

THE LOCAL AUTHORITIES BOARD

ORDER No. 10774

FILE: 137(A)5

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 Council of the Town of Olds, Alberta
for annexation of certain territory lying
immediately adjacent thereto.

Pursuant to an application by the Council of the Town of Olds, in the Province of Alberta, petitioning for the annexation to the Town of the territory described in Schedule "B" attached to this Order, and thereby its separation from the County of Mountain View No. 17, the Local Authorities Board for the Province of Alberta conducted a public hearing of the matter in the said Town on Wednesday, May 3, 1978.

The Town of Olds was represented by its Town Manager, D. Lenihan.

The County of Mountain View No. 17 was represented by its Reeve, W. J. Bagnall.

Appearing on behalf of the Red Deer Regional Planning Commission were Mr. Newman and A. Ward.

J. Booth, as Administrator, and E. Clarke, as a Member of the Board of Governors, appeared on behalf of the Olds College to oppose the annexation of a portion of its lands, namely the west half of section 33, township 32, range 1, west of the fifth meridian to the Town of Olds.

Other land owners appearing and making representation at the hearing were Charles Rosehill, who also represented the Olds Auction Mart Ltd.; H. Randers, Ruth Drew, A. Rosehill, A. M. Dodd as administrator of the R. E. Dodd Estate, W. A. Roe, R. C. Owens, W. J. Owens, W. E. Machell, E. F. Kasawal, D. M. Miller, W. P. Niemyer, Manor Investments Ltd. and J. McMillan.

The Town of Olds, because of servicing problems, withdrew its request to annex the south-west quarter of section 4, township 33, range 1, west of the fifth meridian and adjacent road allowance.

It was the Town's submission that since 1975 it had experienced a growth rate of 5.87 percent, which had reduced the land available for development within its boundaries. Population projections indicated this growth would be sustained at a 5 percent per annum rate, to a population of between 10,000 and 12,000 by the year 2000.

Evidence was given that with the exception of the above south-west quarter of section 4 (now withdrawn from the application), all the territory applied for by annexation could be economically serviced with sewer and water utilities.

In outlining its need to the territory, the Town divided up the land into sectors of priority. Those portions contained within the north half of section 29 and the south half of section 32 lying east of the railway and west of Highway 2A were stressed as being required for future industrial purposes. Access was available to the railway and to Highway 2A. Presently within this sector are located industrial uses consisting of an agricultural auction market, a railway loading dock, a bulk fertilizer plant and a steel building sales yard. The auction market was being serviced with sewer and water from the Town and is on a major access route which runs through the Town. Because of current demands for industrial lands, early development is anticipated. In this sector, land owners to the majority of the territory are in favour of annexation. A number of small holdings were involved.

Those lands contained within the north-east quarter of section 30, legal subdivisions 1, 2 and 7 of section 31 and that portion of the north-west quarter of section 29 lying west of the railway were requested for residential and related commercial service centres with open space recreational areas. Owners of the lands in question had requested the Town to annex their respective lands to it.

The west half of section 31 not now within the Town, together with the abutting north-south road allowance were requested for annexation to the Town to permit it to provide long range planning and to provide for major utility corridors and transportation routes. No immediate development is anticipated.

The west half of section 33 contains the Olds College. The Town pointed out it now provides the College with municipal services such as water, sanitary sewer, garbage collection and fire protection. Because of this, the College should be within the Town.

The west half of section 6 is where the Town has located its new waste water treatment plant with two major sanitary sewer trunk lines extending from the Town to it. Two further major storm trunk lines will also be located here. Because of these town utility operations, it was requested that the territory be brought under the Town's jurisdiction. No immediate residential development is envisioned.

The north-west quarter of section 5 and the north-east quarter of section 6, now being farmed, were designated for future residential development. The Town requested annexation of this territory to provide for balanced growth and long range residential development.

The County of Mountain View No. 17, while opposed to the total request for annexation to the town from the County of approximately 2,100 acres, did approve the annexation to the Town of certain lands, namely the north-west quarter of section 31, the south-west quarter of section 6, that portion of the south-east quarter of section 31 not within the Town and that portion of the north-west quarter of section 29 which lies to the west of the railway. It argued that the Town, based on its 1977 development rate, had sufficient land now within its boundaries to provide for any potential growth for the next 8 to 10 years. The territory it approved, it submitted, would accommodate any future growth needs of the Town up to a population of 15,000 people. It saw no necessity for the annexation of the Olds College to the Town and argued it was agriculturally related.

It was the submission of the Board of Governors of the Olds College that the College territory should not be annexed to the Town. It argued that because the College is a community college with an agricultural orientation, it properly belongs under the jurisdiction of the County of Mountain View. Indirect benefits now accrue to Olds by reason of its staff and students utilizing the Town's commercial facilities. Concern was expressed of the effects the Town's regulatory by-laws may have on the College operations.

Opposing the annexation of their respective lands to the Town of Olds were H. Randers, J. McMillan, R. C. Owens, A. A. Owens and W. Owens, W. W. Hannerman and W. Niemeyer. Approval subject to tax concessions was given by L. Statham, J. T. Hoey, R. E. Dodd Estate, Manor Investments Ltd., and P. B. Wilson. Approval to the annexation of their respective lands to the Town of Olds was given by the Olds Auction Mart, C. S. Rosehill, D. M. Miller, E. F. Kasawal, Gran Marr Cattle Ltd., F. S. Marriott and E. L. Turnbull. Concern was expressed by the residents living in the north-west quarter of section 5 of the loss of school busing for their children. Further, the County of Mountain View now cleared their driveways of snow and they would not have this done by the Town. W. E. Muchell expressed like concerns.

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

1. That because of its historic pattern as an agricultural centre with it being the location of the Olds College, Olds is and will remain a growth centre.

2. That the Town has satisfied the Board that additional land is required for industrial and commercial development and for future residential needs.

3. That the Town has satisfied the Board that the territory described in Schedule "C" attached hereto may be readily and economically serviced with storm and sanitary sewer and with water.

4. That the total lands requested for annexation to the Town are in excess of its identifiable needs for the next 15 years and such surplus lands should remain in the rural municipality.

5. That there was no conclusive evidence given to the Board that would justify the inclusion of the Olds College lands into the Town of Olds at this time and over the objection of the Board of Governors.

Therefore, subject to the Lieutenant Governor in Council approving this order, or prescribing conditions that the 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 Olds, in the Province of Alberta, and thereupon be separated from the County of Mountain View No. 17 the territory set forth in Schedule "C".

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

II. That any taxes owing to the County of Mountain View No. 17 as at December 31, 1978, in respect of the aforementioned properties shall transfer to and become payable to the Town of Olds together with any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Olds collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the Town to the County of Mountain View No. 17.

III. That the assessor for the Town of Olds shall for taxation purposes in the year 1979, 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 Olds.

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 1979, 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 Olds, 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, 1979.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 7th day of July, 1978.

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

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

SCHEDULE "B"

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

North half of section 29, township 32, range 1, west of the fifth meridian.

North-south government road allowance adjoining the west boundary of the north-west quarter of section 29, township 32, range 1, west of the fifth meridian.

North-east quarter of section 30, township 32, range 1, west of the fifth meridian.

Legal subdivisions 1, 2, and 7 of section 31, township 32, range 1, west of the fifth meridian.

South-west quarter of section 31, township 32, range 1, west of the fifth meridian.

All that portion of the north-west quarter of section 31, township 32, range 1, west of the fifth meridian not within the Town of Olds.

That north-south government road allowance adjoining the west boundary of the west half of section 31, township 32, range 1, west of the fifth meridian.

Legal subdivisions 1, 2, 8 and that portion of 3, which lies east of the west boundary of Railway Plan R.Y. 9 within section 32, township 32, range 1, west of the fifth meridian.

West half of section 33, township 32, range 1, west of the fifth meridian.

That north-south government road allowance adjoining the west boundary of the west half of section 33, township 32, range 1, west of the fifth meridian.

That portion of the south-west quarter of section 4, township 33, range 1, west of the fifth meridian not within the Town of Olds.

The north-south and east-west government road allowances adjoining the west and south boundaries respectively and that government road allowance intersection adjoining the south-west corner of the south-west quarter of section 4, township 33, range 1, west of the fifth meridian.

North-west quarter of section 5, township 33, range 1, west of the fifth meridian.

That north-south government road allowance adjoining the west boundary of the north-west quarter of section 5, township 33, range 1, west of the fifth meridian.

North half of section 6, township 33, range 1, west of the fifth meridian.

The north-south government road allowance adjoining the west boundary of the north-west quarter of section 6, township 33, range 1, west of the fifth meridian.

The south-west quarter of section 6, township 33, range 1, west of the fifth meridian.

The north-south and east west government road allowances adjoining the west and south boundaries respectively and that government road allowance intersection adjoining the south-west corner of the south-west quarter of section 6, township 33, range 1, west of the fifth meridian.

All that portion of the north-east quarter of section 1, township 33, range 2, west of the fifth meridian contained in Road Plan 8292 J. K.

SCHEDULE "C"

A DETAILED DESCRIPTION OF TERRITORY ANNEXED TO THE TOWN OF OLDS, ALBERTA.

North half of section 29, township 32, range 1, west of the fifth meridian.

North-south government road allowance adjoining the west boundary of the north-west quarter of section 29, township 32, range 1, west of the fifth meridian.

Legal subdivisions 1, 2 and 7 of section 31, township 32, range 1, west of the fifth meridian.

All that portion of the north-west quarter of section 31, township 32, range 1, west of the fifth meridian not within the Town of Olds.

That north-south government road allowance adjoining the west boundary of the north-west quarter of section 31, township 32, range 1, west of the fifth meridian.

Legal subdivisions 1, 2, 8 and that portion of 3, which lies east of the west boundary of Railway Plan R.Y. 9 within section 32, township 32, range 1, west of the fifth meridian.

North-west quarter of section 5, township 33, range 1, west of the fifth meridian.

That north-south government road allowance adjoining the west boundary of the north-west quarter of section 5, township 33, range 1, west of the fifth meridian.

North half of section 6; township 33, range 1, west of the fifth meridian.

The north-south government road allowance adjoining the west boundary of the north-west quarter of section 6, township 33, range 1, west of the fifth meridian.

The south-west quarter of section 6, township 33, range 1, west of the fifth meridian.

The north-south and east-west government road allowances adjoining the west and south boundaries respectively and that government road allowance intersection adjoining the south-west corner of the south-west quarter section 6, township 33, range 1, west of the fifth meridian.

All that portion of the north-east quarter of section 1, township 33, range 2, west of the fifth meridian contained in Road Plan 8292 J.K.

