

THE LOCAL AUTHORITIES BOARD

ORDER NO. 10497

FILE 36(A):

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 Council of the Town of Bashaw,
Alberta for annexation of certain territory
lying immediately adjacent thereto.

Pursuant to an application by the Council of the Town of Bashaw, in the Province of Alberta, petitioning for the annexation of the territory described on Schedule "B" attached to this Order, from the County of Camrose No. 22, the Board conducted a public hearing of the matter in the said Town on Tuesday, April 18, 1978.

The Town of Bashaw was ably represented by its Mayor, R A DeWolfe Reeve Arlen Adams appeared on behalf of the County of Camrose No 22 The Battle River Regional Planning Commission was represented by its planners, G Hannon and R Botham Owner Werner E Schultz appeared on his own behalf, while G Lindstrom appeared on behalf of the Bashaw Seed Cleaning Co-operative Association Ltd , a land-owner in the territory

Owners P L Winter and Bernhard Schultz, by letter addressed to the Town of Bashaw, advised they did not oppose the annexation of their respective lands to the Town of Bashaw

Mayor DeWolfe explained that in the last two or three years the Town of Bashaw had had 45 homes built, with a continued demand for further growth At present the Town did not have any serviced land within its territory He explained the need for additional lands to provide residential, light industrial and commercial sites The lands petitioned for would permit the anticipated demands being met, and would allow for orderly development and utility planning

Because Highway No 21 was to be re-routed to the immediate west of the Town, no growth was anticipated in this direction Residential development was planned for the north half of section 9 outside the present town limit This was hilly and portions could not be developed, but it did provide a logical extension to the Town's utilities

The south-east quarter of section 9 was flat and would require a lift station Because of dust emissions from the seed cleaning plant, this area would not be suitable for residential development and it was anticipated these lands would be used for light industrial purposes By placing water into this area, it would upgrade the fire protection capabilities to service established and future development, including the seed cleaning plant and the grain elevators Access to the area was under negotiation

The lands located in a portion of the north half of section 33, he submitted, formed natural boundaries by reason of the highway and the railway right of way The other portion was the town owned "fairgrounds" which it desired under its control A motel was

planned for the land abutting the highway and the owners of Lot "A" desired it brought into the Town as early as possible

All the lands involved were of the poorer Classes 3 and 4 soils on the Canadian Land Inventory Scale

Reeve Adams stated the Council of the County of Camrose No 22 had no objection to the annexation taking place. Because the County had an interest in the seed cleaning plant, it was concerned that no residential development take place within 2,000 feet of the existing plant. He reviewed problems which had occurred in Olds, Carstairs and Leduc where such protection was not established.

G Lindstrom stated that the seed cleaning plant was now receiving excellent services from the County, especially for snow clearing, and questioned if the Town could duplicate the service. Water was now obtained from its own water wells, but the additional fire protection would be appreciated.

The Board was advised by R Botham that the Battle River Regional Planning Commission had no objection to the Town's application for annexation and explained the Town had no lands for any use.

Landowner Werner E Schultz did not object to the annexation of his lands into the Town. He did not, however, see all their immediate use, and requested that his farm buildings be assessed in the same manner as if they remained in the County of Camrose until they were converted to urban use.

No submission was received from Alberta Transportation.

From the information supplied to the Board in the form of letters, oral testimony and argument, it appears that it is desirable for the Town of Bashaw to have additional territory for development for residential, commercial, light industrial and recreational purposes.

Therefore, it is the consensus of the Board that the application should be granted in full.

Further the Board concurs with the application of Werner E Schultz and his request should be granted for a period of three years.

Therefore, subject to the approval of the Lieutenant Governor in Council, IT IS ORDERED as follows:

I That there be annexed to the Town of Bashaw, in the Province of Alberta, and hereupon be separated from the County of Camrose No 22 the territory set forth in Schedule "B" attached to this Order.

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

II That any taxes owing to the County of Camrose No 22 as at December 31, 1978, in respect of the aforementioned properties shall transfer to and become payable to the Town of Bashaw together with any lawful penalties and costs levied thereon in respect of such taxes, however, upon the Town of Bashaw collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the town to the County of Camrose No 22.

III That the assessor for the Town of Bashaw shall for taxation purposes in the year 1979, re-assess the annexed lands and assessable improvements, other than the properties described in Clause IV hereunder, 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 Bashaw.

IV That the assessor for the Town of Bashaw shall for taxation purposes in the years 1979, 1980 and 1981, assess any buildings located on a parcel of land annexed to the Town by this Order and which if they were located on lands remaining in the County of Camrose No 22 would qualify as farm buildings in the County pursuant to The Municipal Taxation Act, and such buildings shall be exempt as farm buildings provided that

- (a) if the said parcel of land or a part thereof is, subsequent to this Order, subdivided, Clause IV shall cease to have effect, and
- (b) if the Town, by resolution of council, or the owner or other interested person, in writing establishes before the Board that for good and sufficient reason the provisions of Clause IV should be varied or rescinded, application may be made to the Board for an Order to implement such a change

V 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 Bashaw so that the assessment or valuation shall be fair and equitable with properties of a similar nature

VI 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 8th day of May, 1978

Certified a true copy,
B CLARK, Secretary

LOCAL AUTHORITIES BOARD,
D A BANCROFT, Chairman,
T J LAUDER, Member,
J A HAMMOND, Member

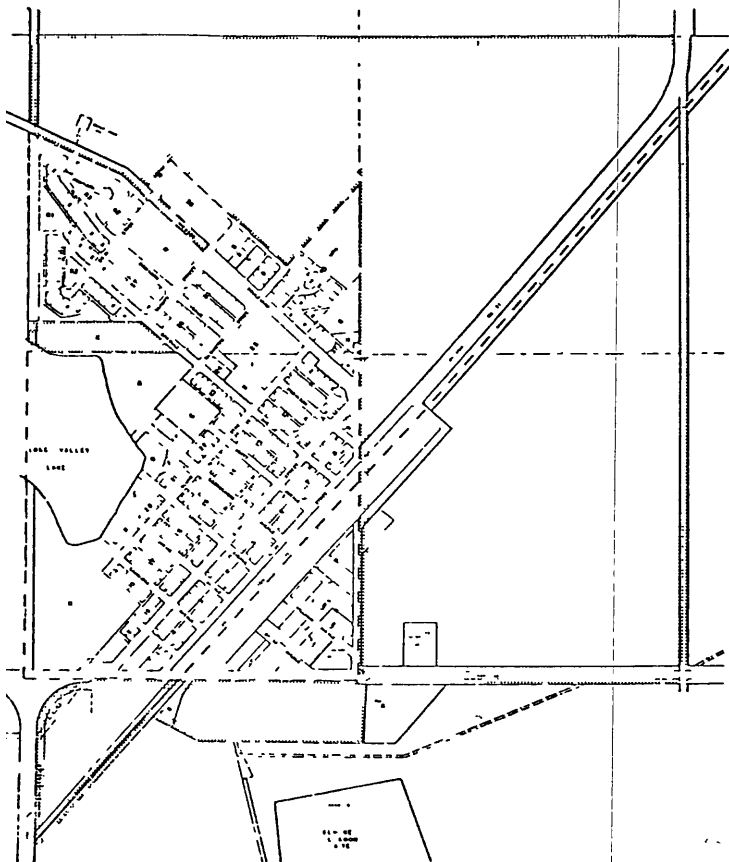
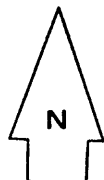
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 10497

EFFECTIVE DATE JANUARY 1, 1979



AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR ANNEXATION,
AND ANNEXED TO THE TOWN OF BASHAW, ALBERTA

All that portion of the north half of section 33, township 41, range 21, west of the fourth meridian described as follows

(A) That portion bound on the east by the west boundary of Parcel "A" as shown on Filed Plan 1055 E O, on the north by the north boundary of the said section, on the west by the west boundary of Parcel "B" as shown on the said filed Plan 1055 E O, on the south by the south boundary of said Parcel "B" and its production south easterly and the production westerly of the south boundary of the said Parcel "A" all as shown on said Filed Plan 1055 E O

(B) That portion contained in Road Plan 752 0530

(C) That portion which lies north west of the south-easterly boundary of the Canadian National Railway as shown on Railway Plan 5119 A M, excepting thereout Road Plan 2266 J Y 3187 L Z 4567 A A (1979)
LAB/OC 1330/78 (O.C.)

All that portion of the north-south government road allowance adjoining the west boundary of the north-west quarter of section 34, township 41, range 21, west of the fourth meridian which lies north of the production east and west of the south limit of Road Plan 752 0530

All that portion of the north-west quarter of section 3, township 42, range 21, west of the fourth meridian contained in Road Plan 2401 J Y

The north-south government road allowance adjoining the west boundary of section 3, township 42, range 21, west of the fourth meridian

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 3, township 42, range 21, west of the fourth meridian

East half of section 4, township 42, range 21, west of the fourth meridian

The east-west government road allowance adjoining the south boundary of the south-east quarter of section 4, township 42, range 21, west of the fourth meridian

All that portion of the north-west quarter of section 4, township 42, range 21, west of the fourth meridian not within the Town of Bashaw -

All that portion of the north-south government road allowance adjoining the south boundary of the north-west quarter of section 4, township 42, range 21, west of the fourth meridian not within the Town of Bashaw