

IN THE MATTER OF THE "Municipal Government Act"

AND IN THE MATTER OF an application by the Village of Legal, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Sturgeon No. 90.

BEFORE:

Dr. E.J. Thompson, Presiding Officer
Municipal Government Board

J.R. Church, Member
Municipal Government Board

E.J. Briscoe, Member
Municipal Government Board

R. Myroniuk, Secretariat
Municipal Government Board

SUMMARY

On October 26, 1994, the Village of Legal filed an annexation application with the then Local Authorities Board. Two landowners objected to the annexation of their property and no comments were submitted from the other landowner. Because the Local Authorities Board could not deal with the application before January 1, 1995, it was returned with instructions to proceed under the provisions of the new Municipal Government Act. The Village resubmitted the application on April 12, 1995, with the continued support of the Municipal District of Sturgeon No. 90, but with no change in the position of the landowners.

A panel of the Board reviewed the application and determined there was no general agreement. The Board advised the Minister and parties to the annexation of their findings and a hearing was scheduled for October 23, 1995. The Board gave notice of the hearing by publication in the Morinville Gazette on October 10 and 17, 1995. In addition, written notice was also mailed to all known parties with an expressed interest in the annexation.

The Village of Legal submitted that the intent of the annexation is to provide land for highway commercial/industrial development. The annexation territory is an extension of the existing industrial quadrant of the Village and would also provide commercial frontage on Secondary Highway 651. The Secondary Highway is the main access route from Highway No. 2 and the Village is of the opinion that there is a need for vacant highway frontage. The Village does not have any large size parcels of industrial land available for development and feel an inventory of vacant land is necessary in order to accommodate any possible development proposal. There have been recent inquiries for this type of parcels, but the Village has not been in a position to respond. In addition, the Village referenced the expansion of the Namao base and the potential for spin-off development. While the size of the annexation territory appears to exceed the short to medium term for development, it would square the boundaries and provide a long term inventory of highway commercial and light industrial land.

The Village confirmed there is a large inventory of undeveloped land within the boundaries, but existing development patterns have limited it to future residential uses. The General Municipal Plan, in recognition of the development patterns, designated the northwest, northeast and southeast quadrants of the Village for future residential uses. The undeveloped land presently within the Village is in agricultural use and it is expected that this use would also continue in the annexation territory until required for urban development. The Village submitted a tax comparison for the annexation territory which shows almost a doubling of taxes for the country residential parcel and an increase of less than \$200 for the agricultural lands. The Village did agree that the increase for the country residential parcel is excessive, but advised that it was only included to square the boundaries. There are no plans for a change in use for this parcel.

The Municipal District of Sturgeon No. 90 adopted a resolution of council on September 6, 1994, supporting annexation to the Village of Legal. By letter dated June 15, 1995, the Municipal District reiterated its support for the annexation. The Municipal District did advise the Board that while still supporting the annexation, consideration should be given to any concerns of the landowners.

Penny Mann and William Brill, owners of the country residential parcel, objected to annexation of their property. It is their opinion that annexation would not be a benefit, but a detriment. They currently provide all their own hard services, such as water and sewer, and do not need any of the services provided by the Village. The only effect of annexation would be a dramatic increase in taxes.

Walter Van de Walle, owner of the majority of the land within the annexation territory, supported annexation, stating he did not want to hinder growth. But he is concerned with the potential for increased taxation, in light of the length of time before a majority of his land is developed. Mr. Van de Walle requested that his property continue to be assessed and taxed in the same manner as if it had remained in the Municipal District of Sturgeon No. 90.

FINDINGS

After reviewing and considering the evidence submitted at the public hearing, the Board finds:

1. The Village of Legal filed an annexation application with the then Local Authorities Board on October 26, 1994, which was returned with instructions to file under the provisions of the Municipal Government Act which was proclaimed January 1, 1995.
2. The Village of Legal filed an annexation application with the Municipal Government Board on April 12, 1995.
3. Two landowners object to annexation of their property and one landowner had not commented.
4. The Municipal District of Sturgeon No. 90 supports the annexation of the subject lands to the Village of Legal.
5. Based on the position of the landowners, the Municipal Government Board determined that there was no general agreement between the parties and so advised the Minister and the parties to the annexation.
6. The Municipal Government Board held a hearing of the annexation application on October 23, 1995.
7. The Village of Legal has need for an inventory of highway commercial and light industrial land.
8. The vacant land presently within the Village is designated for residential use in the General Municipal Plan of the Village of Legal.
9. Taxes for the country residential parcel would increase from the current level of approximately \$823 to \$1,483 for an increase of \$660 if annexed to the Village of Legal.
10. Taxes for the agricultural parcel would increase from the current level of approximately \$344 to \$522 for an increase of \$178 if annexed to the Village of Legal.

RECOMMENDATION

In consideration of the above, the Board makes the following recommendations for the reasons set out below:

1. On December 31, 1995, the land described in Appendix A and shown on the sketch in Appendix B be separated from the Municipal District of Sturgeon No. 90 and annexed to the Village of Legal.
2. Any taxes owing to the Municipal District of Sturgeon No. 90 on December 31, 1995, in respect of the annexed land are transferred to and become payable to the Village of Legal together with any lawful penalties and costs levied in respect to those taxes, and the Village of Legal upon collecting those taxes, penalties or costs shall pay them to the Municipal District of Sturgeon No. 90.
3. The assessor for the Village of Legal shall assess in 1995, for the purpose of taxation in 1996, the annexed land and the assessable improvements to it.

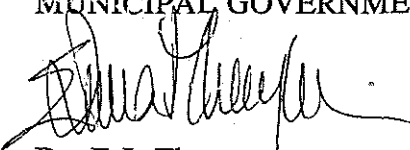
REASONS

While the amount of land proposed for annexation may be excessive to the needs of the Village of Legal over the short and medium term, the Board agrees there is need for vacant highway commercial and light industrial land. Without an inventory of vacant land, the Village will not be able to take immediate advantage of any development proposals. Consideration was given to annexing a smaller area, but it is difficult to predict with certainty what could be termed a preferred area within the annexation territory. The needs of the various light industrial uses vary to a great degree and it would not be proper to recommend a reduced annexation that may limit choice.

Given the extreme financial impact of annexation on the country residential parcel, its location relative to the proposed boundary and the lack of any plans for the parcel by the Village, the Board is of the opinion that it should be excluded from the annexation. With regard to the tax concern of the other parcel, the Board considered the potential benefit to the landowner with annexation, the minimal increase in taxes and is of the opinion that protection from urban assessment and taxation is unwarranted in this specific case.

Dated at the City of Edmonton, in the Province of Alberta, this 3rd day of November, 1995.

MUNICIPAL GOVERNMENT BOARD

A handwritten signature in dark ink, appearing to read 'Dr. E.J. Thompson', is written over the printed name and title.

Dr. E.J. Thompson
Presiding Officer

APPENDIX "A"

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF STURGEON NO. 90 AND ANNEXED TO THE VILLAGE OF LEGAL.

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP FIFTY-SEVEN (57), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE VILLAGE OF LEGAL EXCEPTING THEREOUT THAT PORTION DESCRIBED AS FOLLOWS:

"COMMENCING AT THE NORTH WEST CORNER OF THE SAID QUARTER SECTION, THEN SOUTHERLY ALONG THE WEST BOUNDARY THEREOF 544.5 FEET, THEN EASTERLY AND PARALLEL TO THE NORTH BOUNDARY OF THE SAID QUARTER SECTION 80 FEET, THENCE NORTHERLY AND PARALLEL TO THE SAID WEST BOUNDARY TO A POINT IN THE SAID NORTH BOUNDARY, THEN WESTERLY ALONG THE SAID NORTH BOUNDARY TO THE POINT OF COMMENCEMENT, EXCEPTING ROAD PLAN 4151 H.W."

ALL THAT PORTION OF THE EAST WEST GOVERNMENT ROAD ALLOWANCE ADJOINING THE NORTH BOUNDARY AND NORTH SOUTH GOVERNMENT ROAD ALLOWANCE ADJOINING THE EAST BOUNDARY OF THE NORTH EAST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP FIFTY-SEVEN (57), RANGE TWENTY-FIVE (25) WEST OF THE FOURTH MERIDIAN NOT WITHIN THE VILLAGE OF LEGAL.

ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION TWENTY-SIX (26), TOWNSHIP FIFTY-SEVEN (57), RANGE TWENTY-FIVE (5) WEST OF THE FOURTH MERIDIAN NOT WITHIN THE VILLAGE OF LEGAL.

APPENDIX "B"

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
RECOMMENDED FOR ANNEXATION TO THE VILLAGE OF LEGAL

AFFECTED AREA(S)

