

TOWN OF EDSON

BOARD ORDER No. 13877

FILE No. 67(A)8

Before:

The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal Government Act:

And in the matter of an application by the majority of owners to annex certain territory to the Town of Edson lying adjacent thereto in Improvement District No. 14.

Pursuant to section 20 of The Municipal Government Act, the majority of owners of that territory set forth and described as:

South half of the north west quarter of section 23, township 53, range 17, west of the fifth meridian. Excepting thereout that north south government road allowance lying westerly thereof.

(hereinafter called "the said territory")

petitioned the Local Authorities Board, for the Province of Alberta, for the annexation of the said territory to the Town of Edson, in the Province of Alberta, and thereby its separation from Improvement District No. 14, and in respect to which the board held a public hearing on January 20, 1981.

The owner petitioning to have its land annexed to the Town of Edson was MCC Development Corporation Limited, represented by Keith Driver and R. Essiambre, planners; G.D. King, engineer; D. Cooksly, and W. Campbell, officers of the owner.

The Town of Edson was represented by councillors K. Williams and W. Campbell; and P. Serdiak, town manager.

R.H. Hanson, manager appeared on behalf of Improvement District No. 14.

The said territory, containing approximately 80 acres, is located in the north-east sector of the Town of Edson, and abutting a portion of the north-south road allowance known locally as "Bear Lake Road" (Secondary Road 748) which is on the east boundaries of the town. To the south and east is that portion of the town which was annexed to it by Board Order No. 12329, as approved by Order in Council No. 1168/79, effective January 1, 1980, for industrial purposes. To the north is the remainder of the quarter section which has been subdivided into four 20 acre parcels, the owners of which were not in favour of annexation.

The said territory, currently in agricultural production, has a slope rising to the north with drainage to the south into Poplar Creek. There is a farmstead located in the southwest corner which would be removed when development proceeded. There were no known constraints to development of the said territory for residential purposes.

Evidence was received that the said territory may be readily and economically serviced within the Town of Edson's existing utility plant's capacity. Both water and sanitary sewer utility systems have the capacity to serve a population of 10,500 people.

The Town of Edson's 1979 general municipal plan projected a population of 8,000 by the year 1986 up from the current population of 5,670. Reference was made to the dramatic increase in resource development now underway and anticipated for the town's region. While the town did have within its jurisdiction some 280 acres of vacant lands designated for residential use, one parcel was involved in a court action, and may not be available for some time. The owner of a second parcel had not made any efforts to develop it and future plans were unknown. Because the town's inventory of serviced lots was less than 100, it is necessary that action now be taken to ensure that the town's projected residential requirements could be met. It was anticipated the said territory would provide 182 single family lots and 26 multi-family lots, providing for a population of approximately 1,000. If annexed, the owners plan to proceed immediately with the development of the said territory.

The council of the Town of Edson, at its meeting of November 18th, 1980, passed the following resolution:

"Moved that, as recommended by the Environmental Development Services Committee, Council offer no objection to the annexation of the South ½ of the NW¼ of 23-53-17-W5th (80 acres) proposed by MCC Development Corporation Limited."

The Town of Edson, at the hearing, actively supported the annexation of the said territory to the town. A number of regional resource developments had recently been approved which would put additional pressure on the town for housing. The town was in the process of preparing its own application to annex additional territory to its jurisdiction, and this proposal would include the said territory. If there were no serviced residential lands developed in the near future, the town would be in short supply, which could affect prices, and may mean that the town would not have the residential base to service the projected resource developments.

Improvement District No. 14 was concerned that if the said territory was annexed to the Town of Edson, it may affect the town's own and larger application for annexation of additional territory to its jurisdiction. Otherwise, there was no opposition.

The Municipal Planning Section of Alberta Municipal Affairs, by letter to the board dated January 19th, 1981, made the following comments:

"With respect to the above we note the following:

1. There are no existing developments on the subject land;
2. The parcel is adjacent to existing Town development;
3. The Town's servicing system can accommodate development(s) on the land;
4. The Edson Fringe Area Review, 1979, recommends this parcel for annexation to the Town;
5. This parcel is a key part of a larger annexation under consideration to the Town;
6. Only one access is provided to this parcel from Town.

We support this application but on the understanding that, so as not to jeopardize the larger annexation proposal, we would be supporting other applications, recommended in the Edson Fringe Area Review, to the proposed future boundaries in that study. We would have preferred that the application under review were larger to make it more economical to service and to have better access provision."

The board, having considered the evidence presented to it at the hearing, has reached the following conclusions:

1. That the Town of Edson, being well situated to service the escalating resource developments of its region, with its growing amenities, and having sufficient utility plant capacity to respond to anticipated requirements, will grow in population and development.
2. That while the Town of Edson does have within its jurisdiction lands which have been designated for residential purposes, because of events outside the control of the town, they are

not, and may not for some time, be developed for this purpose. The town is currently facing a short fall of serviced lands to meet its residential requirements.

3. That the said territory may be readily and economically serviced with the infrastructure necessary for a residential development, has no known constraints to development, and is a logical extension to the town.

4. That the application by the majority of owners to annex the said territory to the Town of Edson should be granted in full.

Therefore, subject to the Lieutenant Governor in Council approving this order or prescribing conditions that this 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 there be annexed to the Town of Edson, in the Province of Alberta, and thereupon be separated from Improvement District No. 14, the following described territory:

South half of the north west quarter of section 23, township 53, range 17, west of the fifth meridian. Excepting thereout that north south government road allowance lying westerly thereof.

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

II. That any taxes owing to Improvement District No. 14 as at December 31, 1980, in respect to the aforementioned properties shall transfer to and become payable to the Town of Edson together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Edson collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the town to Improvement District No. 14.

III. That the assessor for the Town of Edson shall, for taxation purposes, commencing in the year 1981, re-assess the annexed lands and assessable improvements thereon, 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 Edson, and the provisions of The Municipal Taxation Act regarding the assessment roll shall *mutatis mutandis* apply to such assessment.

IV. 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 1981, 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 Edson so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

V. That the effective date of this order is the 1st day of January, 1981.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 2nd day of February, 1981.

Certified a true copy:
R. MYRONIUK, Acting Secretary.

LOCAL AUTHORITIES BOARD,
C. I. SHELLEY, Chairman.
J. A. HAMMOND, Member.

