

ORDER NO. 7734

File L.A. 3019-A

Before:

The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal Government Act.

And in the matter of The Local Authorities Board Act:

And in the matter of an application by the Village of Acme, in the Province of Alberta for annexation of territory lying immediately adjacent thereto.

Pursuant to an application submitted by the Village of Acme for annexation of certain territories lying adjacent thereto, into the village and thereby being separated from the Municipal District of Kneehill No. 48, the Local Authorities Board has received and considered written representations approving and objecting to the proposed annexation from owners, municipal and planning authorities having interest in the proposal.

A public hearing on the application was conducted by the Board at Acme in the Village Council Chambers at 2 00 p.m. on Thursday, February 13th, 1975

The Village of Acme as representing the applicant in this case was represented by the Mayor Mr E Rogers with Mr McCulloch and Mr. Bruce Hannah, village councillors, also in attendance The Municipal District of Kneehill No 48 was represented by Mr. Cliff Poole, councillor.

The Calgary Regional Planning Commission was represented by Mr John Kroll of the commission's planning staff

Only one land title was involved in the case in that all of the proposed annexation dealt with lands in a single parcel The owners Mr Orest Lukey and Frances Katherine Lukey were represented by Patrick J. Madden, solicitor for Mr Lukey Mr. Lukey was also in attendance.

Mayor Rogers presented the position of the village, as applicant, speaking of the need for additional land for the village to prepare and develop, primarily and most immediately for residential purposes The village was encountering some difficulty due to limited available space already and problems of providing satisfactory development sites due to the narrowness of some available lots and to conflicting uses such as trailers, other temporary structures located in areas which otherwise would provide residential building sites The village apparently had no general plan, nor was it a member of the Regional Planning Commission though it was within the area covered by the Calgary Regional Planning Commission and the commission shared the concern of the village in regard to its planning and development needs Mr Rogers informed the hearing that only eight or nine suitable residential sites were available at that time, and a few odd scattered vacant lots generally found in the older sections of the village. The village intended to create a proper trailer park when suitable space was obtained and to provide a site for a home for the aged, within the village on a location which would become available when certain temporary structures were removed

The proposal to annex northward into the northern half of the north-west quarter of section 19, township 29, range 25 west of the fourth meridian would have the purpose of providing to the village an

area of fairly well drained land easily accessible for the existing village facilities and services. Water and sewer extensions could be provided at minimal cost. The mayor submitted that the village's proposal to annex part of LSD 12 and all of LSD's 13 and 14 was reasonable and justified by the need for additional suitable land for further village development.

Councillor Poole for the Municipal District of Kneehill No 48, clarified the position of the municipal district on the matter of annexation for Acme. There was no objection from the rural municipality to growth of Acme and annexation of territory to the village if it is based on reasonable requirements and is consistent with establishing a boundary dividing clearly between the two jurisdictions.

Objection to the proposed annexation came from the landowner Mr. Lukey through his solicitor Mr. Patrick Madden. The owner's objection was not in the form of a total opposition to annexation but rather to the taking of an area as large as ninety-four (94) acres when some lands were still available within the village and a somewhat smaller extension would meet the development requirements for several years. Mr. Madden outlined some proposals offered by his client to the village, including subdivision and development of block E on the north edge of the present village and in the north half of LSD 12 just outside the north-west edge of the village. The matter of the natural topographical ridges in the areas of interest, of concern to the village, would not be as serious an obstacle to water and sewer servicing as the long distances involved if development were to extend as far as to the northern end of the section. Mr. Madden also objected to any plan which would sever the north-west corner from the eastern parts of his client's property and effectively deprive him of using the lands in an agricultural use until such time as more development of the area would be warranted.

An alternative proposal offered by Mr. Madden was to develop existing village areas first and then to expand onto smaller areas of additional land as it is needed. The large (94 acres) proposed annexation conflicted with Mr. Lukey's intentions of developing a farmstead site in the north-west corner of the territory for his own use and as a base for operation of his main farming operations in the rural area. If he were left with a sizeable parcel for this use, outside the village, he could be more favourably disposed toward the proposals of the village.

Another alternative was offered by the municipal district as a means of clarifying the matter of jurisdictional boundaries, by annexing to the village the remaining areas of the north-east quarter of the section (19-29-25-4). This would be a move in a north easterly direction whereas the village proposed to limit its extension to the north and west. The lands in the north east were cut by several road surveys and the railway, a sewer line and certain subdivisions providing a community golf course, a farmstead and an abattoir. Directly north of the village the land was low lying and of poor quality for agricultural uses. The Board appreciated that these lands were serving the purposes of the village already and providing amenities more urban than rural and that they could effectively do so under village jurisdiction as well as if not better than under municipal district jurisdiction. The annexation of the north-east quarter of section 19 would give responsibility for the access roads and other services to the village as would probably be warranted. The Board would probably favour such a proposal if made under a fully supported petition for annexation; however, it would not act on the proposal at this time for the reason that the

persons who would be directly affected have not made their interests known.

The Board finds that future development of the Village of Acme will require that additional areas must be annexed to the village and that a northerly extension would be consistent with economical and orderly extension of village services. Mr. Lukey as owner of the proposed annexation territory, however, has a valid concern for the effective utilization of his holdings in the north half of the north-west quarter of section 19, township 29, range 25, west of the fourth meridian and for his own development of a farmstead. The Board will provide additional territory for village expansion into LSD 12 and LSD 14 and preserve all of LSD 13 intact for Mr. Lukey's use and farmstead development.

It is ordered, therefore, as follows.

I That there be annexed to the Village of Acme in the Province of Alberta and thereupon be separated from the Municipal District of Kneehill No. 48 the following described territory

Legal subdivision 14 and that part of Legal subdivision 12 in the north-west quarter of section 19, in township 29, range 25, west of the fourth meridian in the Province of Alberta which lies to the west of the laneway on plans of Acme 7124 G U and 731706 and to the north of parcel "F" on plan 4921 H.V. excepting thereout the road widening on plan 7871 J K.

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

II. That, at its own expense, the Village of Acme shall obtain from the Registrar, South Alberta Land Registration District for the registered owners of the lands that are herein annexed, such certificates of title as may be necessary to ensure that the lands become assessable as parcels situate entirely within the village limits

III That any taxes owing to the Municipal District of Kneehill No 48 as at December 31, 1974, in respect of the aforementioned annexed territories shall transfer to and become payable to the Village of Acme, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes, however, upon the Village of Acme collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the village to the Municipal District of Kneehill No 48.

IV. That the assessor for the Village of Acme shall for taxation purposes commencing in the year 1975, re-assess the annexed lands and improvements thereon, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Village of Acme

V 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 1975 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 Village of Acme, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

1975. VI. That the effective date of this Order shall be the 1st day of January,

Dated and signed at the City of Edmonton, in the Province of Alberta

this 10th day of April, 1975.

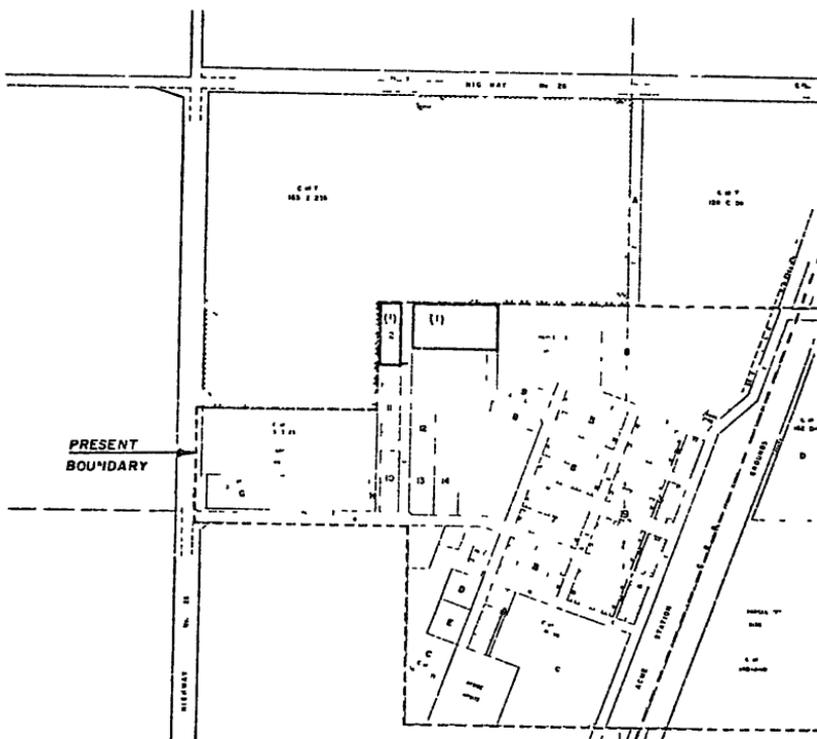
LOCAL AUTHORITIES BOARD
D. A. BANCROFT, Chairman

E. POWELL, Member.

Certified a true copy,
B. CLARK, Secretary.

SCHEDULE "A"
A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No 7734
EFFECTIVE DATE JANUARY 1, 1975

 AFFECTED AREA(S)



ACME
TP 29 R 25 W 4 M