



Province of Alberta
Order in Council

O.C. 333/2007

AUG 01 2007

ORDER IN COUNCIL

Approved and ordered:

The Lieutenant Governor in Council orders that

Lieutenant Governor

- (a) effective January 1, 2007, the land described in Appendix A and shown on the sketches in Appendix B is separated from the Municipal District of Rocky View No. 44 and annexed to the City of Calgary,
- (b) any taxes owing to the Municipal District of Rocky View No. 44 at the end of December 31, 2006 in respect of the annexed land are transferred to and become payable to the City of Calgary together with any lawful penalties and costs levied in respect of those taxes, and the City of Calgary upon collecting those taxes, penalties and costs must, in accordance with Appendix C, pay them to the Municipal District of Rocky View No. 44,
- (c) despite the effective date set out in clause (a),
 - (i) for the purposes of taxation in 2007, the Municipal District of Rocky View No. 44 must assess and tax the annexed land and the assessable improvements to it,
 - (ii) upon receipt of the 2007 taxes for the annexed land, the Municipal District of Rocky View No. 44 must transfer the taxes to the City of Calgary,
 - (iii) any 2007 taxes owing at the end of December 31, 2007 in respect of the annexed land become payable to the City of Calgary together with any lawful penalties and costs levied in respect of those taxes, calculated in accordance with the applicable 2007 tax penalty bylaws of the Municipal District of Rocky View No. 44, and
 - (iv) any 2007 assessment complaints in respect of the annexed land received by the City of Calgary or the Municipal District of Rocky View No. 44 remain with the Municipal District of Rocky View No. 44 Assessment Review Board, and
- (d) the assessor for the City of Calgary must assess, for the purpose of taxation in 2008 and subsequent years, the annexed land and the assessable improvements to it,

and makes the Order in Appendix C.

CHAIR

Alberta

For Information only

Recommended by: Minister of Municipal Affairs and Housing

Authority: Municipal Government Act
(sections 125 and 138)

APPENDIX A

DETAILED DESCRIPTION OF THE LANDS SEPARATED FROM THE MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44 AND ANNEXED TO THE CITY OF CALGARY

WITHIN TOWNSHIP TWENTY-TWO (22), RANGE TWENTY-EIGHT (28), WEST
OF THE FOURTH MERIDIAN

SECTIONS EIGHTEEN (18), NINETEEN (19), THIRTY (30), THIRTY-ONE
(31), AND ALL THAT PORTION OF SECTION SEVEN (7) LYING NORTH
OF THE LEFT BANK OF THE BOW RIVER.

WITHIN TOWNSHIP TWENTY-TWO (22), RANGE TWENTY-NINE (29), WEST OF
THE FOURTH MERIDIAN

SECTIONS THIRTEEN (13), TWENTY-FOUR (24), TWENTY-FIVE (25),
THIRTY-SIX (36), AND ALL THAT PORTION OF SECTION TWELVE (12)
LYING NORTH OF THE LEFT BANK OF THE BOW RIVER.

WITHIN TOWNSHIP TWENTY-THREE (23), RANGE TWENTY-EIGHT (28), WEST
OF THE FOURTH MERIDIAN

SECTIONS SIX (6), SEVEN (7), SEVENTEEN (17), EIGHTEEN (18),
NINETEEN (19), TWENTY (20), AND THE WEST ONE-HALF OF SECTION
EIGHT (8);

ALL THAT PORTION OF THE NORTHEAST QUARTER OF SECTION
EIGHT (8) LYING NORTH OF RAILWAY PLAN RW30;

THE NORTHWEST QUARTER OF SECTION FIVE (5);

ALL THAT PORTION OF BLOCK C, PLAN 628LK, WITHIN THE
SOUTHWEST QUARTER OF SECTION FIVE (5) INCLUDING UTILITY
R/W U-D PLAN 628LK NORTH OF THE BOUNDARY BETWEEN BLOCK C
AND BLOCK B OF SAID PLAN.

WITHIN TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN

SECTIONS SEVEN (7), EIGHT (8), SEVENTEEN (17), AND EIGHTEEN (18);

THE NORTH ONE-HALF OF SECTIONS FIVE (5) AND SIX (6);

THE SOUTH ONE-HALF OF SECTIONS NINETEEN (19) AND TWENTY (20).

WITHIN TOWNSHIP TWENTY-SIX (26), RANGE ONE (1), WEST OF THE FIFTH MERIDIAN

SECTIONS TWO (2), THREE (3), FOUR (4), FIVE (5), SIX (6), EIGHT (8), NINE (9), TEN (10), ELEVEN (11) AND THE EAST ONE-HALF OF SECTION SEVEN (7);

ALL THAT PORTION OF SECTION ONE (1), LYING WEST OF ROAD PLANS 7598JK AND 763LK AND ALL THAT PORTION WEST OF A LINE DRAWN BETWEEN THE SOUTHWEST CORNER OF THE NORTHERLY PORTION OF PLAN 7598JK AND THE NORTHWEST CORNER OF THE SOUTHERLY PORTION OF PLAN 7598JK WHICH ARE ADJACENT TO RAILWAY PLAN 871JK;

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION TWELVE (12) LYING WEST OF ROAD PLAN 763LK;

THE WEST ONE-HALF OF SECTION TWELVE (12).

WITHIN TOWNSHIP TWENTY-SIX (26), RANGE TWO (2), WEST OF THE FIFTH MERIDIAN

SECTION ONE (1) EXCEPTING THEREOUT THE NORTHERLY 100.58 METRES (330 FEET) LYING EAST OF THE WESTERLY 20.12 METRES (66 FEET) IN THE NORTHEAST QUARTER SECTION AS DESCRIBED IN CERTIFICATE TITLE NUMBER 981 272 818;

SECTION TWO (2) EXCEPTING THEREOUT SUBDIVISION PLAN 0010079 WITHIN THE NORTHEAST QUARTER SECTION;

SECTION THREE (3).

WITHIN TOWNSHIP TWENTY-FIVE (25), RANGE TWO (2), WEST OF THE FIFTH MERIDIAN

THE WEST ONE-HALF OF SECTION SIX (6);

ALL THAT PORTION OF THE EAST ONE-HALF OF SECTION SIX (6) LYING NORTH OF THE RIGHT BANK OF THE BOW RIVER AND NOT SHOWN WITHIN THE CITY OF CALGARY LIMITS PRIOR TO THE EFFECTIVE DATE OF THIS ORDER IN COUNCIL;

ALL THAT PORTION OF THE BOW RIVER LYING EAST OF THE EAST ONE-HALF OF SECTION SIX (6) AND NOT SHOWN WITHIN THE CITY OF CALGARY LIMITS PRIOR TO THE EFFECTIVE DATE OF THIS ORDER IN COUNCIL;

ALL THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION SEVEN (7) LOCATED WITHIN PARCEL D, PLAN 5126JK;

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION SEVEN (7) LOCATED WITHIN BLOCK 1, PLAN 9010497.

WITHIN TOWNSHIP TWENTY-FIVE (25), RANGE THREE (3), WEST OF THE FIFTH MERIDIAN

ALL THOSE PORTIONS OF SECTIONS ONE (1), TWELVE (12) AND FOURTEEN (14) LYING NORTH AND EAST OF THE LEFT BANK OF THE BOW RIVER (BEARSPAW RESERVOIR);

ALL THAT PORTION OF SECTION THIRTEEN (13) LYING NORTH AND EAST OF THE LEFT BANK OF THE BOW RIVER (BEARSPAW RESERVOIR), AND LYING WEST OF BLOCK 1, BLOCK R1 AND BLOCK 2 IN SUBDIVISION PLAN 7410769, AND LYING WEST OF THE FOLLOWING IN SUBDIVISION PLAN 7410769:

A STRAIGHT LINE FROM THE SOUTHWEST CORNER OF LOT 6 TO THE WEST CORNER OF LOT 7 IN BLOCK 1;

A STRAIGHT LINE FROM THE SOUTHWEST CORNER OF LOT 12 TO THE NORTH CORNER OF LOT 15 IN BLOCK 2;

A STRAIGHT LINE FROM THE SOUTH CORNER OF LOT 19 TO THE NORTHWEST CORNER OF LOT 21 IN BLOCK 2.

WITHIN TOWNSHIP TWENTY-FOUR (24), RANGE TWO (2), WEST OF THE FIFTH MERIDIAN

ALL THAT PORTION OF BLOCK 2, PLAN 7510024 WITHIN THE NORTHEAST QUARTER OF SECTION THIRTY (30);

THE WEST HALF OF SECTION THIRTY-ONE (31).

WITHIN TOWNSHIP TWENTY-FOUR (24), RANGE THREE (3), WEST OF THE FIFTH MERIDIAN

THE EAST ONE-HALF OF SECTION THIRTY-SIX (36).

ALL INTERVENING AND ADJOINING GOVERNMENT ROAD ALLOWANCES AND GOVERNMENT ROAD ALLOWANCE INTERSECTIONS, HIGHWAY PLANS AND ROAD PLANS, EXCEPTING THEREOUT THE FOLLOWING:

THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE (RANGE ROAD 285) AND ALL ROAD WIDENINGS ADJOINING THE EASTERN BOUNDARIES OF SECTIONS SEVEN (7), EIGHTEEN (18), NINETEEN (19), THIRTY (30) AND THIRTY-ONE (31), ALL WITHIN TOWNSHIP TWENTY-TWO (22), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN;

THAT PORTION OF GOVERNMENT ROAD ALLOWANCE INCLUDING ROAD PLAN 1400LK (HIGHWAY 560) AND THE SERVICE ROAD WITHIN SUBDIVISION PLAN 7510318 LYING ADJACENT TO THE NORTHERN BOUNDARY OF SECTIONS NINETEEN (19) AND TWENTY (20), ALL WITHIN TOWNSHIP TWENTY-THREE (23), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN;

THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE (RANGE ROAD 284) ADJOINING THE EAST BOUNDARIES OF SECTIONS EIGHT (8), SEVENTEEN (17), AND TWENTY (20), ALL WITHIN TOWNSHIP TWENTY-THREE (23), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN;

THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE (RANGE ROAD 285), ADJOINING THE WEST BOUNDARY OF THE SOUTHWEST QUARTER OF SECTION FIVE (5), TOWNSHIP TWENTY-THREE (23), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN, EXCEPT THAT PORTION OF THE SAID ROAD ALLOWANCE LYING WEST OF BLOCK C, PLAN 628LK IN THE SAID QUARTER SECTION;

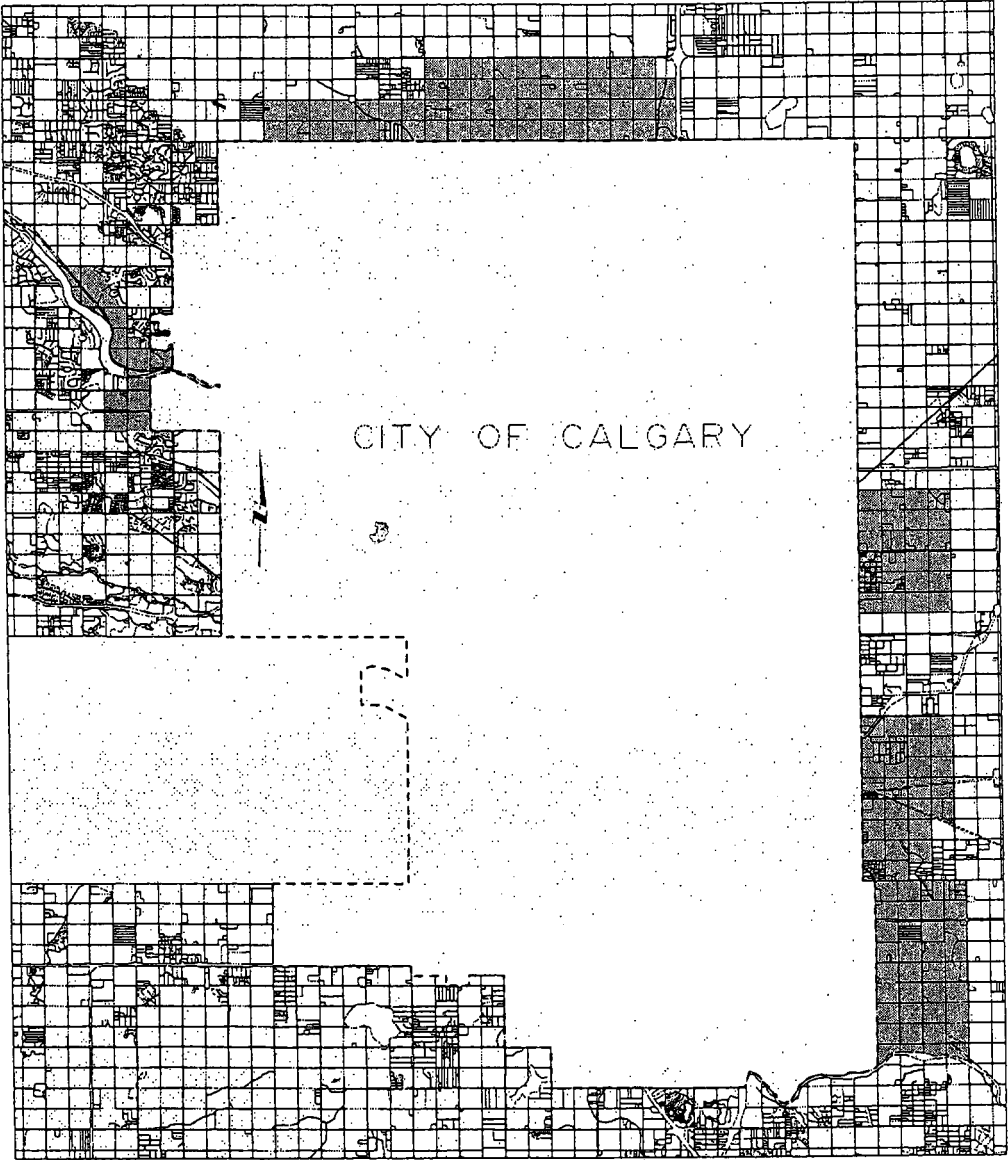
THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE (RANGE ROAD 284), ADJOINING THE EAST BOUNDARY OF THE NORTHEAST QUARTER OF SECTION FIVE (5), SECTIONS EIGHT (8) AND SEVENTEEN (17), AND THE SOUTHEAST QUARTER OF SECTION TWENTY (20), ALL WITHIN TOWNSHIP TWENTY-FOUR (24), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN;

THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE (HIGHWAY 566) LYING ADJACENT TO THE NORTH BOUNDARY OF THE NORTHEAST QUARTER OF SECTION SEVEN (7) AND ADJACENT TO THE NORTH BOUNDARIES OF SECTIONS EIGHT (8) AND NINE (9), ALL WITHIN TOWNSHIP TWENTY-SIX (26), RANGE ONE (1) WEST OF THE FIFTH MERIDIAN;

THAT PORTION OF THE GOVERNMENT ROAD ALLOWANCE AND ROAD PLAN 8210192 (HIGHWAY 566), LYING ADJACENT TO THE NORTHERN BOUNDARIES OF SECTIONS TEN (10), ELEVEN (11), AND THE NORTHWEST QUARTER OF SECTION TWELVE (12), ALL WITHIN TOWNSHIP TWENTY-SIX (26), RANGE ONE (1) WEST OF THE FIFTH MERIDIAN;

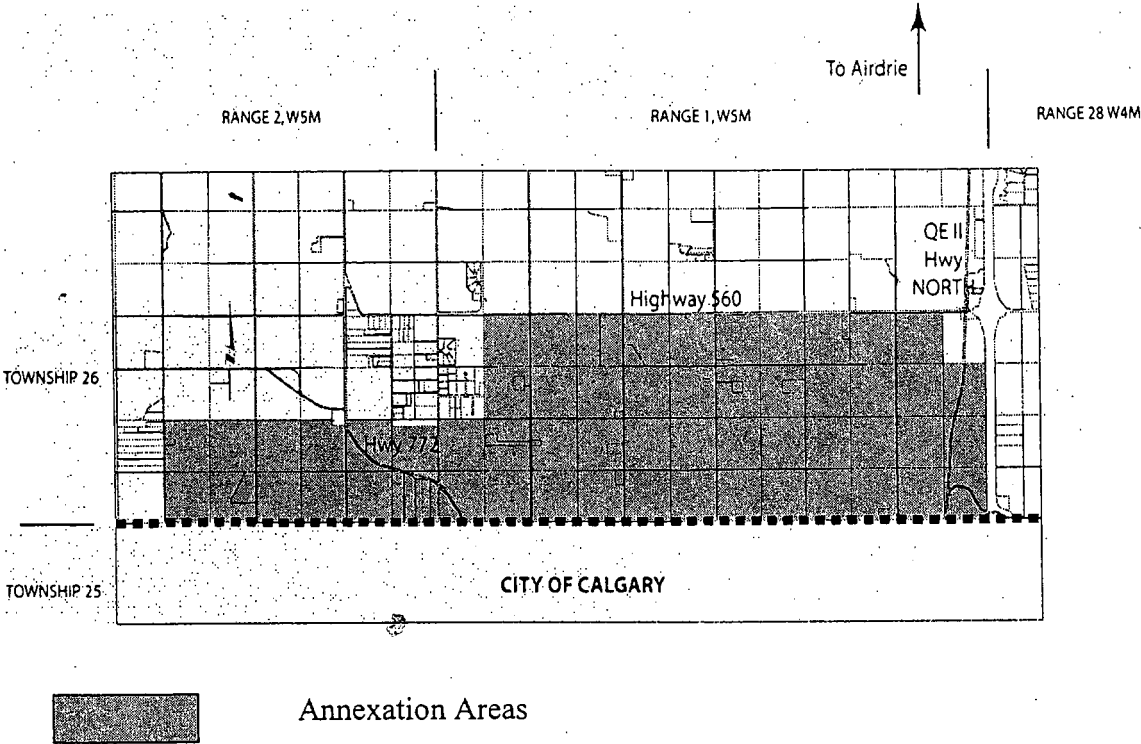
THE ROAD ALLOWANCE AND THOSE PORTIONS OF ROAD PLANS 3461JK, 5738K AND 6162BM LYING SOUTH OF THE SOUTHEAST QUARTER OF SECTION THIRTY-SIX (36), TOWNSHIP TWENTY-FOUR (24), RANGE THREE (3), WEST OF THE FIFTH MERIDIAN.

APPENDIX B
A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
ANNEXED TO THE CITY OF CALGARY

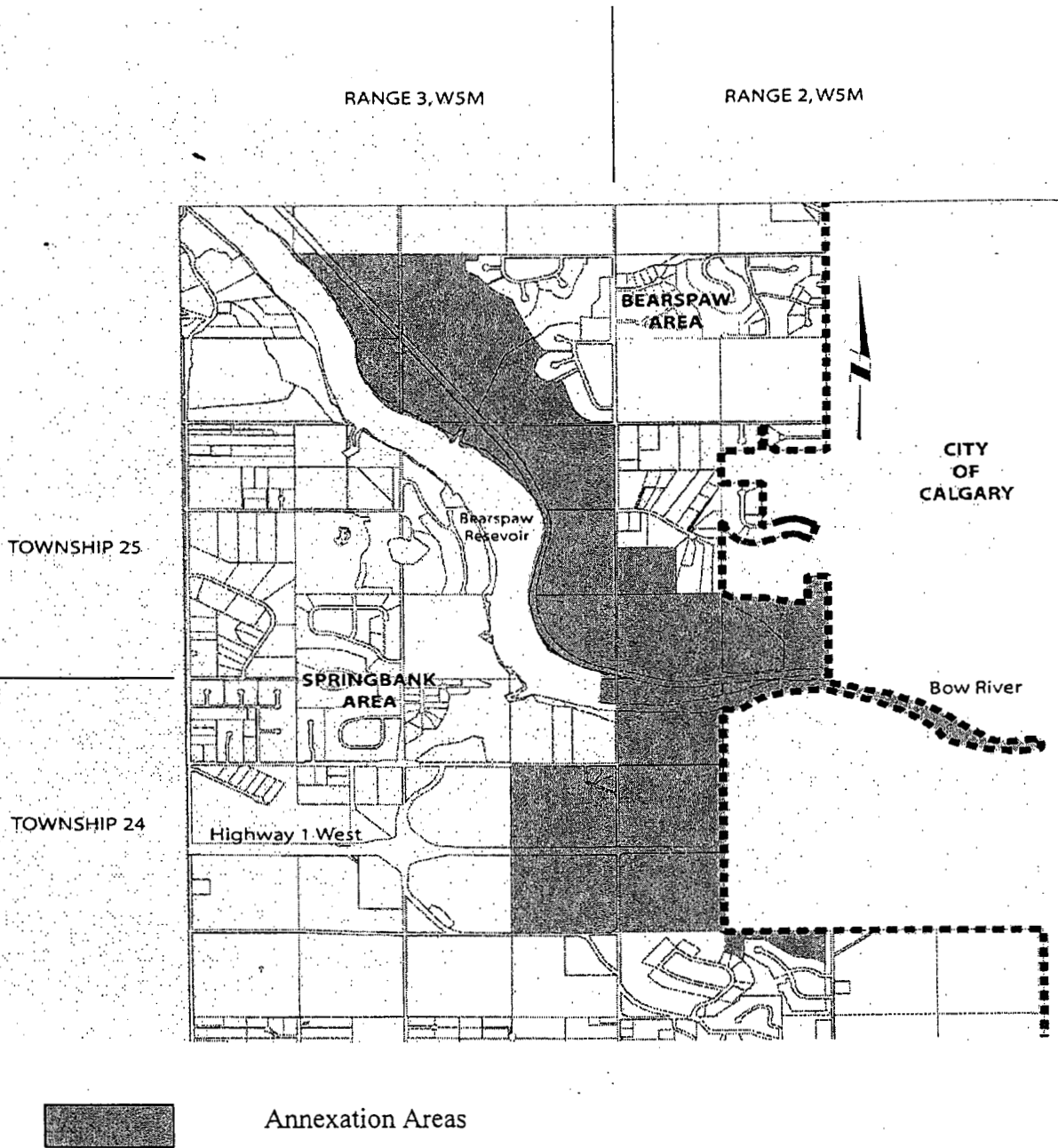


Annexation Areas

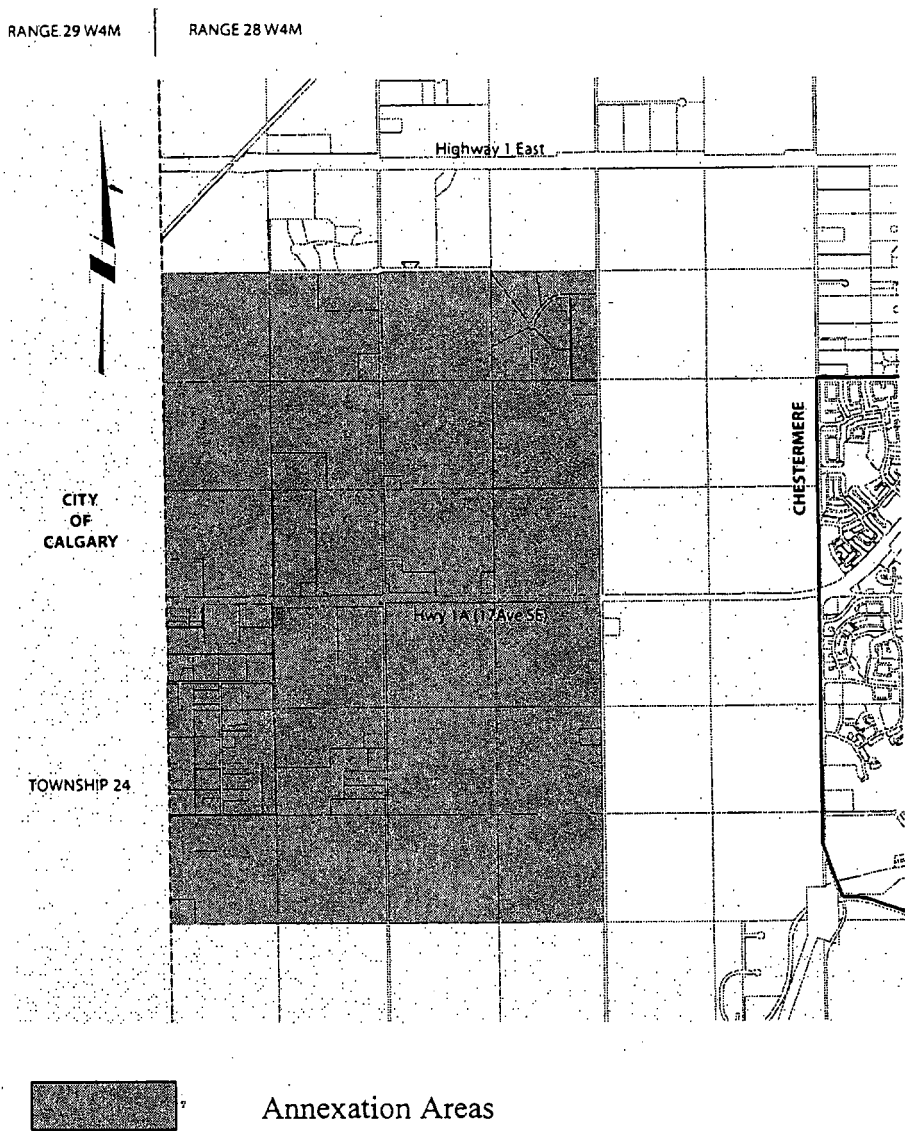
APPENDIX B – DETAILED AREA MAP 1, WEST ANNEXATION AREA



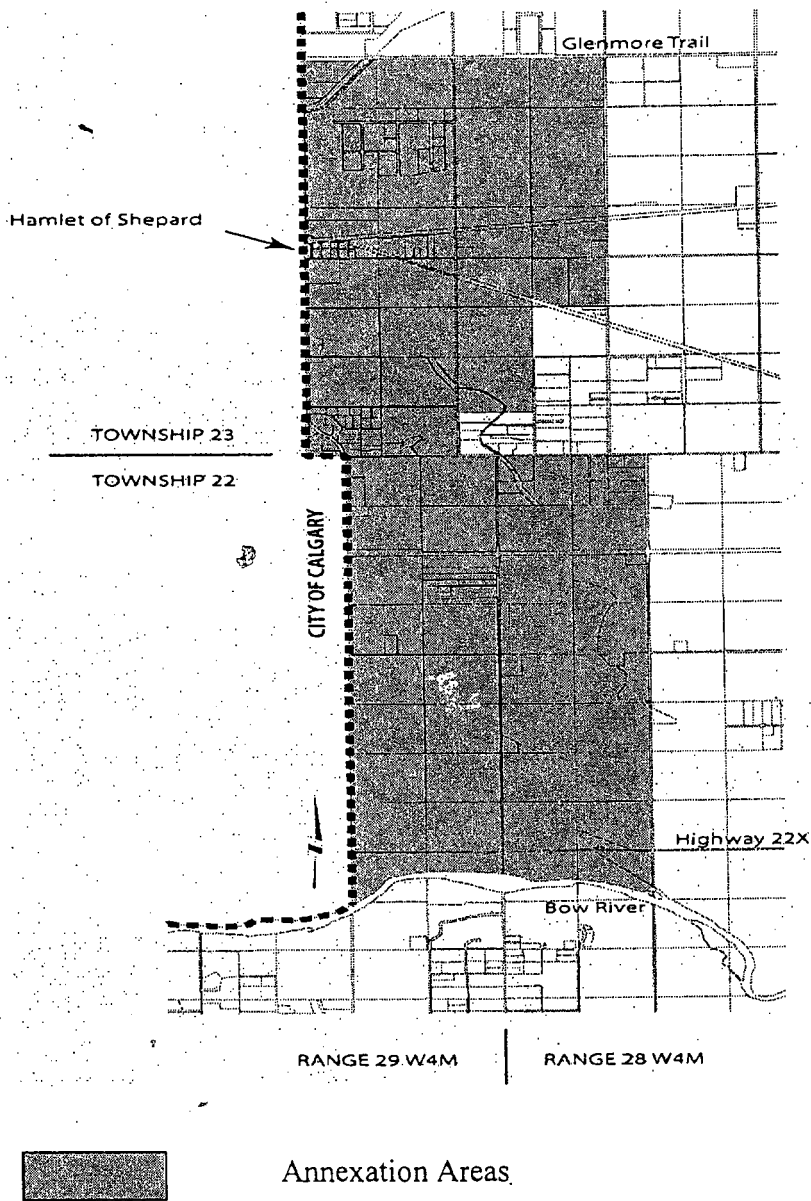
APPENDIX B - DETAILED AREA MAP 2, NORTH ANNEXATION AREA



APPENDIX B – DETAILED AREA MAP 3, EAST ANNEXATION AREA



APPENDIX B – DETAILED AREA MAP 4, SOUTH ANNEXATION AREA



APPENDIX C ORDER

- 1 In this Order, "annexed land" means the land described in Appendix A and shown on the sketches in Appendix B.
 - 2 Farm property within the annexed land that qualifies for exemption from taxation shall continue to be exempt from taxation as long as the exemption for Municipal Districts is provided for under the Municipal Government Act or any successor Act.
 - 3 Notwithstanding section 2, if the exemption for farm property is no longer provided for under the Municipal Government Act or any successor Act, the exemption from taxation shall apply to the end of December 31, 2036.
 - 4 After section 2 ceases to apply to a portion of the annexed land in a taxation year, that portion of the annexed land and the assessable improvements to it must be assessed and taxed for the purposes of property taxes in that year in the same manner as other property of the same assessment class in the City of Calgary is assessed and taxed.
 - 5 Despite section 135(1)(a) of the Municipal Government Act, for any taxation year up to and including 2007, the City of Calgary will collect arrears owing to the Municipal District of Rocky View No. 44 in accordance with the Municipal District of Rocky View No. 44's tax penalty bylaw.
 - 6 Subject to section 7, for taxation purposes in 2007 and subsequent years, up to and including 2021, the annexed land, other than farm property referred to under section 2, and the assessable improvements to it
 - (a) must be taxed by the City of Calgary in respect of each assessment class that applies to the annexed land and the assessable improvements to it using the municipal tax rate established by the Municipal District of Rocky View No. 44, and
 - (b) business related taxes for existing businesses operating in the annexation area shall not be greater than the taxes levied if the land had remained in the Municipal District of Rocky View No. 44.
- 7(1) Section 6 ceases to apply to a portion of the annexed land and the assessable improvements to it and to existing businesses operating in the annexation area in the taxation year immediately following the taxation year in which
- (a) the portion becomes a new parcel of land less than 16 hectares (40 acres) in size created as a result of subdivision or separation of title by registered plan of subdivision or by instrument or any other method that occurs at the request of, or on behalf of, the landowner,
 - (b) the portion becomes a residual portion of less than 16 hectares (40 acres) after

a new parcel referred to in clause (a) has been created,

- (c) the portion is redesignated, at the request of, or on behalf of the landowner, under the City of Calgary's Land Use Bylaw to a designation other than an Urban Reserve as defined in the City of Calgary's Land Use Bylaw 2P80 as amended, or its equivalent,
- (d) the portion is the subject of a local improvement project described in a local improvement by-law initiated by, with the support of, or on behalf of the landowner pursuant to which the City of Calgary water and sewer services are connected to the land, or
- (e) the portion is connected to the water or sanitary sewer services provided by the City of Calgary.

(2) Notwithstanding subsection (1)(a) and (b), section 6 continues to apply in respect of

- (a) an existing farmstead within the annexed land, or
- (b) residential infill areas located within section 6, township 23, range 28 west of the fourth meridian and section 7, township 24, range 28, west of the fourth meridian.

8 After section 6 ceases to apply to a portion of the annexed land in a taxation year,

- (a) that portion of the annexed land and the assessable improvements to it must be assessed and taxed for the purposes of property taxes in that year in the same manner as other property of the same assessment class in the City of Calgary is assessed and taxed, and
- (b) business related taxes for existing businesses operating in the annexation area must be taxed in accordance with the City of Calgary's business tax bylaw.

9(1) The City of Calgary shall pay to the Municipal District of Rocky View No. 44 seventeen million three hundred and sixty three thousand seven hundred and fifty six dollars (\$17,363,756.00) in Canadian dollars, not later than 30 days after the date this Order in Council is signed by the Lieutenant Governor in Council.

(2) The City of Calgary shall pay to the Municipal District of Rocky View No. 44 one hundred thousand dollars (\$100,000.00) in Canadian dollars annually for ten (10) years or for the life of the gravel operations, whichever occurs first, for gravel operations in the annexation area existing at the time this Order in Council is signed by the Lieutenant Governor in Council, pursuant to the Municipal District of Rocky View No. 44 Community Aggregate Payment Levy Bylaw C-6214-2006.

(3) The payment referred to in subsection (2) shall be made as follows:

- (a) the first payment shall be made on or before July 1, 2007, or within 30 days of

the date this Order in Council is signed by the Lieutenant Governor in Council if this Order in Council is signed after July 1, 2007;

- (b) subsequent payments shall be made before July 1 of each subsequent year unless the gravel operations cease to operate.

10 Notwithstanding the effective date of this Order, for the period from January 1, 2007 until 30 days after the date this Order is signed by the Lieutenant Governor in Council, the Municipal District of Rocky View No. 44 is responsible for

- (a) the direction, control and management of all roads within the annexed land,
- (b) providing all municipal services within the annexed land, and
- (c) any liability that arises from
 - (i) the direction, control and management of all roads within the annexed land, and
 - (ii) the provision of any municipal services within the annexed land.

11 Any decision relating to subdivision and development made by the subdivision and development authorities of the Municipal District of Rocky View No. 44 between the effective date of this Order in Council and the date this Order in Council is signed by the Lieutenant Governor in Council continues and is deemed to be a decision relating to subdivision and development made by the subdivision and development authorities of the City of Calgary.

