

**IN THE MATTER OF THE "Municipal Government Act":**

**AND IN THE MATTER OF** an application by the Town of Chestermere, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Rocky View No. 44.

**BEFORE:**

G. Cornish, Acting Chairman  
Local Authorities Board

D. McDonald, Member  
Local Authorities Board

R. Myroniuk, Secretary  
Local Authorities Board

This is a petition to the Local Authorities Board by the Town of Chestermere, 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 City of Calgary, in the Province of Alberta, on August 18, 1994.

**SUMMARY**

The annexation is to provide the Town of Chestermere with land for immediate residential development. The Town is now served with a waterline from the City of Calgary which has resulted a high rate of growth. Currently the Town is experiencing a population growth of 26% and any land available for development in the Town is either in the development or planning stage. The application was initiated by the majority landowner and development is expected to proceed immediately following annexation.

The Municipal District of Rocky View No. 44 is of the opinion that the annexation is a logical expansion of existing development and supports the annexation unconditionally. The Municipal District has negotiated a number of issues relating to annexation with the Town of Chestermere and they all have been resolved to the satisfaction of both municipalities.

The Calgary Regional Planning Commission determined the annexation to be a logical extension of adjacent land use patterns. The land is in the urban fringe and considered as a priority area for immediate development. The Planning Commission, upon reviewing the factors, adopted a motion to support the annexation to the Town of Chestermere.

The owners of a majority of the land in the annexation territory support annexation subject to the condition that the manner of the assessment of their lands and improvements remain unchanged until developed for urban purposes. The owner of a residential parcel within the annexation territory objected to the annexation of their property due to the impact development will have on their lifestyle. The development of the surrounding lands will have a negative impact during the construction phase and their country residential lifestyle will be lost with the increase in densities.

Alberta Transportation and Utilities reviewed the proposal and advised that the department is not opposed to the annexation. The Department did advise that there are a number of highway related concerns that the Town of Chestermere should be aware of when planning the development of the annexation territory.

**FINDINGS OF FACT**

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

1. At a regular meeting of Council for the Municipal District of Rocky View No. 44 on August 16, 1994, a motion to support the annexation proposal of the Town of Chestermere was adopted;

2. At a regular meeting of the Calgary Regional Planning Commission on April 22, 1994, the Commission adopted a motion to support the proposed annexation of the Town of Chestermere;
3. The territory proposed for annexation is within the Urban Fringe of the Town of Chestermere and are considered to be of high priority as an expansion area of 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 Chestermere, in the Province of Alberta, and be separated from the Municipal District of Rocky View No. 44 all that territory described in Appendix "A" attached hereto.  
  
(A sketch showing the general location of the annexed territory is attached as Appendix "D".)
2. That any taxes owing to the Municipal District of Rocky View No. 44 as at December 31, 1994, in respect of the annexed lands shall transfer to and become payable to the Town of Chestermere together with any lawful penalties and costs levied in respect of any such taxes; however, upon the Town of Chestermere collecting any or all of such taxes, penalties or costs, they shall be paid by the Town to the Municipal District of Rocky View No. 44.
3. That the assessor for the Town of Chestermere shall, for taxation purposes in the year 1995, reassess the annexed lands and assessable improvements, which are by this Order annexed to the Town of Chestermere so that the assessment shall be fair and equitable with other lands and assessable improvements in the Town of Chestermere, 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 1995, 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 Chestermere, 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 31 day of December, 1994.

**REASONS**

Annexation as proposed by the Town of Chestermere is supported by the Municipal District of Rocky View No. 44 and the Calgary Regional Planning Commission as a logical extension of existing development. In addition there is an apparent need for additional land to meet the accelerated growth rate presently being experienced by the Town of Chestermere.


The Board understands the concerns of the owner regarding the change in complexion of the area and the impact on their lifestyle, but they must realize that they will suffer the same impacts even if their land is not annexed to the Town of Chestermere. Annexation will not increase the impact of development on their lifestyle and it is the Board's opinion that the parcel forms a logical extension of the Town.

Dated at the City of Edmonton in the Province of Alberta this 30th day of September, 1994.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(Sgd.) G.H. Cornish  
Acting Chairman

  
Ray Myroniuk  
Secretary

**APPENDIX "A"**

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

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION FIFTEEN (15) TOWNSHIP TWENTY-FOUR (24) RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN WHICH LIES NORTH WEST OF THE SOUTH EASTERLY LIMIT OF ROAD PLAN 1620 E.Z., NORTH EAST OF THE SOUTH WESTERLY LIMIT OF THE RIGHTS OF WAY AS SHOWN ON PLAN I.R.R. 86 AND NOT WITHIN THE TOWN OF CHESTERMERE

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION FOURTEEN (14) TOWNSHIP TWENTY-FOUR (24) RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN WHICH LIES WEST OF THE PRODUCTION SOUTH WESTERLY OF THE COURSE DRAWN FROM I.R. 83 MP. TO I.R. 82 MP. AS SHOWN ON ROAD PLAN 1691 L.K. AND NOT WITHIN THE TOWN OF CHESTERMERE

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE (23) TOWNSHIP TWENTY-FOUR (24) RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN WHICH LIES WEST OF THE WESTERLY LIMIT OF ROAD PLAN 1691 L.K. (HIGHWAY NO. 1) AND THE PRODUCTION SOUTH WESTERLY OF THE COURSE DRAWN FROM I.R. 83 MP. TO I.R. 82 MP. AS SHOWN ON SAID PLAN 1691 L.K.

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION TWENTY-THREE (23) TOWNSHIP TWENTY-FOUR (24) RANGE TWENTY-EIGHT (28) WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTHEAST OF THE NORTH WESTERLY LIMIT OF PLAN I.R.R. 72 AND SOUTHWEST OF THE SOUTH WESTERLY LIMIT OF ROAD PLAN 1691 L.K. (HIGHWAY NO. 1)

ALL INTERVENING ROAD ALLOWANCES INTERVENING AND ADJOINING THE ABOVE DESCRIBED LANDS.

**APPENDIX "B"**

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

<u>NAME</u>	<u>CAPACITY</u>
B. Bow	Deputy Mayor, Town of Chestermere
J. Isley	Councillor, Municipal District of Rocky View No. 44
C. White	Municipal District of Rocky View No. 44
I. Cope	Calgary Regional Planning Commission
M. Brodhurst	Calgary Regional Planning Commission
G. and F. Haynes	Landowners
D. and L. Webster	Landowners

**APPENDIX "C"**

DOCUMENTS RECEIVED AT THE HEARING:

<u>NO.</u>	<u>ITEM</u>
1.	Submission of the Municipal District of Rocky View No. 44 containing: <ul style="list-style-type: none"><li>- Notice of Public Hearing</li><li>- map showing proposed annexation</li><li>- certificate of title</li><li>- Annexation Checklist</li><li>- extracts from the minutes of the Municipal District of Rocky View No. 44 Council Meetings of February 1, 1994, April 5, 1994, May 3, 1994 and April 16, 1994.</li></ul>
2.	Extract from the minutes of the Calgary Regional Planning Commission meeting of April 22, 1994.
3.	Written submission of D. and L. Webster.

APPENDIX "D"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER NO. 21106

EFFECTIVE DATE: DECEMBER 31, 1994

AFFECTED AREA(S)

