

TOWN OF SYLVAN LAKE

Order No. 16696

File No. 174(A)9

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Council of the Town of Sylvan Lake, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Red Deer No. 23.

Pursuant to Section 20 of the Municipal Government Act, the Council of the Town of Sylvan Lake, in the Province of Alberta, petitioned the Local Authorities Board for the Province of Alberta, for the annexation to the Town of all that territory described as follows:

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THIRTY-FOUR (34) TOWNSHIP THIRTY-EIGHT (38), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN BOUNDED ON THE NORTH BY THE NORTHERLY BOUNDARY OF THE SAID QUARTER SECTION, ON THE EAST BY THE EASTERLY BOUNDARY THEREOF, ON THE SOUTH BY THE SOUTHERN BOUNDARY THEREOF AND ON THE WEST BY A STRAIGHT LINE INTERSECTING THE SAID SOUTHERN BOUNDARY AT A POINT DISTANT WESTERLY FROM THE SOUTH EAST CORNER THEREOF NINETEEN HUNDRED AND EIGHTY FOUR AND NINETY FOUR HUNDREDTHS (1984.94) FEET (605.01 METRES) AND INTERSECTING THE SAID NORTHERN BOUNDARY AT A POINT DISTANT WESTERLY FROM THE NORTH EAST CORNER THEREOF TWELVE HUNDRED AND THIRTEEN AND NINETY THREE HUNDREDTHS (1213.93) FEET (370.01 METRES) EXCEPTING THEREOUT ROAD PLAN 4376 J.Y.

THE ABOVE DESCRIBED LAND CONTAINS THIRTY-NINE AND THIRTY-SIX HUNDREDTHS (39.36) HECTARES (97.26 ACRES) MORE OR LESS.

(hereinafter called "the said territory")

which lies immediately adjacent to the Town, and thereby its separation from the County of Red Deer No. 23, and in respect to which the Board held a public hearing into the matter on December 7, 1983.

Representing the Town of Sylvan Lake were Mayor R. Young and P.J. Grimson, Secretary-Treasurer.

No one appeared on behalf of the County of Red Deer No. 23, but by letter to the Board dated November 23, 1983, the County advised "that County Council have no objection to this annexation".

P.D. Newman, Planner, presented the position of the Red Deer Regional Planning Commission.

The said territory has been the subject of an expropriation by the Town of Sylvan Lake which now has title to it. While the prior owner was present, he did not make a submission.

Because of its close proximity to the City of Red Deer, the Town of Sylvan Lake has, in recent years, received the indirect effects of industrial development in the region. As a result the Town has seen the population grow from 1,809 persons in 1976 to 3,779 persons in 1982. The rate of growth has fluctuated greatly from an annual growth rate of 1.55 per cent in 1977 to 82 per cent in 1979, for an overall average annual growth rate of 15.56 per cent. While the average annual growth rate is not anticipated to continue, a recent utility study projected a population of 10,000 persons by the year 2001. The sewage treatment facilities are now at capacity due to the resulting population growth. The water supply system has been enlarged by the recent construction of a 1,500,000 gallon water reservoir which can supply a population up to 10,000 persons.

The Town of Sylvan Lake proposes to use the said territory to expand its sanitary sewage treatment facilities to a capacity capable of servicing a population of 10,000 persons. These improvements will be located adjacent to the existing treatment facilities and are now under construction.

The land in the Town of Sylvan Lake immediately to the south of the existing treatment facilities has not been utilized because it is designated for industrial purposes. At present only 15.72 per cent of the Town's assessment base is attributable to non-residential uses, with 84.28 per cent being based on residential assessment. The Town hopes to change this ratio by encouraging growth of more diversified commercial and industrial developments in the Town. To have land available for these purposes, it desired to retain the existing land now designated for these uses.

The said territory containing 39.36 hectares (97.26 acres) is located to the northeast of the Town of Sylvan Lake with its north border formed by the south boundary of Highway No. 11. The existing sewage lagoons are located immediately to the west. These lagoon lands were annexed to the Town on January 1, 1982, by Board Order No. 14079, with the Town boundary following the surveyed limits of the lagoon, which cuts at an angle from the southwest to the northeast through the North East Quarter of Section 34. The said territory consists, therefore, of the remaining portion of this quarter section. A farmstead remains abutting Highway No. 11 and although originally in agricultural use, the majority is being converted to lagoon purposes.

Following consideration of the staff report on the matter, the Red Deer Regional Planning Commission at its meeting of November 21, 1983, passed the following resolution:

- "(1) notify the Local Authorities Board that it supports the application by the Town of Sylvan Lake Council petitioning for the annexation of part of the Northeast of 34-38-1-5 from the County of Red Deer No. 23, and
- (2) that the staff of the Red Deer Regional Planning Commission be authorized to present the Commission's recommendation on the proposed Sylvan Lake annexation of part of the N.E. 34-38-1-5 to the Local Authorities Board Public Hearing."

The Red Deer Regional Planning Commission's Staff Report contained the following Summary and Recommendations:

- "7.1 The proposed annexation would encompass a parcel expropriated by the Town to facilitate an expansion of its sewage lagoon. The expansion, which is currently under construction, should afford sufficient capacity for the highest level of anticipated growth over the next 15 years.
- 7.2 The annexation would be in accordance with the Town's General Municipal Plan. The County Council has supported the annexation and the intent of the Regional plan has therefore been met.
- 7.3 It is recommended that the Commission notify the Local Authorities Board that it supports the application by the Town of Sylvan Lake Council, petitioning for the annexation of part of the N.E. 34-38-1-5, as shown on the attached map, from the County of Red Deer."

Alberta Agriculture, in a memorandum to the Board dated October 21, 1983, made the following comments:

"Canada Land Inventory (CLI) agricultural capability classification for the parcel under consideration is 2⁸3². Soils of this class have moderately high to high productivity in a fair range of crops. Based on Hail and Crop Insurance Corporation data, the parcel has a productivity rating of 90-94%. As such, this is considered prime agricultural land.

The Town of Sylvan Lake is proposing to annex approximately 80 acres of prime agricultural land. Lower quality agricultural lands are located immediately south of the proposed area SE34 38-1-W5 (CLI class 6W). However, if the local (sic) Authorities Board are satisfied the currently fragmented parcel is required by the town, Alberta Agriculture has no objections to this annexation."

By letter to the Board dated October 20, 1983, Alberta Transportation advised it had "no objections to the annexation."

Alberta Environment stated in its letter to the Board dated October 12, 1983, that "The Department has no objections to the proposed annexation which will permit expansion of the existing sewage treatment lagoons."

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

1. That the Town of Sylvan Lake, because of its natural setting and recreational potential, its proximity to the City of Red Deer and with its growing urban amenities and established urban infrastructure will continue to grow in population and development, but most likely at lower annual rates than those established for the past decade.

2. That because of its growth, the Town of Sylvan Lake's sanitary sewage treatment facilities are at capacity and must be expanded.
3. That the said territory is a logical area for the expansion of the sanitary sewage treatment facilities, has been expropriated and title acquired by the Town of Sylvan Lake and the work of constructing the expansion is now well under way. Such a facility should be within the Town's jurisdiction for administrative purposes.
4. That the application by the Town of Sylvan Lake to annex the said territory into its jurisdiction and thereby its separation from the County of Red Deer No. 23, should be GRANTED IN FULL.

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 Sylvan Lake, in the Province of Alberta, and thereupon be separated from the County of Red Deer No. 23 the following described territory:

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THIRTY-FOUR (34) TOWNSHIP THIRTY-EIGHT (38), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN BOUNDED ON THE NORTH BY THE NORTHERLY BOUNDARY OF THE SAID QUARTER SECTION, ON THE EAST BY THE EASTERLY BOUNDARY THEREOF, ON THE SOUTH BY THE SOUTHERN BOUNDARY THEREOF AND ON THE WEST BY A STRAIGHT LINE INTERSECTING THE SAID SOUTHERN BOUNDARY AT A POINT DISTANT WESTERLY FROM THE SOUTH EAST CORNER THEREOF NINETEEN HUNDRED AND EIGHTY FOUR AND NINETY FOUR HUNDREDTHS (1984.94)

FEET (605.01 METRES) AND INTERSECTING THE SAID NORTHERN BOUNDARY AT A POINT DISTANT WESTERLY FROM THE NORTH EAST CORNER THEREOF TWELVE HUNDRED AND THIRTEEN AND NINETY THREE HUNDREDTHS (1213.93) FEET (370.01 METRES) EXCEPTING THEREOUT ROAD PLAN 4376 J.Y.

THE ABOVE DESCRIBED LAND CONTAINS THIRTY-NINE AND THIRTY-SIX HUNDREDTHS (39.36) HECTARES (97.26 ACRES) MORE OR LESS.

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

- II. That any taxes owing to the County of Red Deer No. 23 as at December 31, 1983, in respect of the aforementioned properties shall transfer to and become payable to the Town of Sylvan Lake together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Sylvan Lake collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Red Deer No. 23.
- III. That the assessor for the Town of Sylvan Lake shall, in 1983, for taxation purposes in the year 1984, reassess 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 Sylvan Lake, 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 1984, reassess or revalue, 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 Sylvan Lake, 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 First (1st) day of January, 1984.

DATED and signed at the City of Edmonton, in the Province of Alberta, this 4th day of January, 1984.

LOCAL AUTHORITIES BOARD

(SGD.) C.I. SHELLEY
CHAIRMAN

(SGD.) J.A. HAMMOND
MEMBER

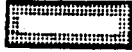
CERTIFIED A TRUE COPY

SECRETARY:

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 16696

EFFECTIVE DATE: JANUARY 1, 1984



AFFECTED AREA(S)

