

ORDER NO. 1765

FILE: L.A. 3881-A

TUESDAY—THE SIXTEENTH DAY OF MARCH, 1965

Before:

The Local Authorities Board  
for the Province of AlbertaIn the matter of The Town and  
Village Act:And in the matter of application  
by the Town of Mayerthorpe for  
annexation of certain territory  
adjacent thereto.

The Town of Mayerthorpe, Alberta, under date of June 24, 1964, January 18 and March 8, 1965 petitioned for the annexation of certain lands lying adjacent to the town's limits.

The Board conducted a public hearing of the matter in the Town of Mayerthorpe on Friday, February 12, 1965, for the purpose of receiving any further representations from the said petitioner, the Council of the County of Lac Ste Anne No. 28, the Department of Highways, the Edmonton Regional Planning Commission and other interested parties.

The petitioner was represented by Mayor A. M. Montemurro; Councillors Carl Denninger, Melvin D. Fellows, Leonard Gould, Vernon Poeter, and Mrs. Kelly; and Secretary-Treasurer Mrs. E. Glazier.

The town submitted that the underdescribed lands should be annexed to the town

*Firstly:* All of the north-west quarter of section 21, township 57, range 8, west of the fifth meridian.

*Secondly:* All that portion of the south-west quarter of section 28, township 57, range 8, west of the fifth meridian, not presently within the boundary of the Town of Mayerthorpe, Alberta.

*Thirdly:* All of the original east-west Government Road allowance which lies between the said south-west quarter of section 28, and the north-west quarter of section 21, township 57, range 8, west of the fifth meridian.

The reasons advanced by the town for requesting annexation of the aforesaid lands were generally as follows:

1. Because of the continuing growth of the town, additional areas are urgently needed for residential, commercial and lagoon expansion.

It was stated that the Town had approximately eight serviced vacant residential lots and one serviced commercial lot. It was also estimated that there were only two or three suitable vacant serviced private residential lots available in the town and that twelve residences were built in the town in 1964 and four business buildings were erected in 1964.

2. Control of the development of adjacent lands should be given to the town through annexation in order that proper planning of land use and municipal services such as sewer and water systems, lighting, roads and policing could be carried out effectively and economically for the benefit of the community.

3. Expansion should take place in a southerly and easterly direction to best make use of the town's existing municipal sewer and water systems.

The County of Lac Ste. Anne No. 28, in a letter dated February 9, 1965 and in representations by R. N. Giffen on their behalf, stated that they agreed to annexation to the Town of the aforementioned "Secondly" and "Thirdly" areas, but were opposed to the Town's application for annexation of any of the north-west quarter of section 21, township 57, range 8, west of the fifth meridian—the "Firstly" mentioned area.

They submitted that the town, if granted annexation of lands in S.W. 28-57-8-5 would have ample room for expansion for the next several years, and that annexation of N.W. 21-57-8-5 was undesirable for the undernoted reasons

(a) It is not needed, and is farm land.

(b) It would conflict with the rapid transport policy of the Department of Highways.

- (c) It would defeat the good concentrated commercial planning in the town by allowing scattered development adjacent to Highway No. 16.
- (d) The County, through adoption of a Preliminary Regional Plan and a Highway Commercial Zoning Plan had adequate and desirable control of the areas in N.W. 21-57-8-5.

The Edmonton Regional Planning Commission, in a letter dated February 5, 1965 submitted that only that part of S.W. 28-57-8-5 which lies East of Road Plan 667 L.Z.—and containing approximately 64.4 acres—should be annexed to the town. They suggested that that parcel would give the town sufficient land for development and that inclusion of land across the highway would lead to undesirable urban expansion.

The Chief Engineer, Department of Highways—Mr. V. E. McCune, represented that annexation of land which would lead to encroachment on the Highway would be most undesirable for the following reasons:

1. The highway is for rapid transport purposes, which purpose is impeded by development of local traffic and access points to the highway.
2. The resultant access points lead to accidents and reduction of capacity of the highway which was built to by-pass the town.
3. In the next seven to ten years, extra highway lanes will be required which will be costly if urban development thereon takes place and interchange treatment is necessary.
4. Speed limits, under town control, could further impede through traffic.
5. Pedestrian and school children traffic would be increased bringing additional hazards in highway crossing.

Mr R. Knewstubb, representing British American Oil Company Limited favoured annexation of N.W. 21-57-8-5 in order that his Company could make further development of Plan 739 KS, Block 1, on which parcel the company now has a closed bulk oil station.

Mr. Raymond S. Mills, part owner of a 64 acre parcel and a 14 acre parcel in S.W. 28-57-8-5 stated that he would be opposed to annexation of the 64 acre parcel lying east of Road Plan 667 L.Z. without the Board also ordering annexation of his 15.73 acre parcel lying west of Road Plan 667 L.Z., since both these parcels in SW. 28 were farmed as one unit with some additional lands in S.E. 28-57-8-5.

He stated that he had an offer for the commercial development of a part of the land in S.W. 28.

He further stated that he was not able to express the views of his partner—Peter Trynchy—on the matter of the annexation of their lands in S.W. 28-57-8-5.

Mr. Ellis B. Granley, the farmer owner of approximately 126.80 acres of farm land and 4.04 acres contained in Registered Plan 1856 K.S.—all contained in N.W. 21-57-8-5—stated that he had had no demand for his lands for development, that he was a farmer living on the said lands and that he feared an increase in taxation of his land and improvements (house) if he were annexed to the town. He also questioned the arrangements that may have to be made for bussing his children to school in event of such annexation.

After reviewing the evidence presented to the Board at the aforesaid hearing and after inspecting the subject lands and other lands within and adjacent to the town of Mayerthorpe, the Board has concluded that it is in the best general interests of all persons concerned that only those lands described as "Secondly" and "Thirdly" in the Town's Notice of Petition for annexation, should be annexed to the town.

The substantial reasons for reaching this decision are

1. The town needs additional lands for expansion.
2. Development of lands lying south of the town is economically favourable.
3. The areas to be annexed in S.W. 28-57-8-5 will provide sufficient land for development for at least ten years, at the present rate of demand.
4. It is undesirable that the town's boundaries should be extended to abut or envelope Highway No. 16 for the reasons outlined by the Chief Engineer, Department of Highways, the Edmonton Regional Planning Commission and the County of Lac Ste. Anne No. 28.

It is therefore ordered that the lands hereinafter described be annexed to the Town of Mayerthorpe and the same be and are hereby detached from the County of Lac Ste. Anne No. 28:

*Firstly:* All that portion of the south-west quarter of section 28, township 57, range 8, west of the first meridian in the said Province which lies south of the southerly limits of the land subdivided under Plans 1371 H.W., 4066 H.W. and the south westerly limit of the land subdivided under Plan 373 C.L. and the south-easterly limit of the road as shown on Road Plan 1023 CL and which lies east of the easterly limit of the road as shown on Road Plan 667 L.Z. which includes all the land subdivided under Plan 5554 K.S.

Reserving thereout all mines and minerals.

*Secondly:* All of Lot P (Park Reserve) as shown on the said Plan 4066 H.W.

Reserving thereout all mines and minerals.

It is further ordered as follows:

- (a) that any taxes owing to the County of Lac Ste. Anne No. 28 as at the 31st day of December, 1964, in respect of the aforesaid properties shall transfer to and become payable to the Town of Mayerthorpe, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Mayerthorpe collecting any or all of the said taxes and lawful penalties and costs levied thereon in respect of the said properties, such collections shall forthwith be paid by the town to the County of Lac Ste. Anne No. 28.
- (b) that for taxation purposes in the year 1965, the Assessor for the Town of Mayerthorpe shall reassess the 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 the assessment of related lands and assessable improvements in the town.
- (c) that for taxation and grant purposes commencing in the year 1965, the Chief Provincial Assessor, appointed pursuant to the provisions of The Municipalities Assessment and Equalization Act, shall reassess or revalue, as the case may be, all properties that

are assessable or subject to valuation under the provisions of The Electric Power and Pipe Line Assessment Act, and which are within the areas by this Order annexed to the Town of Mayerthorpe, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

- (d) that the Town of Mayerthorpe shall forthwith, and at its own expense, arrange with the Registrar, North Alberta Land Registration District for issuance of separate Certificate of Title in the name of the registered owner of S.W. 28-57-8-5—15.73 acres—lying east of Road Plan 667 L.Z. and presently under Certificate of Title 169-E-199.

LOCAL AUTHORITIES BOARD,

I. MORRIS (Member).

A. B. WETTER (Member).

Certified a true copy,

W. C. ELLIOTT (Secretary).

A SKETCH TO SHOW THE GENERAL LOCATION  
OF THE AREAS WHICH ARE BY THIS ORDER  
ANNEXED TO THE TOWN OF MAYERTHORPE

EFFECTIVE ON JANUARY 1, 1965

