

ORDFR No 11610

FILE No 248(A)3

Before
The Local Authorities Board for
the Province of Alberta

In the matter of The Municipal Govern-
ment Act

And in the matter of an application by
the majority of owners of certain territory
lying immediately adjacent to the Village
of Clyde, Alberta, petitioning for the
annexation to the Village of Clyde

Pursuant to an application by the majority of owners of that territory described as
follows, namely

All that portion of the northwest quarter of section 35, township 59, range 25, west
of the fourth meridian which lies north of the southerly limit of Main Street and
extension of Main Street, all as shown on plans of survey 4963 A E, 935 A I and
4916 C L and not within the Village of Clyde Excepting thereout Road Plan 1908
L Z

(hereinafter called "the said territory")

which said territory lies immediately adjacent to the Village of Clyde in the Province of
Alberta, petitioning for the annexation of the said territory to the said Village of Clyde,
and thereby its separation from the Municipal District of Westlock No 92, the Local
Authorities Board for the Province of Alberta held a public hearing of the matter on
Tuesday, January 9, 1979 at Clyde, Alberta

Owners present were James and Marie Palmer and Albert V Mercier In addition to
the above, a signer to the petition was Bruno Gartner While Alvin Arthur Runnels did
not sign the petition to annex his property to the Village of Clyde, he had informed
Councillor Paul Destruel that he would not oppose the application by the majority of
owners No comment was received from the Crown, the remaining owner

Appearing on behalf of the Village of Clyde was Mayor B Weise and Councillor
P Destruel

No one appeared for, nor was there any written representation by the Municipal Dis-
trict of Westlock No 92

The said territory lies to the west of the Village of Clyde, abutting Highway 18 along
its north boundary On the south side of the said territory are a number of small holdings
abutting on a road extension of Main Street, which roughly divides the said northwest
quarter section 35 in half The south boundary of the said east-west road (Plan 4916
C L) forms the south boundary of the said territory The eastern boundary of the north-
south Road Allowance on the west side of section 35 forms the western boundary of the
said territory A total of 68 acres are contained within the said territory, the majority of
which, some 46.25 acres, belonged to Albert V Mercier The land is flat, with a slight
drainage to the east, and is Class 4 agricultural land according to the Canada Land Inven-
tory

Mr Mercier advised the Board that he had received a number of inquiries for lots
within the said territory for commercial and industrial purposes On the east one-third of
his property he proposed a 40 lot Mobile Home Trailer Park, of which, half would be
developed in a first phase

The other owners did not indicate proposed changes in the use of their respective
small holdings on which A Runnels, Bruno Gartner and James and Marie Palmer
resided

Mayor Weise advised the Board that the Council of the Village of Clyde was in
favour of the annexation of the said territory to the Village He stated the Village had re-
ceived requests for both industrial and mobile home trailer sites, but because none were
available within the Village, it had to turn away such people Further, there were farm
machine dealers, a trucking firm, and certain garage mechanics within the Village, who
desired sites on which they may expand or start their businesses It would be the Village's
intention to fully service the industrial lots in the initial stage of development, but only
when the sites had been purchased and a commitment to development received for the
majority

The proposed mobile home trailer site of Mr Mercier had preliminary plans drafted but had not gone through the subdivision process. These lots would be serviced by the extension of existing Village utility services to this area.

The Village of Clyde had recently awarded a contract to increase its sanitary sewage lagoon capacity to a size which when in operation could serve a population of 1 500 persons. This compared to the existing population of approximately 500 people. Water was being obtained from seven wells, three of which were normally used at one time. If population growth warranted water in the future could be obtained from the Pembina River. There would therefore be capacity in the utilities to handle any development in the said territory.

Storm waters from the Mercier property, being of high elevation, flows by road ditches east and north. The small holdings along the southside road and a portion of the eastern Mercier property have their storm waters carried east along the Main Street ditch to the Village boundaries, from where it flows south to a culvert under the Canadian National Railway and then east. No increase in flow was anticipated, although there had been some drainage problems in the past affecting the lands to the south.

There would be capacity, within the existing school facilities to handle any increased enrollment from the creation of a Mobile Home Trailer Park.

The staff of the Planning Division of the Department of Municipal Affairs by letter addressed to the Board, dated December 21, 1978 made a number of comments on the said application. It was pointed out that utility services were not available to the west of the Canadian National Railway, although the Village had recently received a petition by the residents of this area for such services. These were older homes, and the creation of a Mobile Home Park in their immediate vicinity and being separated from the rest of the Village by the railway raised some social concerns. Utilities were seen to have sufficient capacity to accommodate development of the said territory.

Favourable comment was received from the Planning Division on the proposal that the west two-thirds of the said territory be utilized for industrial purposes, it having a good access to the Highway, with the potential of service from the railway. A need by the Village for such land use was foreseen.

Alberta Transportation raised a number of points involving the Highway No 2 and 18 interchange and the need for its improvement. Access to Highway 18 would be controlled, and subdivision design approval would be required. Noise attenuation devices could be required where residential development takes place.

The Board, having considered the evidence, both oral and written, presented at the hearing has reached the following conclusions:

- 1 That the Village of Clyde will continue, because of its regional setting and agricultural base, its growing amenities and competitive land prices, to grow.
- 2 That additional land is required to meet the light industrial needs of the Village and the demand for Mobile Home Sites.
- 3 That the Village has the utility plant capacity to meet its foreseeable projected needs.
- 4 That the said territory may be readily and economically serviced with utilities, is a logical expansion of the Village of Clyde and should be annexed to the said Village in full.

THEREFORE, 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 Village of Clyde in the Province of Alberta and thereupon be separated from the Municipal District of Westlock No 92 the following described territory:

All that portion of the northwest quarter of section 35, township 59, range 25, west of the fourth meridian which lies north of the southerly limit of Main Street and

extension of Main Street, all as shown on plans of survey 4903 A F, 935 A I and 4916 C L and not within the Village of Clyde Excepting thereout Pond P in 1908 L Z

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

II That any taxes owing to the Municipal District of Clyde as at December 31, 1978 in respect of the aforementioned properties shall transfer to and become payable to the Village of Clyde together with any lawful penalties and costs levied thereon in respect of such taxes, however, upon the Village of Clyde collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid by the Village to the Municipal District of Westlock No 92

III That the assessor for the Village of Clyde shall for taxation purposes in the year 1979, re-assess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Village so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Village of Clyde, and the provisions of The Municipal Taxation Act regarding the assessment roll shall *mutatis mutandis* apply to such assessment

IV 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 1979, 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 Clyde so that the assessment or valuation shall be fair and equitable with properties of a similar nature

V That the effective date of this Order is the 1st day of January, 1979

Dated and signed at the City of Edmonton in the Province of Alberta, this 22nd day of March, 1979

Certified a true copy,
B CLARK, Secretary

LOCAL AUTHORITIES BOARD
D A BANCROFT, Chairman,
TOM LAUDER, Member,
JOHN A HAMMOND, Member

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No 11610
EFFECTIVE DATE JANUARY 1 1979



 AFFECTED AREA(S)

