

## LOCAL AUTHORITIES BOARD

Order No. 6576

File: S.F. No. 70

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 appli-  
cation by Dorothy E. Ebborn of  
Wainwright, Alberta, petitioning  
for separation of certain lands  
from the Town of Wainwright,  
Alberta.

Pursuant to an application by Dorothy E. Ebborn of Wainwright in the Province of Alberta petitioning for the separation of all those portions of the north-west quarter of section 29, township 44, range 6, west of the fourth meridian, described in Certificate of Title No. 84-0-245, from the Town of Wainwright and their annexation to the Municipal District of Wainwright No. 61, the Board conducted a public hearing of the matter in the town of Wainwright on Thursday, the 10th day of May, 1973.

The applicant was represented by her husband, Joseph, and gave additional testimony herself.

The Town of Wainwright was represented by Mayor Adam C. Coleman; Councillors Galipeau, Taylor and Walker; and Secretary-treasurer E. N. Bouchard.

The applicants submitted generally that their lands, comprising some one hundred and three and eighty-one hundredths (103.81) acres were used entirely for agricultural purposes, but being within the town limits, were subject to exorbitant taxation for a farm operation by reason of the farm buildings being subjected to assessment and taxation.

The applicants further stated that they had no town water or sewer services or natural gas service.

Finally, the applicants expressed the opinion that the town may not require their lands for industrial expansion in view of the existing supply of such lands.

The applicants requested separation of their lands to escape the excess taxation through assessment and taxation of their property under the Municipal District of Wainwright or alternatively issuance of a Board Order refusing separation but fixing assessment and taxation of their farm property so that their farm buildings would not be assessed and taxed while these improvements are being used for bona fide farm purposes.

The Town of Wainwright supported the applicants' latter proposal—i.e. refusal of separation, but issuance of a Board Order under the provisions of subsection (5) of section 120 of The Local Authorities Board Act, to protect the Ebborns' farm improvements from assessment and taxation for a limited renewable term of years, to be effective as from January 1, 1973.

The town did not favour separation of the Ebborn lands at a time when the town is experiencing substantial growth — forty-two new homes, three condominiums and one 10-suite apartment built in 1972 with a strong 1973 building program predicted.

The town also submitted that the south-east location (Ebberrn) could prove to be a particularly favourable location for industrial expansion, even though it had other industrial sites, and it was opposed to separation of these lands from the town's jurisdiction for fear of development thereon and the subsequent problems connected with servicing and annexing the said lands.

After considering all the evidence placed before it, including the evidence that the Ebberrn parcel is split by C.N.R. Right of Way Plan G.T.P. No. 3 and the adjoining Road Plan 2600 E.T., for which two intervening parcels no concurrent separation applications are before it, the Board has reached the conclusion that the Ebberrn lands should not be separated from the town at this time because:

(1) the town's recent growth, as shown by the 1972 housing expansion and the increase in population to 3,872 at January 1973, is a trend which precludes an action to reduce the town's areas available for development.

The south-easterly location for future industrial development appears a logical one.

(2) the applicants are not opposed to having their lands left within the Town limits if taxes on their farm lands are made equitable with those of adjoining rural farm lands.

(3) separation of the Ebberrn lands alone, would leave a strip of C.N.R. and adjoining roadway within the town limits and thus create an irregular and undesirable town/municipal boundary.

It is ordered, therefore, as follows:

I. That the application of Dorothy E. Ebberrn of Wainwright in the Province of Alberta for the separation of all that portion of the north-west quarter of section 29, township 44, range 6, west of the fourth meridian, covered under Certificate of Title No. 84-0-245, from the Town of Wainwright and its annexation to the Municipal District of Wainwright No. 61, be and is hereby refused.

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.

III. That the town shall tax the properties described at Clause I at the appropriate mill rates in effect in the town in the years 1973, 1974 and 1975.

IV. That the effective date of this Order is the 1st day of January, 1973.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 20th day of September, 1973.

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

Certified a true copy,  
B. CLARK, Secretary.

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