

ORDER NO 5091

FILE: S.F. No. 58

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 appli-  
cation <sup>by Connie L. Forsen for</sup> separation of certain lands from  
the Village of Clyde, Alberta.

Pursuant to an application by Connie L. Forsen for separation of all that portion of the south-east quarter of section 2, township 60 range 25, west of the fourth meridian, described in certificate of title no 80-K-215, and lying within the Village of Clyde, Alberta the Board conducted a public hearing of the matter in the said village on Monday, February 15th, 1971.

The applicant appeared on his own behalf

The Village of Clyde was represented by Mayor Stieger, Councilors Paul Destruel and W J Von Loewenstein and Secretary-Treasurer Tamsh

The Municipal District of Westlock No 92 was represented by Councillor John Harry

Noel Dant, Provincial Planning Director appeared on behalf of the Provincial Planning Branch, Department of Municipal Affairs

The applicant represented that the lands proposed by him to be separated from the village were used for pasture purposes and contained no improvements thereon. He stated that the village taxes on his lands within the village were "out of line" and that if the subject areas were separated from the village to form one rurally-administered unit in

---

3 the Municipal District of Westlock No 92, the sale value of his lands would increase. He suggested in the course of his evidence, that the portion of his lands in the village lying to the south-east of plan 2157 K S, was not suitable for lagoon extension.

The Village of Clyde represented that the portions of the Forsen lands lying within the village and generally south-easterly of plan 2157 K S and plan 2228 M C, in the south-east quarter of section 2, township 60, range 25, west of the fourth meridian should be kept within the village for purposes of sewer lagoon extension and possible additional future access thereto and to maintain a "straight" boundary. The village offered no objection to separation of those Forsen lands now within the village and lying generally to the west of plan 2228 M C in the said south-east quarter of section 2.

The Provincial Planning Director agreed with the applicant's proposal to separate the areas west of plan 2228 M C, but recommended against separation of the applicant's lands lying generally south-easterly of plan 2157 K S, since the latter area may be needed for future lagoon expansion. The Director suggested that it may also be desirable to annex certain additional portions of the Forsen lands into the village limits (a strip of land about two hundred and twenty-five (225) feet in width adjoining the east limits of present village in the south-east quarter of section 2, township 60, range 25, west of the fourth meridian) to provide for possible future lagoon expansion, and to establish a regular type of municipal boundary.

After reviewing the evidence placed before it and after inspecting the areas which are the subject of the application and upon consideration of the existing undesirable "split-parcel" situation respecting the village boundaries and the lands described in certificate of title no 80-K-215 (Forsen), the Board has concluded that the application for separation should be granted in full.

It does not appear to the Board that the subject lands will be required for urban type development in the foreseeable future.

It is ordered therefore as follows:

I That the Connie L Forsen application, for separation from the Village of Clyde of the lands lying within the village and forming a part of the lands described in certificate of title no 80-K-215, be granted in full and thereupon the said lands shall be annexed to the Municipal District of Westlock No 92.

(A sketch showing the general location of these separated lands is attached hereto as Schedule "A")

II Any taxes owing to the village of Clyde as at December 31st, 1970, in respect of the properties described in paragraph I shall transfer to and become payable to the Municipal District of Westlock No 92, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes, however, upon the Municipal District of Westlock No 92 collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the municipal district to the said village.

III That the assessor for the Municipal District of Westlock No 92, shall for taxation purposes in the year 1971, re-assess the lands and assessable improvements thereon which are by this Order separated from the Village of Clyde and annexed to the municipal district, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the municipal district.

4 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 1971, 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 separated from the Village of Clyde, so that the assessment or valuation shall be fair and equitable with properties of a similar nature

V The effective date of this Order shall be the 1st day of January, 1971


Dated and signed at the City of Edmonton, in the Province of Alberta, this 8th day of March, 1971.

Certified a true copy,  
W C ELLIOTT (Secretary).

LOCAL AUTHORITIES BOARD,  
A B WETTER (Member)

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS AFFECTED BY ORDER No 5091  
EFFECTIVE DATE - JANUARY 1, 1971

 AFFECTED AREA(S)

