

ORDER No. 9981

FILE: 79(A)3,

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 Town of Gibbons for annexation of
certain territory adjacent thereto in the
Municipal District of Sturgeon No. 90.

Pursuant to an application by the Council of the Town of Gibbons, in the Province of Alberta, petitioning for annexation of the territory described in Schedule "B" attached to the Order, the Board conducted a public hearing of the matter in the said Town on Tuesday, September 20, 1977.

The Town of Gibbons was represented by its Solicitor, Leo Burgess; its Mayor, Reginald Austin; Planner P. D. G. Edwards; and Engineer, T. Kozmech.

The Municipal District of Sturgeon No. 90 was represented by Reeve W. Flynn.

Property owners Grace Shank and Fiji Holdings Ltd. were also present at the hearing.

Counsel for the Town of Gibbons stated that it was growing into a "bedroom" community serving the regional industrial activities. To balance its growth it was necessary to provide more local employment, a better tax base and to meet the current demands, it was necessary to annex lands to the Town for commercial and industrial purposes. On Town owned lands proposed for annexation, it had developed sewage treatment facilities and because of projected growth and the need to upgrade and enlarge these facilities, the Town desired to bring those lands under its control.

Evidence was given as to the serviceability of the territory and as to its location, both as to its separation from residential development and ready access. Fiji Holdings Ltd., as purchaser, proposed to develop its land for industrial and commercial purposes.

The Municipal District of Sturgeon No. 90 offered no objection to the annexation, other than to the boundary road to the south, namely Secondary Highway 643. This had been constructed by the Municipal District and as it served its industrial lands to the east and would be maintained by it, the Municipal District wished to retain control in order to assure it would be maintained to the same standard.

Mrs. Grace Shank objected to the annexation of her property to the Town as it would result in few benefits, possible increased taxation and incompatible by-laws to her present use of her lands.

Barry Clark, as a staff member, advised that the Edmonton Regional Planning Commission supported the Town's application, recognizing the necessity of a balanced community. The area proposed for annexation was of poorer soils, readily-drained and was bordered on the north by a railway, the west and south by highways.

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

1. The Town has satisfied the Board that additional land is required for the present needs of the Town and future commercial and industrial development.
2. That the area involved may be readily serviced and is sufficiently separated from residential areas for the proposed development.
3. That the annexation of the lands of Mrs. Grace Shank to the Town provides no advantage to either party and because of its setting, may logically remain in the Municipal District of Sturgeon and should, therefore, not be annexed at this time.
4. That Secondary Highway 643, which abuts the south boundary of the southwest quarter of section 14 is an intrinsic part of the said highway, and because of its importance in serving the Municipal District of Sturgeon's industrial development and their desire to service and maintain the said highway to a similar standard throughout, same should remain within the said Municipal District.

Subject to the approval of the Lieutenant Governor in Council IT IS ORDERED, THEREFORE, 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 territory described in Schedule "C" attached hereto.

(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, 1977, 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 such taxes; however, upon the Town of Gibbons collecting any or all of such taxes, penalties or costs, such collections 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 in the year 1978, 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.

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 1978, 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, 1978.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 29th day of November, 1977.

Certified a true copy,

B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD,

D. A. BANCROFT, Chairman,

T. J. LAUDER, Member,

J. A. HAMMOND, Member.

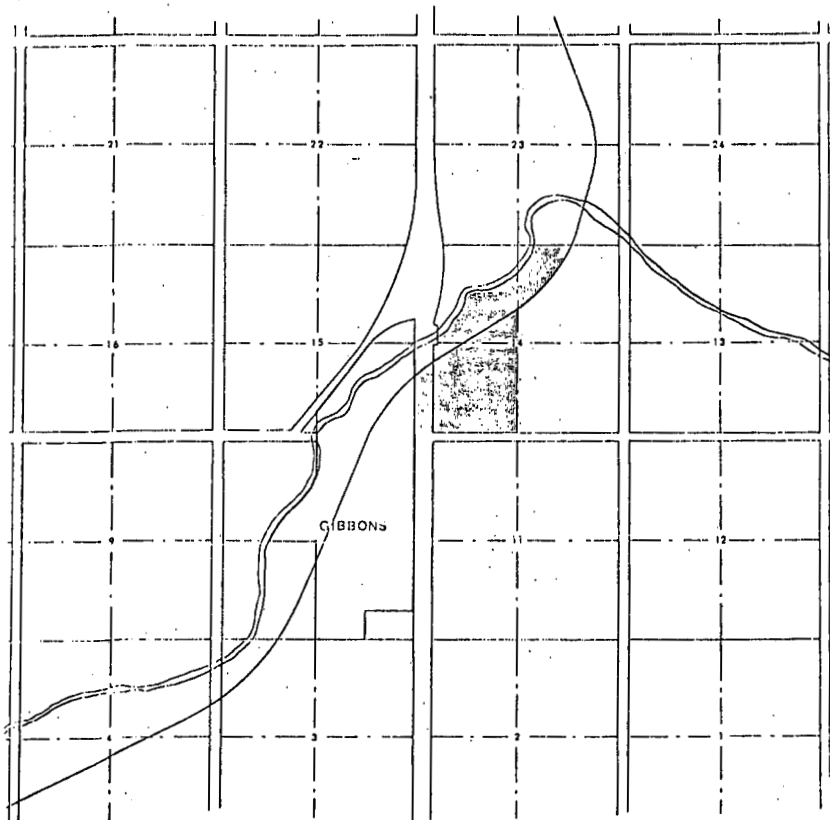
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 9981

EFFECTIVE DATE: JANUARY 1, 1978



AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR ANNEXATION TO THE TOWN OF GIBBONS, ALBERTA

That portion of the north-west quarter of section 11, township 56, range 23, west of the fourth meridian which lies north of the south limit of Road Plan 5345 N.Y. and its production westerly throughout.

All that portion of the north-south government road allowance adjoining the west boundary of the north-west quarter of section 11, township 56, range 23, west of the fourth meridian which lies north of the production west across the said government road allowance of the south limit of Road Plan 5345 N.Y.

The south-west quarter of section 14, township 56, range 23, west of the fourth meridian.

North-south government road allowance adjoining the west boundary of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian.

East-west government road allowance adjoining the south boundary of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian.

All that portion of the north-west quarter of section 14, township 56, range 23, west of the fourth meridian which lies generally south and east of the right bank of the Sturgeon River, excepting thereout Road Plan 7520395.

All that portion of the north-east quarter of section 14, township 56, range 23, west of the fourth meridian which lies generally south and east of the right bank of the Sturgeon River and north west of the railway as shown on Railway Plan 4515 A.Q., excepting thereout Plan 406 B.V.

SCHEDULE "C"

A DETAILED DESCRIPTION OF TERRITORY ANNEXED TO THE TOWN OF GIBBONS, ALBERTA

All that portion of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian which lies north of the north limit of Road Plan 5345 N.Y. and the production westerly throughout of the said north limit of the said Road Plan 5345 N.Y. and south east of the north-westerly limit of the Canadian Northern Western Railway as shown on Railway Plan 4515 A.Q.

That portion of the north-south government road allowance adjoining the west boundary of the south-west quarter of section 14, township 56, range 23, west of the fourth meridian which lies north of the production westerly across the said road allowance of the north limit of Road Plan 5345 N.Y. and south of the production south west across the said road allowance of the north-westerly limit of the Canadian Northern Western Railway as shown on Railway Plan 4515 A.Q.

All that portion of the north-west quarter of section 14, township 56, range 23, west of the fourth meridian which lies generally south and east of the right bank of the Sturgeon River, excepting thereout Road Plan 7520395.,

All that portion of the north-east quarter of section 14, township 56, range 23, west of the fourth meridian which lies generally south and east of the right bank of the Sturgeon river and north west of the railway as shown on Railway Plan 4515 A.Q., excepting thereout Plan 406 B.V.