



LOCAL AUTHORITIES BOARD

BOARD ORDER NO. 20841

FILE: TABE/T-8

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF an application by the Town of Taber, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Taber No. 14.

BEFORE:

E. Fries, Acting Chairman
Alberta Local Authorities Board

R. Myroniuk, Member
Alberta Local Authorities Board

This is a petition to the Alberta Local Authorities Board by the Town of Taber, in the Province of Alberta, for the annexation of all that territory described in Appendix "A".

Upon notice being given to the interested parties, a hearing was held in the Town of Taber, in the Province of Alberta, on November 2, 1993.

SUMMARY

The Town of Taber petitioned the Local Authorities Board for the annexation of a 13.20 acre residential subdivision. The registered subdivision is located on the south east boundary of the Town adjacent to existing residential uses.

The Town of Taber was approached by the developer with a request to annex the property as the Town was seen to be better equipped to facilitate development. The Town's position is that the proposed use would correspond with the surrounding area and is compatible with the Land Use Bylaw. The lots would be supplied with water and sewer by the Town and the future residents would also be making use of the Town's soft services.

The Municipal District of Taber No. 14 supported the annexation of the subdivision. The development is urban in nature and would require urban services. While both the Town and the Municipal District recognize annexation would create an odd shape boundary, the landowner to the north to the subdivision objected to annexation, so it was decided that annexation would be limited to the subdivision.

The Annexation Committee of the Oldman River Regional Planning Commission considered the annexation request of the Town of Taber and unanimously endorsed the proposal.

The Municipal District of Taber No. 14, on behalf of Mary L. Holtman, owner of one of the lots in the subdivision, advised the Board that she had a concern with the possible increase in taxes if her lot was annexed to the Town.

FINDINGS OF FACT

After hearing and considering the representations and the evidence of the parties shown on Appendix "B" attached hereto, the Board finds the facts in the matter to be as follows:

1. Alberta Transportation and Utilities advised the Local Authorities Board, by memorandum dated August 16, 1993, that the Department has no objection to the annexation proposal of the Town of Taber.
2. Alberta Agriculture, Food and Rural Development, by memorandum dated August 25, 1993, advised the Local Authorities Board that the Department had reviewed the proposal of the Town of Taber and has no objection to the annexation.
3. The Annexation Committee of the Oldman River Regional Planning Commission at its meeting of September 23, 1993, adopted a motion to endorse the annexation proposal of the Town of Taber for the following reasons:

"(a) Town Council would like to facilitate the kind of development afforded by the Sunrise Estates subdivision.



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- (b) Both the Town and M.D. of Taber Councils support the proposed annexation.
 - (c) The major land owner has requested his property be annexed into the Town.
 - (d) The land development costs would be substantially less expensive if the subdivision was located within Town boundaries.
 - (e) Both Municipal District and Town officials agree that the Town has a more appropriate infrastructure and administrative setup to manage this subdivision.
 - (f) The Town will benefit from the tax revenue generated by the proposed development."
4. Council of the Municipal District of Taber No. 14, at its regular meeting of December 8, 1992, approved of the annexation of the subdivision to the Town of Taber.
5. The developer and owner of a majority of the lots in the subdivision, by letter to the Town of Taber dated December 10, 1992, approved of the annexation of the subdivision to the Town.

In consideration of the above, the Board makes the following decision for the reasons set out below:

DECISION

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:

1. That there be annexed to the Town of Taber, in the Province of Alberta, and be separated from the Municipal District of Taber No. 14 all that territory described in Appendix "A" attached hereto.
(A sketch showing the general location of the annexed territory is attached as Appendix "C".)
2. That any taxes owing to the Municipal District of Taber No. 14 as at December 31, 1993, in respect of the annexed lands shall transfer to and become payable to the Town of Taber together with any lawful penalties and costs levied in respect of any such taxes; however, upon the Town of Taber collecting any or all of such taxes, penalties or costs, they shall be paid by the Town to the Municipal District of Taber No. 14.
3. That the assessor for the Town of Taber shall, for taxation purposes in the year 1994, reassess the annexed lands and assessable improvements, which are by this Order annexed to the Town of Taber so that the assessment shall be fair and equitable with other lands and assessable improvements in the Town of Taber, and the provisions of the Municipal Taxation Act regarding the assessment roll shall apply.
4. 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 1994, 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 Taber, so that the assessment or valuation is fair and equitable with properties of a similar nature.
5. That the effective date of this Order is the 31st day of December, 1993.

REASONS

The purpose of the annexation is to facilitate the development of a residential subdivision. The proposed subdivision is urban in nature and will require urban services to be provided by the Town of Taber. With the Town providing the services to the subdivision, it is reasonable to assume that the development should also be within the jurisdiction of the Town.



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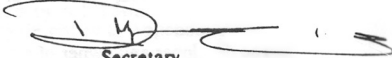
The Municipal District of Taber No. 14 supports the annexation for the same reasons that the Town of Taber determined that annexation would be a logical response to the needs of the developer-the provision of urban services. The only concern expressed by any party to the annexation is one of taxation. The use of each of the parcels in the subdivision is residential and the manner of assessment will not differ between municipalities with any difference in the rate of taxation dependent on the mill rate of each municipality. As each owner in the subdivision will be receiving urban services, the Town's mill rate will be a fair reflection of that service.

Dated at the City of Edmonton in the Province of Alberta this 22nd day of November, 1993.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD) E. Fries
Acting Chairman


Secretary



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FILE: TABE/T-3

APPENDIX 'A'

DETAILED DESCRIPTION OF THE TERRITORY SOUGHT FOR AND ANNEXED TO THE TOWN OF TABER:

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP NINE (9), RANGE SIXTEEN (16), WEST OF THE FOURTH MERIDIAN CONTAINED IN PLAN OF SUBDIVISION 911 1354.

THE ABOVE DESCRIBED LAND CONTAINS FIVE AND FORTY-ONE HUNDREDTHS (5.41) HECTARES, (13.30 ACRES), MORE OR LESS.

APPENDIX 'B'

PERSONS WHO WERE IN ATTENDANCE OR MADE SUBMISSIONS OR GAVE EVIDENCE AT THE HEARING:

<u>NAME</u>	<u>CAPACITY</u>
J. Montain	Manager, Town of Taber
P. Hill	Assessor, Town of Taber
B. Landiuk	Director of Finance, Town of Taber
J. Deys	Economic Development Officer, Town of Taber
A. Shaw	Administrator, Municipal District of Taber No. 14
C. Schile	Assistant Administrator, Municipal District of Taber No. 14



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APPENDIX 'C'

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 20841

EFFECTIVE DATE: DECEMBER 31, 1993

AFFECTED AREA(S)

