISION CONTAINING 0 954 HECTARES (2 36 ACRES) MORE OR LESS

ALL THAT PORTION OF THE SOUTH WEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP FIFTY-NINE (59), RANGE THREE (3), WEST OF THE FIFTH MERIDIAN, DESCRIBED AS FOLLOWS

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST BOUNDARY OF THE SAID QUARTER SECTION AND A LINE DRAWN PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION AND THIRTEEN HUNDRED AND TWENTY (1,320) FEET PERPENDICULARLY DISTANT SOUTHERLY THEREFROM, THENCE SOUTHERLY ALONG THE SAID EAST BOUNDARY SEVEN HUNDRED AND TEN (710) FEET MORE OR LESS TO A POINT ONE HUNDRED AND FORTY (140) FEET NORTH OF THE NORTHERLY LIMIT OF 4TH AVENUE NORTH AS SHOWN ON SUBDIVISION PLAN 5956HW, THENCE WESTERLY AND PARALLEL TO THE SAID NORTHERLY LIMIT SIX

HUNDRED AND SIXTY FIVE AND SIX TENTHS (665 6) FEET, THENCE NORTHERLY AND PARALLEL TO THE SAID EAST BOUNDARY OF THE SAID QUARTER SECTION TO INTERSECTION WITH THE SAID PARALLEL LINE, THENCE EAST TO THE POINT OF COMMENCEMENT, CONTAINING 4 39 HECTARES (10 85 ACRES) MORE OR LESS

BLOCK FOUR (4), PLAN 9021973

(hereinafter called "the said territory")

and in respect to which the Board held a public hearing into the matter on October 29, 1991

The Town of Barrhead was represented by Ken Mundy, Municipal Administrator, and Wes Romanchuk, Municipal Secretary

Daniel Stoik appeared on behalf of Margaret Stoik, Adela Stoik and himself, owners of the property affected by the proposed amendment

The said territory consists of three parcels totalling 50 18 acres farmed in conjunction with a 68 acre parcel and a quarter section located immediately to the north. The 68 acre parcel is located within the boundaries of the Town while the quarter section is located in the County of Barrhead No. 11. The 68 acre parcel formed part of an earlier application by the Town of Barrhead for a review and variance of the assessment conditions. That application was heard by the Board on January 8, 1991, with the result being that this parcel is now assessed as if it had remained in the County, pursuant to Board Order No. 19706.

The Town of Barrhead submitted that through a misinterpretation of the certificates of title they understood that the first application for review included the said territory. This error did not come to light until the assessor undertook a reassessment under the conditions imposed by Board Order No. 19706 and informed the Stoiks that the said territory was not included in the amendment. The Town felt it appropriate to submit a new application in order that the balance of the Stoik property is assessed in the same manner as the northerly 68 acre parcel.

The Town submitted that the facts outlined at the hearing in January still apply and that until such time as the said territory is required for urban purposes it should be assessed in the same manner as any other farming operation. The Town stated that the Town is currently developing a residential subdivision and a private developer is planning to proceed with a residential development. The Town estimates that the two combined developments will provide approximately 6 to 10 years supply of residential lots at the present rate of consumption. The Town foresees the Stoik property as being a desirable area for future residential development given the level of servicing available in the area. It is expected that when the existing and planned residential developments are completed the Stoik property will be developed for urban purposes. The varying of assessment will enable the property to continue as part of a viable farming operation.

Mr. Stoik advised that the three parcels are being farmed with other lands as a single unit. His residence and his mother's are located on two of the parcels and outbuildings are located on all three parcels. Mr. Stoik advised that the reasons for the multiplicity of titles in the family name was to meet the conditions of his father's Last Will and Testament.

The Board having considered the evidence received at the hearing, has reached the following conclusions:

- 1 That the application before the Board is the result of a misinterpretation of the multiplicity of titles and it was the intent of the Town of Barrhead to have the said territory considered in conjunction with that portion of the Stoik property dealt with in January of 1991
- 2 That there is mutual agreement between the Town of Barrhead and the landowners that the improvements should be assessed in the same manner as if they had remained in the County of Barrhead No 11
- 3 That the said territory will not be required for urban development in the near future and until so required should remain as a viable agricultural operation
- 4 That the said territory forms part of a larger farming operation and should be, commencing in 1992, treated in the same manner as the parcel previously granted protection from urban assessment
5. That the application to further vary Board Order No 11611 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 Board Order No 11611, dated the 22nd day of March, 1979, as amended by Board Order No 19706, dated the 15th day of January, 1991, is further amended by the addition of the following described land to Schedule "C"

THE SOUTH WEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP FIFTY-NINE (59), RANGE THREE (3), WEST OF THE FIFTH MERIDIAN, CONTAINING 65 2 HECTARES (161 ACRES) MORE OR LESS, EXCEPTING THEREOUT

- A) PLAN 5956 HW - SUBDIVISION CONTAINING 7 19 HECTARES (17 76 ACRES) MORE OR LESS
- B) ALL THAT PORTION LYING WEST OF A LINE DRAWN PARALLEL TO THE WEST BOUNDARY OF THE SAID QUARTER SECTION THROUGH A POINT ON THE SOUTH BOUNDARY THEREOF THREE HUNDRED AND THIRTY (330) FEET EASTERLY FROM THE SOUTH WEST CORNER OF THE SAID QUARTER SECTION, CONTAINING 8 09 HECTARES (20 00 ACRES) MORE OR LESS
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QUARTER SECTION TO INTERSECTION WITH THE SAID PARALLEL LINE, THENCE EASTERLY ALONG THE SAID PARALLEL LINE TO THE POINT OF COMMENCEMENT, CONTAINING 4 40 HECTARES (10 85 ACRES) MORE OR LESS

- E) ALL THAT PORTION WHICH LIES EAST OF THE LAND SUBDIVIDED UNDER PLAN 6213 NY AND NORTH OF A LINE DRAWN PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION AND THIRTEEN HUNDRED AND TWENTY (1,320) FEET PERPENDICULARLY DISTANT SOUTHERLY THEREFROM, CONTAINING 28 3 HECTARES (70 00 ACRES) MORE OR LESS
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BLOCK FOUR (4), PLAN 9021973

- II That the date the lands so added to Schedule "C" shall be subject to the terms of Clause IV is December 31, 1991

Dated and signed at the City of Edmonton, in the Province of Alberta, this 18th day of November, 1991.

LOCAL AUTHORITIES BOARD

(SGD ) EVA FRIES, MEMBER

(SGD ) RAY MYRONIUK, MEMBER

CERTIFIED A TRUE COPY

RAY MYRONIUK, SECRETARY