

Before:
The Local Authorities Board
for the Province of Alberta

In the matter of The Local Authorities Board Act;

And in the matter of an application by a property owner in the Town of Wainwright, Alberta, requesting separation of a certain parcel from the Town of Wainwright.

Certain territories were annexed to the Town of Wainwright, in the Province of Alberta, under Public Utilities Board Order No. 25805, dated November 1, 1951, which included that territory described as:

All that portion of the north-west quarter of section 29, township 44, range 6, west of the fourth meridian, contained within block "A" Plan of Subdivision 772 1512.

(Hereinafter called "the said territory")

registered in the names of Joseph Samuel Ebborn and Dorothy Elizabeth Ebborn, as owners.

An application was made by Dorothy Elizabeth Ebborn to the Local Authorities Board, dated February 14, 1972, petitioning the Board to separate the said territory and other lands from the Town of Wainwright. By Local Authorities Board Order No. 6576, dated September 20, 1973, the Board ~~refused~~ refused the petition for separation, but in Clause II of the Order it provided:

" II. That the Assessor for the Town of Wainwright shall for taxation purposes in the years 1973, 1974 and 1975, re-assess the lands described at Clause I comprising a farm unit, as referred to in The Municipal Taxation Act, and the farm improvements thereon used in connection with the raising or production of crops or livestock or both, or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such land and farm improvements been situate in the Municipal District of Wainwright No. 61, provided, however, that if:

- (a) the said lands or a part thereof is subdivided; or if
- (b) the Town, by Resolution of Council, or the owner or other interested person, in writing, establishes before the Board that for other good and sufficient reason the provisions of Clause II should be varied or rescinded,

application may be made to the Board for an Order to implement such a variation."

Pursuant to an application made December 12, 1978, by owners, Joseph Samuel Ebborn and Dorothy Elizabeth Ebborn, both of the Town of Wainwright, in the Province of Alberta, petitioning the Local Authorities Board for the Province of Alberta, for the separation of the said territory from the Town of Wainwright and its annexation to the Municipal District of Wainwright No. 61, the Board conducted a public hearing on April 26, 1979.

Appearing were Joseph Samuel Ebborn, Dorothy Elizabeth Ebborn and Alvin Thompson, son of Mrs. Ebborn.

Representing the Town of Wainwright were Mayor A.C. Coleman, Councillor D. Bethune and L. McLeod, Development Officer.

The Municipal Planning Division of Alberta Municipal Affairs had present W. Symonds, staff member.

No representation was made by the Municipal District of Wainwright No. 61.

The said territory is in the extreme south-east corner of the Town of Wainwright. Forming its southern border is the Canadian National Railway, while Highway No. 41 establishes the eastern border. To the west are the Town's abutting exhibition and stampede grounds. First Avenue is extended east to Highway No. 41 to form the north border. North of First Avenue are a number of light industrial lots which have had utilities extended to, and upon which development has taken place.

The said territory, containing 57.78 acres, has treed bluffs in the north-west corner, in which are located the applicant's buildings, namely a residence, a machine shed, outbuildings and a barn. The son has a mobile home located on a portion of the said territory. The remainder is in pasture lands. While the owners did once have additional land, and conducted a farming operation; because of failing health, the balance of the land was sold and no farming actively was carried on now.

The applicants pointed out they received little or no services from the Town of Wainwright and felt their taxes were too high for the "privilege" of being within the Town's jurisdiction. The son's mobile home would not be allowed to remain on the said territory as it contravened the Town's by-law and it was felt this would not happen if this property was in the Municipal District. Further, as the applicants had their own water supply and sewage disposal system and received electrical power from the Rural Electrification Association, they could see no benefit in remaining in the Town. They would not apply to separate if specific consideration was given, similar to Clause II of Board Order No. 6576, to provide the said territory with a taxation consideration which would place it in the same assessment situation as if within the Municipal District.

The Town of Wainwright opposed the application to separate the said territory from the Town. There was renewed activity in the heavy oil fields in the Town's vicinity, which had created a demand for industrial and commercial property. The Town developed thirty-seven (37) lots for these purposes in 1977 and 1978 and only had ten (10) remaining. Further, it did not have any other prime industrial lands for immediate development. The said territory was seen as ideal for industrial uses as it abutted the Canadian National Railway and Highway No. 41.

The Town argued that by remaining in the Town of Wainwright, the said territory would increase in property value. Within the Town, industrial lands now bring up to \$5,000.00 per acre, while in the Municipal District, prices ranged from \$130.00 to \$1,500.00 per acre.

The Town of Wainwright placed a preference on developing the said territory as an industrial park in priority to other areas in the Town. All utilities and services, including gas, water and sanitary sewer, are available to service the said territory now, if extensions were requested.

In respect to taxation, the Town of Wainwright made the following comments, arguing that the said territory is not:

"... being used sufficiently for agricultural purposes to be qualified under The Municipal Taxation Act to have a "farm" status. Therefore, whether the land is in the Town or the Rural Municipality, the assessment will not change. Savings on taxes to the owner by leaving would simply be the difference in the Mill Rate. At the present time (1978), the Town's Mill Rate is 114, giving taxation dollar value of \$1,019.16 as compared to the Rural Mill Rate of 100.5 or \$898.47, a difference of \$120.69. These figures are based on gross taxation without discounts or Education Tax refunds."

The Municipal Planning Division of Alberta Municipal Affairs recommended against the separation of the said territory from the Town of Wainwright as it would not be consistent with the Town's General Plan.

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

1. That the application by Joseph Samuel Ebborn and Dorothy Elizabeth Ebborn for the separation of the said territory from the Town of Wainwright and annexation to the Municipal District of Wainwright No. 61 should be refused as there was an apparent need for the said territory for industrial uses, and the same may be readily serviced with utilities by the Town, and should remain under Town planning, control and jurisdiction.
2. That the request that, if the said territory remained within the Town of Wainwright, that tax considerations be granted, be refused, as the tax advantage would be inequitable, and further, the difference in taxation created by such a consideration would be minimal, and the possibility of early subdivision and development of the said territory for industrial purposes would likely occur within the term of such considerations and be of limited application.

THEREFORE, IT IS ORDERED, that the application by Joseph Samuel Ebborn and Dorothy Elizabeth Ebborn for the separation of that territory described as:

All that portion of the north-west quarter of section 29, township 44, range 6, west of the fourth meridian, contained within Block "A" Plan of Subdivision 772 1512.

from the Town of Wainwright, in the Province of Alberta, **BE AND IS HEREBY REFUSED.**

Dated, signed and sealed at the City of Edmonton, in the Province of Alberta, this 12th day of June, 1979.

Certified a true copy
B. CLARK, Secretary.

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