

ORDER NO. 25861

FILE: C-20-L

FRIDAY—THE TWENTH-NINTH DAY OF DECEMBER, 1961

Before:

The Public Utilities Board for the
Province of AlbertaAnd in the matter of The Public
Utilities Board Act:And in the matter of The City
Act:And in the matter of an applica-
tion by the City of Edmonton for
an Order annexing to the City
certain territory, including the
Town of Beverly.

Upon the application of the City of Edmonton for an order to include within the City certain territory adjacent thereto and a concurrent application by the Town of Beverly for annexation of the said Town to the said City in accordance with the agreement arranged between these parties;

And upon it appearing that the County of Sturgeon No. 15 does not, generally, oppose the application, although it has asked the Board to impose certain conditions in the annexation order;

And upon it appearing that the Municipal District of Strathcona No. 83 does not oppose the application subject to certain conditions;

And the Board having rendered its decision No. 25812 dated the 20th day of November, 1961, with respect to the said application wherein authority for annexation was granted with respect to certain lands of the area applied for lying to the north and to the north-east of the present City and including the present Town of Beverly:

It is ordered that:

1. Subject to the conditions hereinafter mentioned the lands lying within the following described area be annexed to the City of Edmonton as of December 30th, 1961, namely:

Sections	Twp.	Rge.	M.
Parts of 17, 18, 19 and 30 lying west of the North Saskatchewan River....	53	23	W4
Part of 13 and all of 24 to 28 inclusive	53	24	W4
Part of River Lot 40 and all of River Lot 42	53	24	W4

The metes and bounds description of the above lands are as follows:

Commencing at the north-west corner of section 28, township 53, range 24, west of the fourth meridian; thence easterly along the north boundary of the said section 28 and the north boundaries of sections 27, 26 and 25 in township 53, range 24, west of the fourth meridian; thence to the north-west limit of the Fort Saskatchewan Trail as shown on, but not registered under, subdivision plan 7121E.T. (cancelled by U.O. 159-H.W.); thence south-westerly along the said north-west limit of the said Fort Saskatchewan Trail to its intersection with the production westerly of the south limit of Road Plan 854 M.C.; thence easterly along the said south limit of the said Road Plan and its productions easterly and westerly, throughout the remainder of the said section 25 and section 30 in township 53, range 23, west of the fourth meridian to the east boundary thereof; thence southerly along the said east boundary of the said section 30, township 53, range 23, west of the fourth meridian and its production southerly to the intersection of the production easterly of the south boundary of the said section 30; thence easterly along the said production easterly of the said section of the said south boundary of the said section 30 to its intersection with the high water mark of the right bank of the North Saskatchewan River; thence following the sinuosities of the said right bank of the said river upstream to its intersection with the east boundary of River Lot 43; thence north westerly along the north easterly boundaries of the said River Lot 43, River Lot 41 and River Lot 39 to the production southerly of the east boundary of River Lot 34; thence northerly along the east boundary of the said River Lot 34 (and its production southerly) and the east boundary of sections 14 and 23, township 53, range 24, west of the fourth meridian, to the north-east corner of section 23; thence westerly along the north boundary of the said section 23 and the north boundaries of sections 22 and 21 to the north-west corner of the said section 21; thence northerly along the west boundary of the said section 28 and its production southerly to the point of commencement.

Conditions

1. (a) Any land parcel or part of a larger parcel containing eight (8) acres or more and used solely for agricultural purposes shall be assessed by the City on a comparable basis of assessment to like adjacent parcels in the nearest county in the year previous to the year for which the City is making its levy, with the City mill rate to apply to this special assessment; and
 - (b) In any year that a subdivision plan is registered for all or a part of any land to which sub-paragraph (a) applies and when the apparent purposes of the subdivision is to change the land so subdivided from agricultural uses, then in the next and the succeeding years the assessment upon the subdivided land will be made upon the same basis as for other comparable land within the City in such year.
2. It is a further condition of this order that any parcel of land of eight (8) acres or more annexed by this order from which an owner or tenant is engaged in, but does not derive an income sufficient to provide his principal livelihood from the production of crops, livestock, poultry, fur production, bee-keeping, hog ranching or any of them, shall be assessed and taxed as follows:

- (a) That portion of such parcel on which the dwelling house and other improvements are located together with a reasonable yard area shall be assessed and taxed as a residential lot having due regard to urban services available thereto; and
- (b) The remainder of such parcel shall be assessed as farm land. Such parcel shall be taxed by applying thereto the current mill rate of the City.

3. It is a further condition of this order that all small holdings occupied by veterans under the provisions of The Veterans' Land Act are to be assessed on a comparable basis of assessment to like adjacent parcels in the County of Sturgeon No. 15 in the year previous to the year for which the City is making its levy and the maximum taxes which the City may levy on such lands shall not be greater than the taxes that would have been levied had the land remained in the said County. At the expiration of ten (10) years from the date of the veteran's agreement or at such time as the veteran is entitled to take title and dispose of his holdings, or part thereof, such holdings, or part thereof, shall be assessed and taxed subject to the other conditions of this order in the same manner as other properties within the City.

4. It is a further condition of this order that the business tax levy shall not apply to a person who derives his livelihood from the production of crops or livestock or both or from poultry, fur production, hog ranching or bee-keeping or any two or more of such activities.

5. It is a further condition of this order that any person carrying on gravel quarrying or mining operations shall be entitled to continue such operations, subject to the terms of any permit issued or ratified by the County of Sturgeon No. 15 or the District Planning Commission with respect to such operations.

6. Subject to the condition herein relative to the 1962 assessment it is a further condition of this order that normal city assessment and taxation shall apply to all the land now annexed to the City except where any of the foregoing conditions otherwise provide.

7. Subject to any other conditions herein contained the 1962 assessment applicable to the annexed area shall be:

(a) With respect to the lands presently within the County of Sturgeon No. 15 the land and improvement assessment shall be the assessment prepared by the County with respect to such land.

(b) With respect to the land and improvements presently within the Town of Beverly the assessment on land and improvements as at the 31st day of December, 1961, and the assessment carried out by the Department of Municipal Affairs during the year 1961, for the assessment and taxation year of 1962 in the Town of Beverly and adapted to the City of Edmonton level shall be the assessment for the year 1962. The Assessor of the City of Edmonton shall for assessment purposes adjust land and improvement assessments of properties in the Town of Beverly to the City of Edmonton level of assessment in the following manner, namely:

(1) On land fronting on 118th Avenue the assessment shall be multiplied by a factor of 2.5;

(ii) On all other land the assessment shall be multiplied by a factor of 3.0;

- (iii) On improvements consisting of single family dwellings the assessment shall be multiplied by a factor of 0.85;
- (iv) On all other improvements the assessment shall be multiplied by a factor of 1.05;

Provided the Department of Municipal Affairs shall have thirty (30) days from the date of this order to complete the said assessment for the year 1962 and the Assessor of the City of Edmonton shall then have Sixty (60) days within which to place the assessment of the said area upon the Assessment Roll of the City and to send Notices of Assessment.

8. It is a further condition of this order that from December 30th, 1961, all assets and liabilities of the Town of Beverly become assets and liabilities of the City of Edmonton and the City officials may execute all documents, receive all payments, issue all receipts and do all such other acts as the officials of the Town of Beverly were authorized to do prior to December 30th, 1961.

9. It is a further condition of this order that until and including the 31st day of December, 1962, all shops or stores and all retail or wholesale premises in the area now annexed shall be exempt from the shop closing provisions of By-law No. 1716 of the City of Edmonton as amended and the holiday closing provisions of By-law No. 1436 of the City of Edmonton as amended.

This Order is given upon the understanding that:

- (a) This order shall in no way abrogate the franchise Agreement dated the 16th day of May, 1950, and made between the Town of Beverly and Northwestern Utilities, Limited or the rights of or held by Northwestern Utilities, Limited thereunder and the City of Edmonton shall be bound by the terms of the said agreement to all intents as if the City of Edmonton were a party thereto in place of the Town of Beverly with all the rights and obligations of the Town thereunder including the provisions of the said agreement that Northwestern Utilities, Limited will pay in lieu of any taxation upon its plant equipment and pipe lines within the limits of the Town of Beverly as now existing, five (5%) per cent of the gross receipts of the said Northwestern Utilities, Limited derived from the sale of natural gas within the said limits of the Town of Beverly.
- (b) It is subject to, and does not affect, the rights of either the City or Calgary Power Ltd. as provided for in the agreement between them dated the 1st day of January, 1961, (and without limiting the generality of the foregoing) the present rights of Calgary Power Ltd. in the area this is now the Town of Beverly shall continue until the 1st day of September, 1965, unless the said parties shall by mutual agreement arrange that the assumption by the City of power distribution within the said area become effective at an earlier date.
- (c) Calgary Power Ltd. shall have the continued right to construct, reconstruct, replace, maintain and operate in the annexed area described in clause (1) of this order power transmission facilities on the route designated as "200 L", and in the location as shown, on Map B of Exhibit 15 filed by the said company in these proceedings.
- (d) The City is authorized by The Town and Rural Planning Act to levy a special frontage tax on all properties within the annexed area to cover the cost of replotting schemes for the

said area. If for any reason this should not be the case or should the City encounter difficulties in this regard application may be made to the Board empowered to hear such application to amend this order accordingly. In the meantime the City may caveat any parcel of land within the said area to record any obligation of the land which the City may determine.

- (e) Any feeder lot within the area to be annexed may continue to operate notwithstanding the annexation of the land to the City, subject however to compliance with all relevant regulations of the local Board of Health of the City of Edmonton.

This Order will be published in *The Alberta Gazette* and thereupon becomes effective as at the 30th day of December, 1961.

PUBLIC UTILITIES BOARD,
R. D. HENDERSON (Chairman).

Certified a true copy,

A. E. FAHLMAN (Secretary).