

LOCAL AUTHORITIES BOARD

ORDER NO. 4441

FILE: L.A. 83-A

WEDNESDAY—THE TWENTY-FOURTH DAY OF SEPTEMBER, 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 appli-  
cation by the Town of Taber for  
annexation of certain territory  
lying adjacent thereto.

Pursuant to an application by the Town of Taber requesting annexation of the following described lands, the Board conducted a public hearing of the matter in the Town of Taber on Wednesday, July 30, 1969:

(1) All those portions of legal subdivisions 15 and 16 in section 32, township 9, range 16, west of the fourth meridian, which presently lie outside the boundary limits of the Town of Taber.

(2) All those portions of legal subdivisions 7, 8, 9 and 10 of section 31, township 9, range 16, west of the fourth meridian, which presently lie outside the boundary limits of the Town of Taber.

The Town of Taber was represented by Dr. Boyle, Mayor; Councillor Biem; Town Superintendent Madson and Secretary Treasurer Anton.

The Municipal District of Taber No. 14 was represented by Reeve Jensen; Councillors Harris and Johnson and Secretary-Treasurer Francis.

The Oldman River Regional Planning Commission was represented by Erwin Adderley, Executive Director.

Mr. Kenneth P. Anderson, Manager, appeared for the Taber Irrigation District.

Interested ratepayers making appearances before the Board included Mr. Jack Lawson for Southern Farm Sales and Service Limited and for Mrs. Katie Turok; Norman A. Long; Mrs. Katie Turok and William E. Valgardson.

The Town of Taber made the application on the recommendation of the Oldman River Regional Planning Commission and for the following reasons:

(a) There is a need for urban-type of highway commercial development in the vicinity of the intersection of highways No. 36 and No. 3 and within those parts of legal subdivisions 7, 9 and 10, lying south of Highway No. 3 in section 31, township 9, range 16, west of the fourth meridian.

(b) No development control by-laws are in effect in the Municipal District of Taber, making it desirable to include the areas in the Town for such control purposes to the Town's benefit.

(c) Proposed development plans have already been initiated by the owner of lands abutting the two highways in the aforementioned areas of section 31, township 9, range 16, west of the fourth meridian.

(d) Six dwellings, the Taber Irrigation District office and garage, and other small commercial developments already exist in aforementioned part of section 31, along with a farm residence and other farm buildings. These developments are urban in nature, with the Valgardson farm buildings being served by the town's sewer and water system and the other dwellings and office being hooked up to the town's water system. The Valgardson farm buildings front the town's paved 50th Street.

(e) The balance of the lands proposed for annexation in section 31 which are not developed for highway commercial purposes will eventually be developed for residential expansion, such lands being developable economically with town sewer and water services. These lands adjoin existing residential developments in the town.

(f) The lands sought for annexation in the north-east quarter of section 32, township 9, range 16, west of the fourth meridian abut Highway No. 3 and are suitable for urban highway commercial development and for residential development extension where they adjoin the existing residential areas to the west. The area is serviceable from extensions to the town's sewer and water systems.

(g) There already exists two commercial developments in legal subdivision 15 of section 32, as well as an adjoining residential property fronting on Highway No. 3. It is desirable that the town's development control should apply to the lands sought to be annexed in the north-east quarter of section 32.

(h) The two commercial developments in the north-east quarter of section 32 are presently served by the town's water system.

(i) The annexation of the north-east quarter of section 32 area and the north-east quarter of section 31 area, which are being sought, will provide for one jurisdiction (the town's) over Highway No. 3 throughout the two miles strip from the west boundary of the north-east quarter of section 31, township 9, range 16, west of the fourth meridian to the north-south road allowance adjoining the easterly limits of the north-east quarter of section 32, township 9, range 16, west of the fourth meridian and its extension northerly. (At present No. 3 Highway in the north-east quarter of section thirty-two, township 9, range 16, west of the fourth meridian is under control of the Department of Highways and Transport, while its extensions for one-half mile west and one-half mile east are under town control.)

The Municipal District of Taber No. 14 opposed the annexation to the town of all areas other than those described in certificates of title numbered 149-Y-89 (Erickson) and 138-C-136 (Fleming), which latter certificated lands have been purchased by Norman A. Long. The municipal district's objections were based on—

(a) owner objections; and

- (b) the submission that the town would not require the Valgardson, Green, Barton, etc. lands for many years.

Mr. Valgardson, owner of Plan 1166 E.P., containing thirty-one and forty-five hundredths (31.45) acres in the north-east quarter of section 31, township 9, range 16, west of the fourth meridian, as well as an additional nineteen and ninety-five hundredths (19.95) acres in the south half of legal subdivision 8 of the north-east quarter of section 31, township 9, range 16, west of the fourth meridian, opposed the annexation of his lands to the town because—

(a) The annexation proposal would split his farm unit into two jurisdictions—town and municipal district—with his farm buildings, on annexation to the town, becoming assessable and taxable.

(b) The town would have no need of his lands for urban-type development for many years.

Southern Farm Sales and Service Limited, the owners of a commercial development along Highway No. 3 in the north-east quarter of section 32, township 9, range 16, west of the fourth meridian, opposed the annexation because they already had water and sewer services.

Mrs. Katie Turok, the owner of a parcel abutting No. 3 Highway in the north-east quarter of section 32, township 9, range 16, west of the fourth meridian, and containing about ninety-six hundredths (0.96) of an acre, more or less, opposed annexation to the town since her property already enjoyed sewer and water services. She also feared that the annexation might interfere with the present application to have her parcel enlarged by subdivision.

Taber Irrigation District opposed the annexation by way of supporting their water users, and by reason of the fact that additional subdivisions created difficulties for the district in serving the smaller plots. The district also feared imposition of the town regulations which may interfere with the District's normal maintenance yard-type of activity in the area.

Mr. Norman A. Long, owner by purchase of some 67 acres in that part of the east half of section 31, township 9, range 16, west of the fourth meridian proposed for annexation, requested immediate annexation of his lands to the town because—

(a) The lands already contained urban-type development (six residences) and encompassed the subdivided Taber Irrigation District maintenance yard.

(b) His lands were suitable for highway commercial types of development immediately— a proposed plan of development was filed with the board—and for further residential development.

(c) The lands can be served by the town utility systems.

(d) Inclusion in the town will provide him with town rates for water and with a garbage disposal service.

(e) It is desirable to deal with one urban administration in respect to the urban type of developments he proposes.

After considering all the evidence placed before it at the public hearing and after inspecting the town's development as it relates to the lands which are the subject of this annexation application, the board has concluded that the application should be granted in full.

The prime reasons for granting the application may be summarized as follows—

(1) It is desirable to place control of urban-type highway commercial developments under the town's development by-laws.

The lands abutting highways No. 36 and No. 3 in the east half of section 31, township 9, range 16, west of the fourth meridian and abutting highway No. 3 in the north-east quarter of section 32, township 9, range 16, west of the fourth meridian, appear suitable for such developments.

Certain such developments appear imminent in the north-east quarter of section 31, township 9, range 16, west of the fourth meridian and already exist in the north-east quarter of section 32, township 9, range 16, west of the fourth meridian.

(2) The annexed lands are suitable for servicing from existing town sewer and water services; and in fact, a water utility service now extends into both areas, with a sewer service being provided along 50th Street in the east half of section 31.

(3) The town needs the additional areas for such highway commercial developments, as well as for future residential expansion to the west and east of the existing subdivisions lying south of Highway No. 3.

Provisions will be made in the order to continue for a reasonable period of time, the rural basis of assessment and taxation for bona fide farms annexed by this order, provided during such time, that such lands are not further subdivided and continue to be farmed.

It is ordered, therefore, as follows—

I. That the following described land be annexed to the Town of Taber and be separated from the Municipal District of Taber No. 14:

(1) All those portions of legal subdivisions 15 and 16 in section 32, township 9, range 16, west of the fourth meridian, which presently lie outside the boundary limits of the Town of Taber.

(2) All those portions of legal subdivisions 7, 8, 9 and 10 of section 31, township 9, range 16, west of the fourth meridian, which presently lie outside the boundary limits of the Town of Taber.

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

II. That any taxes owing to the Municipal District of Taber No. 14 as at December 31, 1969, in respect of the annexed property, shall transfer to and become payable to the Town of Taber, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Taber 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 Taber No. 14.

III. That the assessor for the Town of Taber shall for taxation purposes commencing in the year 1970, re-assess the lands and assessable improvements thereon, other than the properties described in clause IV hereunder, and which are by this order annexed to the town, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the town.

IV. That the assessor for the town shall for taxation purposes in the five years, 1970 to 1974, re-assess any annexed land comprising a farm unit or part thereof, as referred to in section 2, clause 10 of The Municipal Taxation Act, and the improvements thereon used in connection with the raising or production of crops, livestock or poultry, or in connection with fur production or beekeeping on the same basis of assessment as would be applicable to them had such land and improvements remained in the Municipal District of Taber No. 14, provided, however, that if—

- (a) the said land or a part thereof is subdivided by a plan of subdivision; or if
- (b) the town, by resolution of council, or the owner, in writing, establishes that for other good and sufficient reason, the provisions of this clause IV should be varied,

application may be made to the board for an order to implement such variation as the board deems to be proper in the circumstances.

V. That the town, shall for taxation purposes,—

- (a) tax the properties assessed under the provisions of clause III, commencing with the year 1970, at the mill rates which are in effect from year to year; and
- (b) tax the properties assessed under the provisions of clause IV, for the years 1970 to 1974 inclusive, at the applicable mill rates of the Municipal District of Taber No. 14, unless otherwise ordered by the board.

VI. 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 Taber, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VII. The effective date of this order shall be the 1st day of January, 1970.

Certified a true copy,

C. G. MACGREGOR (Acting Secretary).

LOCAL AUTHORITIES BOARD,  
C. G. MACGREGOR (Chairman).

# SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No. 4441

EFFECTIVE DATE - JANUARY 1, 1970



AFFECTED AREA(S)

