

LOCAL AUTHORITIES BOARD

ORDER NO. 3024

FILE. L A 3759-A

WEDNESDAY—THE FIFTEENTH DAY OF MARCH, 1967

Before

The Local Authorities Board for
the Province of Alberta

In the matter of The Local
Authorities Board Act:

In the matter of The Town and
Village Act:

And in the matter of an appli-
cation by the Town of Barrhead
for annexation of certain territory
lying adjacent thereto.

On October 25, 1966, the Town of Barrhead made application to the Board for annexation of the following territory lying adjacent to the Town.

“Firstly All of the north half of the south-west quarter of section 28, township 59, range 3, west of the fifth meridian, in the Province of Alberta

Secondly All of the north-west quarter of section 28, said township and range, containing one hundred and sixty (160) acres, more or less

Excepting thereout the north-south road adjoining the westerly limits of the above described lands”

A public hearing of the matter was held in the Town of Barrhead on Tuesday, the 29th day of November, 1966

Appearing for the town were Mr Alex Shamchuk, counsel for the town, Mr James Part, secretary-treasurer, councillors Jeston, Johnston and D Schultz

The County of Barrhead No 11 was represented by reeve George Schultz, secretary-treasurer Allan Charles and councillor Charles Rossman.

The town's general representations were as follows:

1. (a) the town needs additional residential, commercial and industrial lands to accommodate expected development The town's present supply of such lands is not adequate to meet the actual demands The town owns the north-west quarter of section 28, township 59, range 3, west of the fifth meridian and plans to develop the area for industrial and residential purposes
- (b) the town wishes to service the developed areas north of the town limits and can extend services economically to the undeveloped areas of the west half of section 28, township 59, range 3, west of the fifth meridian for residential, commercial and industrial uses
- (c) The area of the north half of the south-east quarter of section 29 (lower) is not as desirable for annexation as the west half of section 28, township 59, range 3, west of the fifth meridian (higher) by reason of topography and suitability for both industrial and residential development

12 The County of Barrhead No 11 represented generally that.

- (a) the town, with annexation of lands in the south-west quarter of section 28, township 59, range 3, west of the fifth meridian (approximately eighty (80) acres) and present Barr Manor Subdivision area of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian, will have sufficient residential and commercial lands to meet its needs for some time
- (b) The town should consider annexation of the Stoick subdivision (part of the south-west quarter of section 29, township 59, range 3, west of the fifth meridian) to the west and the north half of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian, before annexing the town-owned north-west quarter of section 28, township 59, range 3, west of the fifth meridian. The town can control development on the north-west quarter of section 28 without annexation.
- (c) the county will lose assessment of \$50,000.00 should the areas applied for be annexed to the town

Mr Albert Schmidt, owner of thirty-nine and thirty-seven hundredths (39 37/100) acres in the south-west quarter of section 28, township 59, range 3, west of the fifth meridian, stated that he farmed this land and that he feared increased taxation, particularly the taxation of his farm home on the said lands, if they are annexed to the town

Mr Sam Schneider, owner of the north half of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian, represented that the town should not annex lands in the west half of section 28, township 59, range 3, west of the fifth meridian before annexing the Schneider lands which were developable

A letter filed with the board advised that the provincial planning director had no objection to the town's annexation proposal and the chief engineer, Department of Highways advised the board by letter that that department had no objection to the town's request, but urged that service roads be provided and only minimum accesses to the adjacent main highway be planned

After considering the evidence presented at the hearing as well as the evidence filed with the board, the board has come to the following substantial conclusions

(1) the town established a reasonable need for the annexation of the lands for which it applied

(2) the town is the only local authority to provide services to the subject areas

(3) the matter of the annexation of the north half of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian is one which may be requested by the owner on his own initiative. The matter of the annexation of legal subdivision 1 of section 29, township 59, range 3, west of the fifth meridian is one which should receive consideration by the interested owners and authorities.

The Board orders therefore that—

Firstly the following described lands are hereby annexed to the Town of Barrhead and are separated from the County of Barrhead No 11—

"Firstly. All of the north half of the south-west quarter of section 28, township 59, range 3, west of the fifth meridian, in the Province of Alberta

Secondly: All of the north-west quarter of section 28, said township and range, containing one hundred and sixty (160) acres, more or less

Excepting thereout the north-south road adjoining the westerly limits of the above described lands "

(Refer to the attached Schedule "A" for the general location of the annexed lands)

Secondly. Any taxes owing to the County of Barrhead No. 11 as at December 31, 1966, in respect of the aforementioned annexed property shall transfer to and become payable to the Town of Barrhead, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes, however, upon the Town of Barrhead collecting any or all of the said taxes and lawful penalties and costs levied thereon, in respect of the said property, such collections shall forthwith be paid by the Town of Barrhead to the County of Barrhead No 11.

Thirdly. The assessor for the Town of Barrhead shall for taxation purposes in the year 1967 re-assess the lands and assessable improvements thereon (other than the properties described in Clause "**Fourthly**" hereunder) and which are by this order annexed to the town, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Town of Barrhead.

Fourthly The assessor for the Town of Barrhead shall for taxation purposes in the years 1967 and 1968 re-assess any annexed parcel of land comprising a farm unit as referred to in The Assessment Act, and the farm buildings thereon used in connection with fur production or bee-keeping, on the same basis of assessment as would be applicable to them had such land and farm buildings remained in the County of Barrhead No 11, provided however, that if—

(a) the said land or a part thereof is subdivided by a plan of subdivision; or if

(b) the town, by resolution of council, or the owner, in writing, establishes that for other good and sufficient reason the provisions of this "**Fourthly**" Clause should be varied,

application may be made to the Board for an Order to implement such a variation.

Fifthly The Town of Barrhead shall for taxation purposes in the years 1967 and 1968 tax the farm lands referred to in the "**Fourthly**" clause at the mill rates which are in effect in the appropriate year in the town

Sixthly 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 1967, 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, within the areas by this order annexed to the Town of Barrhead, so that the assessment or valuation shall be fair and equitable with properties of a similar nature

Seventhly. The effective date of this Order shall be the 1st day of January, 1967

C. G. MACGREGOR (Chairman)
I MORRIS (Member).
Certified a true copy,

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS ANNEXED BY ORDER No 3024

EFFECTIVE DATE - JANUARY 1, 1967



ANNEXED AREA(S)

