

LOCAL AUTHORITIES BOARD

Order No. 6088

File: L.A. 4426-A1

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 Calmar, Al-
berta for annexation of certain
territory lying immediately ad-
jacent thereto.

Pursuant to an application by the Town of Calmar in the Province of Alberta petitioning for the annexation of certain territory lying immediately adjacent thereto as described in Schedule "B" attached hereto, the Board conducted a public hearing of the matter in the Town of Calmar on Tuesday, May 16, 1972.

The Town of Calmar was represented by councillors McTaggart and Merinsky, Secretary-treasurer Anderson and maintenance foreman Doer.

The County of Leduc No. 25 was represented by Allan D. Wronko, development control officer.

John Hancar, owner of some one hundred and thirty-five and thirty-three hundredths (135.33) acres of land in the west half of section 30, township 49, range 26 west of the fourth meridian, proposed for annexation, appeared on his own behalf with his son.

Mrs. Engberg, mother of the owner of one hundred and six and ninety-five hundredths (106.95) acres of land in the south-west quarter of section 31, township 49, range 26, west of the fourth meridian, of which area about one and three tenths (1.3) acres lies within the limits of the Town of Calmar, appeared as an observer for her son.

The town generally represented that it had numerous requests for sites for residential accomodation including mobile home locations and that the town's supply of residential serviced lots was limited to about 6 town-owned lots and 4 privately-owned lots.

The town had decided that a portion of the westerly part of the Hancar lands (N.W. 30) could be served economically from the town's existing sewer and water systems, but had filed the annexation application for the whole of the Hancar lands in the west half of section 30, in accordance with the initial application by Mr. Hancar to the town made on July 27, 1971. The town recommended at the hearing that any undeveloped portion of the Hancar lands should, under an annexation Board Order continue to be assessed and taxed as farm land remaining in the County of Leduc No. 25.

Mr. Hancar appeared undecided, at the time of the hearing, as to whether to support the town's application for annexation of even a part of his lands in the north-west quarter of section 30, township 49, range 26, west of the fourth meridian, the matters of servicing, subdivision and development not at the time having been resolved between the landowner, the town, the County of Leduc No. 25, the Edmonton Regional Planning Commission and possibly the developer.

The County of Leduc No. 25 representative suggested that the whole of the Hancar lands were not suitable for urban development by reason of topography and that the town should seek engineering (and planning) assistance to determine the extent of any annexation in the north-west quarter of section 30.

Mr. Wronko also suggested that the town should consider the future annexation of:

- (1) the balance of the lands that are described under Certificate of Title No. 52-F-173 containing some six and seventy-three hundredths (6.73) acres and situate in the south-east quarter of section 36, township 49, range 27, west of the fourth meridian, since part of the buildings (the residence) comprising this V.L.A. holding of seven and seventy-three hundredths (7.73) acres is already within the town limits. The lands were suggested as being suitable and economical for housing development.
- (2) a parcel of land containing some thirteen and sixteen hundredths (13.16) acres of land in the north-east quarter of section 25, township 49, range 27, west of the fourth meridian, lying directly south of the town's sports ground, because of the parcels change of use which may make it now suitable for urban type development.

The Edmonton Regional Planning Commission which was not represented at the hearing, due to the insufficient notice of the hearing, filed representation with the Board dated June 16, 1972, favouring annexation in regard to the Hancar lands of only the parts that are economically serviceable from the town's existing services.

Following the public hearing the Board received written advice from the Town of Calmar dated August 4, 1972, advising that the town had decided to only seek annexation of that portion of the northwest quarter of section 30 (Hancar) which will be approved for subdivision by an Order of the Provincial Planning Board. (Board Note: at the date of writing the within decision and Order the Local Authorities Board finds that the Hancar subdivision application referred to in Provincial Planning Board Order 277-S-71 has lapsed. In fact, therefore, a new application for subdivision of the Hancar lands in N.W. 30-49-26-4 must be initiated if it is decided to proceed with the matter.)

After reviewing all the evidence presented to the Board at the public hearing and after considering the evidence which was submitted by the applicant and the Edmonton Regional Planning Commission relative to the proposed development of the Hancar lands, the Board has decided that at this time, it should only accede to and grant to the town the annexation of the lands comprising all of items numbered *thirdly*, *fourthly* and *fifthly* and a portion of the areas described at the *firstly* item on Schedule "B" attached hereto.

It is ordered therefore as follows:

I. That there be annexed to the Town of Calmar in the Province of Alberta and thereupon be separated from the County of Leduc No. 25 the following described lands:

1. The most westerly one hundred and thirty (130) feet of Road Plan 257 J.Y., in the north-west quarter of section 30, township 49, range 26, west of the fourth meridian, adjoining the north boundary of Block D as shown on Subdivision Plan 670 M.C., not presently within the boundaries of the Town of Calmar.

2. All that portion of the north-south government road allowance which adjoins the westerly boundary of the said south-west quarter of section 30, township 49, range 26, west of the fourth meridian and which lies to the south of the centreline of the railway as shown on Railway Plan 3274 E.O. produced easterly.

3. All that portion of the north-east quarter of section 25, township 49, range 27, west of the fourth meridian as shown on Road Plan 3864 E.O., not presently within the town of Calmar.

4. All that portion of the north-east quarter of section 25, township 49, range 27, west of the fourth meridian as shown on Subdivision Plan 2092 H.W. not presently within the Town of Calmar.

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

II. 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 1973, 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 Calmar, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

III. The effective date of this Order shall be the 1st day of January, 1973.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 10th day of November, 1972.

LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).

Certified a True Copy,

E. POWELL (Acting Secretary).

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 6088
EFFECTIVE DATE - JANUARY 1, 1973.

AFFECTED AREA(S).

