

ORDER NO. 5119

FILE: L.A. 3759-A

Before:**The Local Authorities Board
for the Province of Alberta.**In the matter of The Municipal
Government Act:And in the matter of an appli-
cation by the Town of Barrhead,
Alberta, for annexation of cer-
tain territory lying immediately
adjacent thereto.

Pursuant to an application by the Town of Barrhead, Alberta, re-
questing annexation of the lands described on Schedule "B" attached
hereto, the Board conducted a public hearing of the matter in the said
town on Monday, February 15, 1971.

The town was represented by Mayor Bredo, Councillors Steve Bar-
ton and Dr. A. Harder and Secretary-Treasurer J. Sawka.

The County of Barrhead No 11 was represented by Reeve George
Schultz and Secretary-Treasurer Allan W. Charles.

Noel Dant, Provincial Planning Director, appeared for his office.

Interested ratepayers who made appearances included Iver Skog-
stad, William Sutherland, Miss Jeanne Williams and Gus Wahl.

Ratepayers filing briefs with the Board included Wayne and Heather
Johnson, Mrs. A Vorman and Northern Alberta Railways.

The Department of Highways and Transport filed a written brief
dated January 28, 1971.

It was represented by the Town of Barrhead that the areas de-
scribed in Schedule "B" attached to this Order, should be annexed to
the Town for the following general reasons:

- (a) the water storage reservoir situate north of the Paddle River
in the north-west quarter of section 20, township 59, range 3,
west of the fifth meridian is town-owned and operated and
properly should be included in the town limits for administra-
tive reasons.
- (b) the south-west quarter of section 21, township 59, range 3, west
of the fifth meridian contains urban-type developments which
should not be allowed to further encroach upon the town's
sewage lagoon and, thereby necessitating its removal. Extension
of the lagoon should not be hampered by developments.

While the homes in this area have their own private water and
sewer facilities, the town is able to provide these services when they
may be required.

Inclusion of the area in the town's corporate limits will extend the
town's fire, garbage and police protection to the area.

Ratepayers in the area may upon annexation, enjoy the benefits of
lower fire insurance premiums and full protection by the town's fire
brigade and equipment, as well as garbage collection service.

Zoning of the area under a proposed town by-law will protect existing developments both private and municipal

- (c) the balance of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian is required as a logical extension to existing residential and school developments in the town.

The town has need of additional land areas to provide a broader choice of sites to prospective home owners, there being a limited number of desirable residential lots in the town

The area is economically serviceable by extensions to the existing sewer and water systems

- (d) the subdivided areas shown on plan 5956 H.W. in the south-west quarter of section 29, township 59, range 3, west of the fifth meridian should be under town administrative control and the town's proposed zoning by-law

The area is immediately adjacent to the town's existing residential development and is logically a part of the town's urban development.

The town may provide sewer and water services to the area when they are required. Field sewage disposal in this area can become a serious problem

- (e) the town finally submitted that taxation on the annexed properties would, basis 1970, be less than that in the County.

The County of Barrhead approved the annexation to the Town of Barrhead, of all lands described in attached schedule "B", except the south-west quarter of section 21, township 59, range 3, west of the fifth meridian. It suggested that any arrears of taxes on annexed lands should be "bought" by the town, to simplify bookkeeping

The county's objections to the annexation of the south-west quarter of section 21 to the town were generally for the undernoted reasons

- (a) the landowners in this area all petitioned against annexation of their properties to the town.

(Board note evidence filed with the Board indicates that there are about thirteen (13) assessed ratepayers in the south-west quarter of section 21 and that about 50 per cent of them petitioned against annexation.)

- (b) the area is not required by the town since the lands are not conducive to further subdivision development because of lagoon location and the location of the existing farmstead
- (c) the county has spent considerable monies in developing park areas in Plan 1483 N.Y. and should not lose the tax revenues from the area
- (d) the present residents have their own sewer and water systems and have no need of these town services
- (e) the town has an ample supply of lands for development purposes (i.e. The west half of section 28, the south-east quarter of section 29, the north-west quarter of section 21 and the north-east quarter of section 20) as well as some redevelopable areas
- (f) the county will lose some \$6,750 in tax revenues and some \$1,000,000 in exempt assessments relating to school, church and municipal properties

- (g) the county and the town have each passed Joint Development Control By-laws for the purpose of controlling developments in the town area, obviating the necessity of annexing lands for control purposes

The Director of Provincial Planning expressed opinion that the town has need of additional lands for residential expansion, particularly to the north and west of the present town limits. He observed that the north-west quarter of section 28 was planned for industrial-type uses

He further observed that the town's lagoon in the south-west quarter of section 21 will, in time, have to be expanded to the south or east, and that the town's General Plan and proposed zoning by-law should be implemented as soon as possible.

Ratepayers Johnson, Skogstad, Vorman and Williams, assessed in respect of properties situate in plan 5856 H W (part of the south-west quarter of section 29), expressed general opposition to annexation to the town for fear of increased taxation and controls.

Landowner Sutherland, from the same area (Stoik Subdivision), favoured annexation of plan 5856 H W. to the town because the area was an urban-type development, requiring town sewer, water and fire services

(Board note: The Stoik Subdivision has approximately thirty-two assessed ratepayers)

Gus Wahl, owner of certain lands in the south-west quarter of section 21 opposed annexation of the south-west quarter of section 21 because

- (a) the resident ratepayers enjoy their own water and septic tank disposal services and are happy with the county services.
- (b) children from the area who now enjoy school bus service will lose the service if the area is annexed to the town.

(Board note: No firm resolution of this matter was presented to the Board, though it appeared as though certain discretion in such a continued use could be exercised by the school authorities)

- (c) further development of the south-west quarter of section 21 was prevented by presence of the town's sewage lagoon in the south-west quarter of section 21. The lagoon should be moved as soon as possible since an east wind pollutes the developed areas to the west.
- (d) the county, which constructed the park areas and roads in Plan 1483 N.Y should not "lose" the area's taxes.

After considering all the evidence placed before it and upon inspecting the development of the general town area, the Board has come to the following substantial conclusions:

- (1) the town has need of additional lands for residential expansion and to provide home purchasers with a choice of sites in the town.

Layout plans have already been considered for residential expansion into the south-east quarter of section 29.

- (2) annexation of the highly urbanized residential area in plan 5956 H W (part of the south-west quarter of section 29) is imperative to the best interests of the town administration and residents, as well as to the residents of the subdivision

Zoning, development controls and planning appear urgent needs which can be best instituted by the town administration

(3) the water storage reservoir in the north-west quarter of section 20 should be in the town limits for administrative control

(4) a portion of the south-west quarter of section 21 should be annexed to the town at this time for direct administrative control.

Plan 1483 N.Y. is already an urban-type development on the town's doorstep

The areas lying to the north and east of this subdivision are fragmented by subdivisions and contain several residences and other improvements

The lagoon site, plan 4282 M.C., is town-owned and controlled and, in the existing circumstances, a logical addition to the town's jurisdiction. Note, the Board has not at this time ordered annexation of the drain line (forty-two hundredths (0.42) acres, plan 4282 M.C.).

The portion of the Wahl lands (Certificate of Title Number 57-F-148) lying north of the railway should be under town administration and direct development control. A separate certificate of title will be required for this approximately thirteen and a half (13½) acre area, to establish assessable parcels of land, both in and outside the town

The Board has not at this time directed annexation to the town of the Wahl "parcel" of land lying south of block 5, plan 5038 N.Y. and north of the River (approximately sixty-five (65) acres — part of Certificate of Title Number 57-F-148) or the Bohn, Frohlich, Robinson or Reserve lot 4-F parcels in the south-west quarter of section 21. It is relying on the two municipal authorities to jointly prevent further encroachment on the town's lagoon site and to prevent developments which would obstruct expansion of the said lagoon site

It is ordered, therefore, as follows:

I. That the lands described hereunder shall be annexed to the Town of Barrhead, Alberta and thereupon be separated from the County of Barrhead No 11:

Firstly All that portion of the north-west quarter of section 20, township 59, range 3, west of the fifth meridian, land for water storage reservoir as shown on plan 4743 M.C.

Secondly All that portion of the south-west quarter of section 21, township 59, range 3, west of the fifth meridian described as follows:

"Commencing at the south-east corner of the sewage lagoon site as shown on plan 4282 M.C., thence westerly along the south boundary of the said site to the south-west corner thereof, thence northerly along the west boundary of the said site to the south-east corner of block 5 as shown on subdivision plan 5038 N.Y., thence westerly along the south boundary of the said block 5 and Fourth Avenue south to the north-east corner of lot 3-R as shown on subdivision plan 1483 N.Y., thence southerly along the east boundary of the said lot 3-R to the south-east corner thereof,

thence westerly along the southerly boundary of the said lot 3-R to the easterly limit of the road widening as shown on road plan 6995 K S, thence northerly along the said easterly limit of the said road to the north boundary of the said quarter section, thence easterly along the said north boundary to the north-east corner of the said quarter section, thence southerly along the east boundary of the said quarter section to the point of commencement"

Thirdly All that portion of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian, together with the east-west road adjoining the south boundary of the said land not presently within the town boundaries

Fourthly All that portion of the south-west quarter of section 29, township 59, range 3, west of the fifth meridian subdivided under plan 5956 H W

Fifthly All that portion of the original north-south government road allowance adjoining the north half of the south east quarter of section 29, township 59, range 3 west of the fifth meridian (also known as 49th Street)

Sixthly All that portion of the road allowance adjoining the south boundary of the land subdivided under plan 5956 H W and all that portion of the north-west quarter of section 20, township 59, range 3, west of the fifth meridian required for road widening as shown on road plan 80 P X which lies east of the production southerly of the west limit of the north-south lane in block 3 as shown on plan 5956 H W

(A sketch showing the general location of the annexed lands is attached hereto as Schedule "A")

II That any taxes owing to the County of Barrhead No 11 as at December 31, 1970, in respect of the aforementioned annexed properties 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, penalties or costs, such collections shall forthwith be paid by the town to the County of Barrhead No 11

III That the Town of Barrhead, at its own expense shall arrange with the owners of the lands described under Certificate of Title No 58-Y-225 and with the Land Titles Office, for the split of the said title into two separate certificates i.e. one for the area lying north of the railroad (approximately thirteen and a half (13.5) acres), and one for the remaining portion of the certificate (approximately sixty-four and three-quarters (64¾) acres), all in the south-west quarter of section 21, township 59, range 3, west of the fifth meridian

IV That the Assessor for the Town of Barrhead shall for taxation purposes in the year 1971, re-assess or re-value the annexed lands and assessable improvements thereon, other than those described in Clause V hereunder, so that the assessments or valuations thereof shall be fair and equitable with other lands and assessable improvements in the Town of Barrhead

20 V. The Assessor for the Town of Barrhead shall for taxation purposes in the years 1971, 1972 and 1973 re-assess any annexed parcel of land comprising a farm unit, as referred to in The Municipal Taxation Act and the farm improvements thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such land and improvements remained in the County of Barrhead No 11, provided, however, that if

- (a) the said land, or a part thereof, is further subdivided, or if
- (b) the town, or the owner or other interested person, in writing, establishes that for other good and sufficient reason the provisions of Clause V herein should be varied, application may be made to the Board for an Order to implement such variation

VI That the Town of Barrhead, shall for taxation purposes in the years 1971, 1972 and 1973, tax the farm unit properties described in Clause V at the mill rates which are in effect in the town in the appropriate year

VII 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 1971, 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 Barrhead, so that the assessment or valuation shall be fair and equitable with properties of a similar nature

VIII. That the effective date of this Order shall be the 1st day of January, 1971.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 5th day of April, 1971.

LOCAL AUTHORITIES BOARD,
A. B. WETTER (Member)

Certified a true copy,

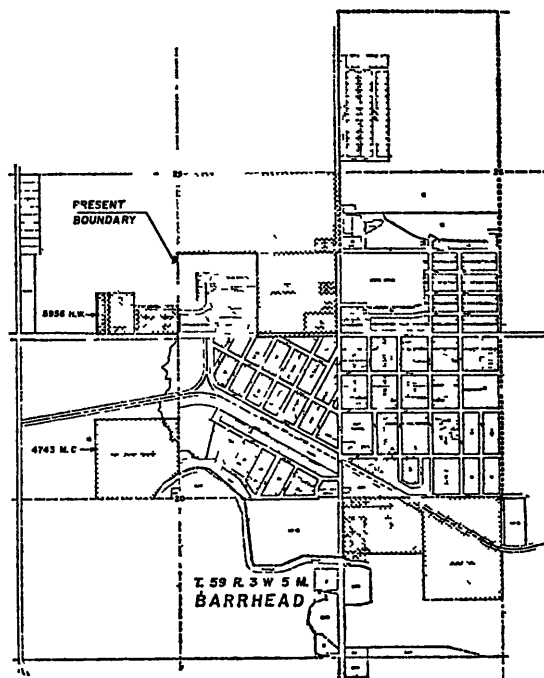
W C ELLIOTT (Secretary)

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No 5119

EFFECTIVE DATE - JANUARY 1, 1971

 AFFECTED AREA(S)



SCHEDULE "B"

Detailed description of the lands which were sought for annexation by the Town of Barrhead pursuant to an application to the Board dated January 7, 1971.

Firstly All that portion of the north-west quarter of section 20, township 59, range 3, west of the fifth meridian, land for water storage reservoir as shown on plan 4743 M.C.

Secondly All of the south-west quarter of section 21, township 59, range 3, west of the fifth meridian.

Thirdly All that portion of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian, together with the east-west road adjoining the south boundary of the said land not presently within the town boundaries

Fourthly All that portion of the south-west quarter of section 29, township 59, range 3, west of the fifth meridian subdivided under plan 5956 H W.

Fifthly All that portion of the original north-south government road allowance adjoining the north half of the south-east quarter of section 29, township 59, range 3, west of the fifth meridian (also known as 49th Street).

Sixthly All that portion of the road allowance adjoining the south boundary of the land subdivided under plan 5956 H W and all that portion of the north-west quarter of section 20, township 59, range 3, west of the fifth meridian required for road widening as shown on road plan 80 P X which lies east of the production southerly of the west limit of the north-south lane in block 3, as shown on plan 5956 H W.

Seventhly All that portion of the original road allowance adjoining the south-east quarter of section 20, township 59, range 3, west of the fifth meridian and those portions of the south-west quarter of section 21, township 59, range 3, west of the fifth meridian and the south-east quarter of section 20, township 59, range 3, west of the fifth meridian required for road widening as shown under plan 6995 K S not presently in town.
