

ORDER No. 12275

File No. 79(A)9

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
majority of owners petitioning for the an-
nexation of certain territory to the Town of
Gibbons and thereby its separation from the
Municipal District of Sturgeon No. 90.

Pursuant to section 20 of The Municipal Government Act, an application was made by the majority of owners of that territory described as follows:

North-west quarter of section 3, township 56, range 23, west of the fourth meridian.

South-west quarter of section 10, township 56, range 23, west of the fourth meridian.

All that portion of the north-west quarter of section 10, township 56, range 23, west of the fourth meridian, not within the Town of Gibbons. Excepting thereout road plan 2073 J.Y.

(hereinafter called "the said territory")

which said territory lies immediately adjacent to the Town of Gibbons, in the Province of Alberta, petitioning the Local Authorities Board for the annexation of the said territory to the Town of Gibbons, and thereby its separation from the Municipal District of Sturgeon No. 90, and in respect to which the board held a public hearing into the matter on September 19, 1979.

The owner and signer of the petition was Della Margaret Gibbons, owner of that portion of the north-west quarter of section 10, and as executrix of the estate of George William Stephen Gibbons, owner of the south-west quarter of section 10. The owner was represented at the hearings by R.A. Spencer, planner, and S. Nelson, engineer. Owner, the Canadian National Railway, was not represented, nor was a written submission made.

The Town of Gibbons was represented by Councillor George Fraser.

G.J. Boddez, Municipal Secretary, and A. Lefever, Solicitor, represented the Municipal District of Sturgeon No. 90.

Staff member, B. Clark, submitted the position of the Edmonton Regional Planning Commission.

The said territory, containing approximately 291.48 acres, lies to the west of the Town of Gibbons. The topography is dominated by the Sturgeon River which flows from approximately the south-west corner of the said territory, north-easterly to approximately half way along the east border of the north-west quarter of section 10. In this area of the river, it is confined within the narrow restrictions of steep banks, with little or no flood plain. The tree clad banks rise approximately 150 feet to a flat plain which slopes gently towards the river.

The large portion of the said territory lies to the west of the Sturgeon River, with the north border abutting Highway No. 28. Approximately 160 acres in two fields in this area were farmed. Tree growth was evident on the west, and to the south east. A roadway (Road Plan 2924 N.Y.) cut through the north-east corner of the said territory from Highway No. 28, to a bridge across the Sturgeon River, from where it led into the town. Some 87 acres in this area was classed in the Canada Land Inventory as Class 1, with some 19 acres classed as Class 2. The forested and topography restricted areas were Classes 3 and 5.

That area of the said territory, which lies to the west of the Sturgeon River, was seen to have certain restrictions. Crossing the river with utility services were seen to be a problem. An extension of some 2500 feet of water and sanitary sewer main lines would be required to span the Sturgeon River. The existing bridge was narrow, the approaches steep, and it would have to be upgraded at a considerable capital expense.

The applicants did not press for the annexation of that portion of the said territory which lies to the west of the Sturgeon River. Further, the annexation to the town of this portion of the said territory was opposed by the Town of Gibbons, the Municipal District of Sturgeon No. 90, and the Edmonton Regional Planning Commission.

That portion of the said territory which lies to the east of the Sturgeon River, lies wholly within the south-west quarter of section 10. Cutting across the south-east corner and parallel to the Sturgeon River, is the Canadian National Railway. The railway cuts off a triangle, in the south-east corner of approximately 17 acres, which abuts the Town of Gibbons on the east and south. This parcel may be readily incorporated into the owners' development of lands which are now within the town, to its south.

There are some plateau areas, between the top of the Sturgeon River banks and the Canadian National Railway, which have some potential for residential development in conjunction with the owners other lands to the north and east of the Sturgeon River and now in the town. A sanitary sewer main now runs in this vicinity with a duplicate line being proposed. The wooded and bank areas were seen to provide a potential recreational area for the town.

The owner expressed the desire to especially have the 17 acre triangle annexed to the town, as this could be readily serviced by the extension of the proposed subdivision to the south. Further, it was cut off from the remaining property by the railway and could not be serviced by the County. The parcel's size did not lend itself to agricultural uses.

The board was advised that the Council of the Town of Gibbons opposed the annexation of that portion of the said territory which lies to the west of the Sturgeon River, but did support the annexation to the town of that portion of the said territory which lies to the east of the Sturgeon River. These lands had been considered in the town's general plan and were seen to provide a logical boundary.

The Council of the Municipal District of Sturgeon at its meeting of August 30, 1979, passed the following resolution:

"Moved by Councillor L. Kluthe to instruct the representative at the hearing of the annexation proposal to the Town of Gibbons to be prepared to accept that portion of the application 79-GB-AN1 which lies east of the river."

The Edmonton Regional Planning Commission, at its meeting of September 5, 1979, passed the following resolution:

- "1) The commission only supports the annexation to the Town of Gibbons of those lands in the S.W. 10-56-23-W4th which lie east of the Sturgeon River in order to create a more logical west boundary for the town and to incorporate lands proposed for regional urban reserve designation within the town.
- 2) The commission opposes the annexation to the Town of Gibbons of those lands in the W 1/2 10-56-23-W4th which lie to the west of the Sturgeon River because:
 - a) No need has been demonstrated for the annexation consistent with Gibbons' role in orderly regional growth and development.
 - b) The social and financial impacts on the Town of Gibbons of creating a separate community west of the river have not been fully assessed."

The question of a splitting of the title to the south-east quarter of section 10 was raised, as those lands were now in one title and a problem in respect to assessment was foreseen. The board was advised by letter that the purchasers of the said property "... are willing to subdivide out that portion of the subject property that lies east and south of the Sturgeon River" in the east half of section 10. No problems were anticipated in achieving this result by the Town of Gibbons, or the representatives of the Municipal District of Sturgeon No. 90 and the Edmonton Regional Planning Commission.

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

1. That the Town of Gibbons, being a service community, geographically well located near employment, creating industrial developments, and thus, servicing the employees commuting thereto, will continue to grow in population.
2. That the Town of Gibbons may grow to a total population of 7,000 persons before it is required to make major capital utility expenditures, a population which may be easily accommodated within its present boundaries.
3. That to annex and develop those lands within the said territory west of the Sturgeon River, would require major capital expenditures, would be in excess of the Town of Gibbons residential requirements for the foreseeable future, and would be premature.
4. That to annex to the Town of Gibbons those lands within the said territory which lie to the east of the Sturgeon River would not burden the town with a surplus of residential lands prior to their being required; a small portion fits logically within the development of other lands within the town; it would bring recreational lands into a growing community and it provides a logical boundary.
5. That any difficulty with the placing in two jurisdictions land now within one title may be readily resolved and should not present any administrative problems.
6. That that portion of the said territory which lies to the south and east of the Sturgeon River should be annexed to the Town of Gibbons.

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 Gibbons, in the Province of Alberta and thereupon be separated from the Municipal District of Sturgeon No. 90 the following described territory:

All that portion of the south-west quarter of section 10, township 56, range 23, west of the fourth meridian which lies to the east of the right bank of the Sturgeon River.

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

II. That any taxes owing to the Municipal District of Sturgeon No. 90 as at December 31, 1979, in respect of the aforementioned properties shall transfer to and become payable to the Town of Gibbons together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Gibbons collecting any or all of such taxes, penalties and costs, such collection shall forthwith be paid by the town to the Municipal District of Sturgeon No. 90.

III. That the assessor for the Town of Gibbons shall for taxation purposes commencing in the year 1980, 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 Gibbons, 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 1980, 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 Gibbons 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, 1980.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 23rd day of October, 1979.

Certified a true copy,
B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD
D.A. BANCROFT, Chairman.
J. HAMMOND, Member.

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 12275

EFFECTIVE DATE: JANUARY 1, 1980



 AFFECTED AREA(S)

