

LOCAL AUTHORITIES BOARD

Order No.: 6453

File: L.A. 83-A

Before:

The Local Authorities Board for
the Province of AlbertaIn the matter of The Municipal
Government Act:And in the matter of an appli-
cation by the Town of Taber,
Alberta, petitioning for the an-
nexation of certain territory lying
immediately adjacent thereto.

Pursuant to an application by the Town of Taber in the Province of Alberta, petitioning for the annexation of the following described territories lying immediately adjacent thereto in the Municipal District of Taber No. 14, the Board conducted a public hearing of the matter in the Town of Taber on December 20, 1972.

Detailed list of lands for which annexation
application was made by the Town of Taber

Firstly — The southeast quarter of legal subdivision 1 and the easterly two hundred and sixty-four (264) feet of the southwest quarter of said legal subdivision 1 of section 7 in township 10, range 16, west of the fourth meridian in the Province of Alberta, containing fourteen (14) acres more or less,

Excepting the Roadway on Plan 789 J.K., containing twenty-five hundredths (0.25) of an acre more or less.

Secondly — That portion of the southwest quarter of legal subdivision 1 in section 7, township 10, range 16, west of the fourth meridian in the Province of Alberta, which lies to the west of the east limit of the Water Pipe Line Right of Way as shown on a plan deposited in the Land Titles Office for the South Alberta Land Registration District as R.Y. 12 containing three and six-tenths (3.6) acres more or less.

Thirdly — That portion of the southwest quarter of legal subdivision 1 of section 7 in township 10, range 16, west of the fourth meridian in the Province of Alberta, which lies west of the east two hundred and sixty-four (264) feet thereof, and which lies east of the Pipe Line Right of Way as shown on Plan R.Y. 12 containing two and forty hundredths (2.40) acres more or less.

The Town of Taber was represented by Deputy Mayor Bruce Milliken and Secretary-treasurer T. M. Anton.

The Municipal District of Taber No. 14 was represented by Secretary-treasurer Douglas Francis.

The Oldman River Regional Planning Commission was represented by Mr. Clements, associate planner.

The town represented generally that the south half of legal subdivision 1 of section 7, township 10, range 16, west of the fourth meridian should be annexed to the town primarily to comply with the requests of the owners of the majority of territory (S. Arnold Odland — 13.75 acres, more or less; Reuben and Sarah Striemer — 3.19 acres, more or less; Sarah Striemer — 2.40 acres, more or less). Board Note: The

balance of the south half of legal subdivision 1 is comprised of a pipeline right of way in Plan R.Y. 12 — 0.41 acre and roadway Plan 785 J.K. — 0.25 acre.

Mr. Odland submitted that his property presently was served by the town's sewer and water utility systems but that its location outside the town's limits had the following disadvantages to him which would be improved by annexation of his property to the town:

- (a) highest possible water rates, for a large user of water — slaughter-house operation.
These rates would lessen under annexation.
- (b) the property is "frozen" from expansion or further development while in the rural municipality, since the town is the only authority which can provide (urban) services.
- (c) no east-west road access to his property (and all properties fronting south-east quarter of section 7, and north-east quarter of section 6, township 10, range 16, west of the fourth meridian without and within the present town limits respectively).

Mr. Odland further submitted that there was a possibility of a hog plant establishing further down the road — northward from his location — in which event, he would consider establishing a trailer court in the present area and moving the slaughter operation to a different site.

Mr. Odland stated that construction of an east-west road along the south limit of his property would result in an improvement to his slaughter house sewer facility by deepening it from its present too shallow 4 foot level.

Reuben and Sarah Striemer, owners of the two and forty hundredths (2.40) acre and three and nineteen hundredths (3.19) acre parcels lying to the west of Mr. Odland's thirteen and three-quarters (13¾) acre parcel, did not attend the hearing but filed letters of consent to annexation with town.

Those two parcels do not enjoy sewer or water services from the town.

The Oldman River Regional Planning Commission's representative, Mr. Clements, opposed the granting of the application on the grounds that the annexation area was not a well planned rational approach to urban expansion but rather a small undesirable piecemeal application based primarily on Mr. Odland's desire to obtain lower utility rates and possibly a trailer court operation, which latter proposal was speculative being linked directly to the possibility that the hog processing plant may locate to the north.

Mr. Clements and Mr. Anton advised the Board that the large Block "D" in the northeast quarter of section 6, township 10, range 16, west of the fourth meridian was being subdivided to provide additional lots in the town. It was estimated that throughout the town, including Block "D" there would be about 800 available lots, of which about 40 were serviced.

After considering all the evidence placed before it the Board is of the opinion that the town has not demonstrated any need of the annexation area for urban expansion, nor did the town make any representations respecting a desire to exert direct municipal control over the subject territory.

In the absence of these two essential motivations — the Board finds that the Town of Taber has not made a case favouring the granting of its annexation application.

It is ordered therefore that the application of the Town of Taber in the Province of Alberta to annex the lands described in the preamble to this order is hereby refused.

Dated at Edmonton, in the Province of Alberta, this 6th day of July, 1973.

Certified a true copy,

B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD,
I. MORRIS, Member.