

LOCAL AUTHORITIES BOARD

ORDER NO. 4279

FILE: L.A. 62-A

MONDAY—THE TWENTY-THIRD DAY OF JUNE, 1969

Before:

The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal
Government Act:

And in the matter of an applica-
tion by the Town of High River
for annexation of certain terri-
tory lying adjacent thereto.

Pursuant to an application by the Town of High River dated November 5, 1968, requesting annexation of the following described lands, the Board conducted a public hearing of the matter in the Town of High River on February 6, 1969:

Firstly: All that portion of the north-east quarter of section 1, township 19, range 29, west of the fourth meridian, in the Province of Alberta, not presently within the Town of High River which lies south and west of the right bank of the Highwood River and east of the straight production northerly of the west boundary of parcel A as shown on filed plan 7347 F.N.

Secondly: All that portion of the south-east quarter of section 1, township 19, range 29, west of the fourth meridian, in the Province of Alberta, not presently within the Town of High River which lies east of the following described lines:

Commencing at the north-west corner of block E as shown on registered plan 6625 G.A.; thence southerly along the west boundary of the said block and the west limit of Smith Avenue as shown on the said plan to the north boundary of block K as shown on registered plan 3116 J.K.; thence westerly along the said north boundary and a north limit of the ring road as shown on the said plan 3116 J.K. to an east limit of the said road thence northerly, westerly and southerly along easterly, northerly and westerly limits of the said ring road to the south limit of the said ring road; and all that portion of the east-west road allowance and the widening of the said road allowance adjoining the south boundary of the said quarter section not presently within the Town of High River which lies east of the production southerly of the said west limit of the said ring road.

Thirdly: All that portion of the west half of the west half of section 5, township 19, range 28, west of the fourth meridian, in the Province of Alberta, which lies south of the north limit of the road as shown on road plan 6401 I. together with all of the north-south and east-west road allowances adjoining the west and south boundaries of the above land including the intersection of the said roads at the south-west corner of the said section 5.

Fourthly: All that portion of the south-west quarter of section 7, township 19, range 28, west of the fourth meridian, in the Province of Alberta, shown as parcel E on filed plan 7691 G.M. and parcel D on filed plan 8154 F.O. and all that portion of the Macleod Trail as shown on road plan 1728 E.Z. which lies south of the production westerly of the north boundary of the said parcel E.

The Town of High River was represented by Mayor Blake, Councilors Pickersgill and Rendleman and Secretary-Treasurer J. M. Tupkal.

The Municipal District of Foothills No. 31 was represented by L. C. Van Tighem, Secretary-Treasurer.

Koopman Ranches Ltd., an interested landowner, was represented by Counsel, R. E. Pottinger, with J. W. Koopman appearing as a witness.

Other interested landowners attending the hearing included Mr. and Mrs. Gordon T. Cameron; G. J. Deibert; Mr. Devorcan of Riverside Motel; C. L. Fowler; Joseph Gill; Colin H. Heseltine, L.L.B.; Mrs. I. Hume; Mrs. J. Milles and L. E. Soderberg.

The town represented that it required the west areas for residential expansion, the town having a reserve of only one hundred and twenty-five (125) such sites, with an annual consumption rate of thirty-two (32) lots.

The north areas were included in the application since they are already urbanized by residential and motel developments and the town believes that development therein should be regulated to the general benefit of adjoining residents.

The east areas were sought for inclusion in the town to accommodate a growing demand for an industrial park in the town. The area comprises approximately one hundred (100) acres and forms a part of the farmlands in the south-west quarter of section 5, township 19, range 28, west of the fourth meridian. The area may be serviced with the town's sewer and water systems, and in fact that farm owner already enjoys a hook-up to the town's water supply. The site is geographically correct for the proposed use.

Objections to the town's proposals were expressed by Counsel for William Koopman and by Mr. and Mrs. Gordon Cameron.

The Camerons saw no benefit to be gained from annexation to the town since they already had installed their own sewer and water systems on their property situate in plan 7691 G.M. in part of the south-west quarter of section 7, township 19, range 28, west of the fourth meridian. They feared a higher tax in the town with little or no increased services.

Koopman Ranches was not favourable to annexation to the town of a portion of its farmlands—approximately one hundred (100) acres situate in the west half of section 5, township 19, range 28, west of the fourth meridian—unless the Board provided in the annexation Order several conditions similar to those set forth in clause 4, sub-clauses (1), (2), (4), (5), (6), (7) and (8) of Public Utilities Board Order No. 25860 dated December 29, 1961.

The town, subsequent to the hearing, and by letter dated May 15, 1969 advised the Board that it was not favourable to the granting of the Koopman annexation condition requests and did not intend to proceed with its application to annex the portion of the Koopman lands.

After reviewing all the evidence placed before it, the Board has concluded that the applicant's request for annexation of the west and north areas should be granted, to provide additional needed residential lands on the west and to provide direct control over the development and re-development of the north areas which are already subdivided and urban in character.

The Board will take no action to annex the east areas at this time since no public discussion of the belated "conditions to annexation" was held and since the town has now withdrawn its request for inclusion of these lands.

During the course of the hearing, a discussion took place respecting the desirability of annexing to the town the remaining portions of subdivision plan 3116 J.K. which is situate in the south-east quarter of section 1, township 19, range 29, west of the fourth meridian and comprising mainly public reserve and road area. The Board on its own motion purposes to annex these two small areas which form a part of plan 3116 J.K.

It is ordered, therefore, as follows:

FIRSTLY: (a) that pursuant to the application of the Town of High River, the following described lands be annexed to the Town of High River and thereupon be separated from the Municipal District of Foothills No. 31:

Firstly: All that portion of the north-east quarter of section 1, township 19, range 29, west of the fourth meridian, in the Province of Alberta not presently within the Town of High River which lies south and west of the right bank of the Highwood river and east of the straight production northerly of the west boundary of parcel A as shown on filed plan 7347 F.N.

Secondly: All that portion of the south-east quarter of section 1, township 19, range 29, west of the fourth meridian in the Province of Alberta not presently within the Town of High River which lies east of the following described lines:

Commencing at the north-west corner of block E as shown on registered plan 6625 G.A.; thence southerly along the west boundary of the said block and the west limit of Smith Avenue as shown on the said plan to the north boundary of block K as shown on registered plan 3116 J.K.; thence westerly along the said north boundary and a north limit of the ring road as shown on the said plan 3116 J.K. to an east limit of the said road thence northerly, westerly and southerly along easterly, northerly and westerly limits of the said ring road to the south limit of the said ring road; and all that portion of the east-west road allowance and the widening of the said road allowance adjoining the south boundary of the said quarter section not presently within the Town of High River which lies east of the production southerly of the said west limit of the said ring road.

Thirdly: All that portion of the south-west quarter of section 7, township 19, range 28, west of the fourth meridian, in the Province of Alberta, shown as parcel E on filed plan 7691 G.M. and parcel D on filed plan 8154 F.O. and all that portion of the Macleod Trail as shown on road plan 1728 E.Z. which lies south of the production westerly of the north boundary of the said parcel E.

(b) that pursuant to the Board's own motion, there be annexed to the aforementioned town and be separated from the aforementioned municipal district, the following described lands:

All of block J (Public Reserve) containing ninety-six hundredths (0.96) of an acre and Baker Creek Diversion containing seventy-three hundredths (0.73) of an acre in the south-east quarter of section 1, township 19, range 29, west of the fourth meridian, as shown on plan High River 3116 J.K., in the Province of Alberta.

(A sketch showing the general location of the lands annexed under clauses (a) and (b) above is attached hereto as Schedule "A" to this Order.)

SECONDLY: that any taxes owing to the Municipal District of Foothills No. 31 as at December 31, 1969, in respect of the aforementioned annexed properties shall transfer to and become payable to the Town

of High River, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however upon the Town of High River collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the Town to the Municipal District of Foothills No. 31.

THIRDLY: that the assessor for the Town of High River shall for taxation purposes commencing in the year 1970, re-assess the annexed lands and assessable improvements thereon, other than the properties described in the *Fourthly* part of this Order, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Town of High River.

FOURTHLY: that the assessor for the Town of High River shall for taxation purposes in the years 1970 to 1975 inclusive, re-assess any annexed parcel of land comprising a farm unit, as referred to in section 2 of The Municipal Taxation Act; and the farm buildings thereon used in connection with the farm operation, on the same basis of assessment as would be applicable to them had such land and farm buildings remained in the Municipal District of Foothills No. 31; provided, however, that if:

- (a) the said annexed land or a part thereof is subdivided by a plan of subdivision; or if
- (b) the town, by Resolution of Council, or the owner for good and sufficient reason determine that the provisions of the within *Fourthly* or *Fifthly* clauses of this Order should be varied, application may be made to the Board for an Order to implement such variation as the Board deems proper in the circumstances.

FIFTHLY: that the Town of High River, shall for taxation purposes in the years 1970 to 1975 inclusive, in respect to the farm properties described in the *Fourthly* clause herein, tax same at the applicable mill rates which are in effect in the appropriate year in the town.

SIXTHLY: 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 1970, 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 High River, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

SEVENTHLY: that the effective date of this Order shall be the 1st day of January, 1970.


Certified a true copy,

W. C. ELLIOTT (Secretary).

LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman)
A. B. WETTER (Member)

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 4279
EFFECTIVE DATE - JANUARY 1, 1970

 AFFECTED AREA(S)

