

THE LOCAL AUTHORITIES BOARD

ORDER No. 10079

FILE: 14(A)8

Before:

The Local Authorities Board
for the Province of Alberta

In the matter of The Municipal Government Act:

And in the matter of an application by the majority of owners of certain territory lying immediately adjacent to the City of Lethbridge, Alberta, petitioning for the annexation of the said territory to the City of Lethbridge.

Pursuant to an application by the majority of owners of the territory described on Schedule "B" attached to this Order, which territory lies immediately adjacent to the City of Lethbridge, Alberta, petitioning for the annexation of the said territory to the City of Lethbridge, in the Province of Alberta, and thereupon its separation from the County of Lethbridge No. 26, the Board held a public hearing of the matter in the City of Lethbridge commencing on May 26, 1977.

The petitioners were represented by their counsel Mr. Ross McBain. Mr. McBain had in attendance several consultants whose names follow: Mr. D. Broadfoot, planner; Mr. F. Grigel, engineer and transportation expert; Mr. R. Johnson, engineer for public works; Mr. R. Sykes, expert on rail relocation; Mr. Livingstone, Lethbridge area mining consultant; Ms. Frances Peacock, market research expert; Mr. C. L. Sibbald, agriculturist; and Mr. Al Boykiw, economist. Also in attendance and in support of the application was Mr. Jorgenson of Baldio Land Developers, Mr. Gary Wills of Krahn Homes and Mr. R. Young of Melcor Ltd.

Appearing on behalf of the City of Lethbridge was their solicitor Mr. L. MacLean who had in attendance several City officials as follows: Mr. Randy Holfeld, City Manager; Mr. Kurt Alberts, planner; Mr. O'Connell, Economic Development Director; Mr. Dick Varley, Systems Analyst; and Mr. Hogeweide, Traffic Engineer.

The County of Lethbridge No. 26 had its solicitor in attendance, Mr. North who called as witnesses the Reeve of the County, Mr. Papworth; Mr. Larry Van Ordman, the Chief Clerk and Treasurer of the County, and from the Oldman River Regional Planning Commission, Ms. B. Friksen, who was the planner on behalf of the County. The O.R.R.P.C. had their solicitor, Mr. Jacobson in attendance. Mr. Jacobson called Mr. Smith, the Commission Director to give evidence.

Two other individuals gave evidence at the hearing, namely Ms. Fay Johner representing the Ratepayers Association of Hardieville and Mr. Fazio who represented the Multi Family Council of Lethbridge as a witness for the applicant.

The evidence provided by Mr. Dave Broadfoot indicated that he and his group had twice canvassed the residents of the Hamlet of Hardieville to ensure their support for the proposed annexation and to insure that their wishes regarding the annexation were car-

ried out. The group received majority support of the residents in both instances for the annexation. Mr. Broadfoot provided evidence of the general location of the lands proposed for annexation and their proximity to the outstanding features of the City such as the downtown business district or central business district, the present industrial area and proposed expansion areas for industry together with the proximity to the river, the escarpment and present residential areas. Mr. Broadfoot also indicated that the population of Lethbridge was at present slightly in excess of 48,600 persons.

The applicants then introduced information on engineering through their engineering expert Mr. R. Johnson. Mr. Johnson indicated that it would be the intention of the developers to provide storm sewer outfalls in one or more of the coulees. The preliminary design indicated that two systems were required, a 36" and 42" system or a single 54" diameter system would be required to conduct the runoff from the area to the Oldman River. Mr. Johnson stated that the land lends itself readily to the provision of sanitary sewer systems as it falls off gently towards the west and that these systems would be connected to a trunk line which would be running south down 8th Street to about 17th Avenue, and which at that point in the line would then head in a westerly direction connecting to the sewage treatment plant which is located on the river bank. The provision of water services would be from the present water treatment plant and would run on an alignment approximately paralleling the Oldman River until such time as it reaches the present location of the sewage treatment plant, at which time it would head in an easterly direction along the proposed alignment of sewage lines, and then would head northerly and finally into the proposed annexation area, sections 17 and 18. The engineering testimony also indicated that it would be necessary to provide a water reservoir and pumping facilities at the water treatment plant. The provision of gas, power and telephone according to inquiries with the present utility companies would be provided by simple extensions of the existing systems which are located just south of the proposed annexation area. In summary, Mr. Johnson stated that the area has no unique servicing problems and that the estimated off-site cost of providing services would be in the order of \$3,500,000.00, or approximately \$3,500.00 per acre and that the on-site costs would be borne by the developers as the land was serviced toward its ultimate projected population.

The transportation evidence for the applicants was presented by Mr. Frank Grigel. Mr. Grigel stated that the initial development of the proposed annexation area would be serviced by roadway facilities which now exist primarily, 13th Street, but also including 9th Street and Mayor Magrath Drive which connects to 23rd Street. The re-alignment and upgrading of intersections would give the capability of using 28th Street as a servicing road towards the proposed annexation area. Some traffic bound for the proposed annexation area would travel along 43rd Street, which is the easterly boundary of the industrial area of Lethbridge.

Included in the planning for roadway systems in the City of Lethbridge is a proposed northwest parkway. Mr. Grigel indicated that as the proposed annexation area develops, this roadway would greatly relieve the traffic carried on the previously indicated roadway system. The transportation evidence included trip generation factors for several options of development in the northern area. This information generally agreed with the information provided by DeLeuw Cather in a study which was commissioned by the City of Lethbridge for their own transportation information. This transportation study was completed in April 1976 and was intended to develop comprehensive urban transportation and land use concepts which would reinforce the physical, cultural, and environmental attributes of the City.

The hearing next heard testimony from Mr. Fred Jorgensen. Mr. Jorgensen stated that small builders in the Lethbridge area have traditionally purchased building lots from larger developers in the area. The availability of these lots has greatly diminished as it would seem that the City is unable to furnish enough lots for the small builders. He also gave evidence of the inflationary trends which were at work in the Lethbridge area. In 1972 a 50 foot lot in south Lethbridge could be purchased for \$5,000.00 or \$6,000.00. In 1977, a lot the same size in the same area would cost from \$25,000.00 to \$45,000.00. This was an increase of 500 to 900 per cent. On City-owned land in the west a 50 foot lot in 1974 sold for approximately \$6,800.00. In 1977, the same lot will have cost approximately \$13,750.00. This is an increase of in excess of 100 per cent. Mr. Jorgensen further stated

that the City by way of its land monopoly caused the inflated prices that exist today throughout the City. He drew the conclusion that the obvious product of inflated land prices is higher cost of housing. However, there are other factors affecting the end costs of new houses. For the last three years the City has had an annual lot sale of between 100 and 200 lots. After the sale had been completed everyone was trying to build homes at the same time, thus causing inflated prices for subcontractors. Mr. Jorgensen concluded his remarks by saying, "One could only conclude that the City is acting as a developer and does have a land monopoly. That its views are biased and that it is very hard for the City to act in the best interests of the citizens by being both a player and a referee. It is in the best interests of all to have more competition in the land development field. Therefore, we urge the Board to approve this petition for annexation at the earliest possible date."

Mr. Broadfoot identified some of the planning constraints which existed in sections 17 and 18 which follow: In both sections there is a wide spread agricultural use. In section 17 there is an FM and TV Tower, railroad right-of-way and some existing buildings. In section 18 there is a Calgary Power right-of-way and corridor, there is a railway right-of-way, the Hamlet of Hardieville which now exists as a small subdivision, and further, some existing buildings and commercial operations. In the south-west portion of section 18 there is a constraint imposed by the presence of the City of Lethbridge landfill site which is located in one of the coulees. Because of the prevailing westerly winds the refuse area is fenced to contain blowing papers and provision has been made in the planning for adequate setback from this area. Mr. Broadfoot indicated that discussions are now in progress regarding the removal of this refuse site to a new location. Mr. Broadfoot indicated that the proposed annexation area was undermined by the CPR Mine No. 3 which was operated from 1895 to 1935. These workings were some 300 to 400 feet below the surface and the seam which was being mined was some 4 to 4½ feet thick. The mining method was the room and pillar technique.

The applicants introduced Mr. Don Livingstone, who was one of the principles in the Cambrian Engineering Group who looked at the coal mine situation. Mr. Livingstone had extensive knowledge of developments which were constructed over mined out areas. He indicated that there had been developed a residential area with water reservoir, buildings of all sizes, traffic and new roads which provided stress and vibration over mined out areas. The mined out areas had been caved in after completion of the mining operation. Furthermore the mining company had undermined irrigation canals with no ill effect. Mr. Livingstone stated that the only visible signs of subsidence were in the immediate locations of the vertical mine shafts and that a reasonable set back from these shafts would provide adequate protection from subsidence.

Mr. Broadfoot in his testimony indicated that a member of the consulting group had interviewed a number of the residents in the north eastern portion or sector of the City regarding the emission of odors from various sources in the river valley and had found that complaints were either non-existent or minimal.

Evidence was introduced on behalf of the applicants regarding rail relocation through Mr. R. Sykes. Mr. Sykes' evidence indicated that the City expects that approximately 100 acres of land will be made available in the downtown area for commercial and family housing uses. Mr. Sykes described the present use of the railway lands in Lethbridge, indicating that there is a main line which serves southern British Columbia and the Crowsnest and leads to Calgary and eastern Canada. There is a local industrial switching yard which provides services to industry which is principally located in east Lethbridge and the vicinity. He also indicated that there is a shopping centre built on land released from yard and industrial uses in the years 1968, 1969 and there are some miscellaneous yard facilities which are related to switching and traffic orientation elsewhere. Mr. Sykes indicated that a misconception that many people have is that rail relocation means the complete removal of trackage running through Lethbridge. He indicated that this had never been seriously contemplated and that in fact it would seem impractical. Mr. Sykes felt that in fact with the increasing traffic through the Province of Alberta, both east and west, that the trackage through downtown Lethbridge would in fact be twinned to provide for the more frequent and heavier trains of the Canadian Pacific Railways. Mr. Sykes' comments regarding rail relocation within the present City of Lethbridge were as follows, "(The railway) is not going to be removed. (It may be) moved possibly at considerable cost, for doubtful benefit, but removed, no." In support

of his arguments, Mr. Sykes indicated that the City had spent money on 23,000 feet of industrial leads for a newly developed and developing industrial area. With this action Mr. Sykes indicated it was clear that the City was heavily committed to continuing the industrial development to the east.

The solicitor for the County of Lethbridge, Mr. North, introduced the Reeve, Mr. Papworth to bring forth the views of the County. Mr. Papworth indicated that the County of Lethbridge was opposed to the application for the annexation of approximately 2 sections of land including the Hamlet of Hardieville, and that this position was supported by a resolution of the County Council, dated April 18, 1977. He stated the County wishes to retain all valuable farm land and keep it in production as long as possible. The County had been advised that the Canada Land Inventory classified the lands proposed for annexation as prime agricultural land. Mr. Papworth stated that the County had a representative on the Committee which was studying the rail relocation problem and that the County, if rail relocation became a reality would obtain an increased industrial tax base as well as a potential for attracting further industries. He further indicated that the proposed site at Kipp was a lower quality agricultural land area and that it was sufficiently distant from the Hamlet of Coalhurst that the Hamlet residents would voice no objections to the County, and therefore the county supported the idea of the rail relocation project.

The applicants introduced evidence through Ms. Frances Peacock, who was the Marketing Director for Francis, Williams and Johnson and Opinion Research Index, who conducted research into the opinion of Lethbridge citizens as it related to the growth of the City. The factors considered in the research included demographic factors, sex, size of household, etc. The objective of the survey was to determine the current living habits as well as the aspirations of the community residents. A total of 3000 questionnaires were mailed out with a covering letter of explanation. A return of 868 surveys was received by April 29, 1977 which represented a return of 34.2%. The research inquired into the type of housing, single or multiple family, that the respondents desired; it made inquiries as to the acceptable length of the home to work trip; and inquired as to the matter of choice. Ninety per cent of the respondents indicated that they feel it is important to have a choice of area in which to reside. Ms. Peacock indicated that the number of replies in regard to this questionnaire was extremely high in comparison to others that she had surveyed.

Mr. Sibbald an agricultural expert who appeared on behalf of the applicants indicated that the proposed annexation area located to the north of the City was one of the few areas that did not impinge upon the irrigation district land. Agricultural property within the proposed annexation area supports only dry land crops which are much less productive than irrigated crops, Mr. Sibbald said. Mr. Sibbald indicated that the Canada Land Inventory classification for the proposed annexation area was 2C. "Two" being the dry land classification and "C" denoting adverse climatic conditions. The main limiting factor under climatic conditions is rain. Mr. Sibbald indicated that all land surrounding the City of Lethbridge were potentially irrigable with the newer irrigation methods but that the land to the north had not been surveyed as to its irrigation land capability.

Mr. Broadfoot in speaking on planning considerations indicated that for proper planning an adequate supply of residential land is considered to be at least a 20 year supply. Mr. Broadfoot further indicated that the City of Lethbridge's projection of 2½%-3% growth over the next 20 years was probably somewhat conservative as recent figures had indicated that the past year's growth had been 3.96%. He felt that the projections should be made on the basis of 3.5%-4.5% in light of the attractiveness of the Alberta economy and circumstance. These circumstances being the projected development of food industries and the anticipated further development of coal in the Crownsnest Pass area. Other factors which may affect the growth rate are the Provincial policy of decentralization and the relatively low unemployment picture in Alberta. Mr. Broadfoot indicated that the supply of residential land within Lethbridge, and assuming increased growth rates, would at worst, last only eight years and at best may last fourteen years. His projections were made assuming 3 persons per dwelling and approximately 5 dwelling units per acre. In Mr. Broadfoot's most likely projection he stated, "I assume a population growth of 4%, which is just 1% more than that forecast by the City and I believe not an unrealistic one. At this growth rate approximately 56,000 people will be added to the City by 1996. Assuming the same over all density of 15 persons per acre and five dwelling units per acre, this will require an additional 3700 acres of residential land. At this growth rate and density the existing supply is good for about 9 years."

Mr. Broadfoot noted that the City of Lethbridge did not want development to take place elsewhere until the population in West Lethbridge had reached from 10,000 to 15,000 persons. The present population of West Lethbridge is 2600 to 2700. Assuming a 4% growth rate which is the average of the past two years, the population in the west side would likely be over 8,000 by 1980 and in the vicinity of 11,000 by 1982, at which time if annexation were granted now, the north Lethbridge lands would come on stream as available building sites. The time required from annexation to the provision of building lots is normally 3 to 5 years.

Mr. Broadfoot noted that the population increase in the Lethbridge area would not only be accomplished through in-migration but through the undoubling of the present population. (Discontinuation of existing doubling up arrangement in older homes.)

The County of Lethbridge introduced its planning representative, assigned from the Oldman River Regional Planning Commission, Ms. B. Friksen. Ms. Friksen stated that many communities within the County are no longer rural based service centres, but are evolving into dormitory suburbs for the City of Lethbridge and that new growth pressures in the fringe areas was resulting in increased population in urban and rural communities of the County. Continued urban growth pressures from the City of Lethbridge on the urban centres located in the county have placed a heavy strain on the County's administration through the arbitrating of land use conflicts between rural residents and transplanted urban rural residents. Increasing demands by urban dwellers in rural areas has necessitated the installation of costly services and facilities. She stated that the County of Lethbridge fails to see the need of any further lands being annexed to the City of Lethbridge when lands previously annexed have not been developed in the west. Ms. Friksen stated that further enlargement of the City of Lethbridge's boundaries should not be considered until such time as the Oldman River Regional Planning Commission completes its current Lethbridge and Environs study. This study should supersede any random introduction of annexation proposals and development schemes. Her evidence indicated that the County of Lethbridge opposes annexation north of Lethbridge as being premature when lands are available for development in west Lethbridge for the next 10-15 years. The County opposes further annexation of County lands to be incorporated into the City of Lethbridge. The County wishes to retain its agricultural land holdings and the Hamlet of Hardieville. She did however, state, the County supports joint land use planning for the fringe areas surrounding the City of Lethbridge. Based on the above arguments, the proposal for the annexation north of Lethbridge is opposed by the County of Lethbridge.

Under cross examination by Mr. McBain, Ms. Friksen agreed that the County of Lethbridge was opposed to the present application in north Lethbridge at this time and that should the application in fact be granted, the Hamlet of Hardieville should be included.

The County of Lethbridge introduced Mr. Larry Van Orman, Chief Clerk and Treasurer of the County to provide evidence. Mr. Van Orman indicated that should the annexation be approved the County requests that the City of Lethbridge assume the debt obligations of the County associated with the school, water and sewer systems, in Hardieville.

The first witness called by the City of Lethbridge was Mr. Kurt Alberts, City Planner. Mr. Alberts pointed out that in 1964 the City of Lethbridge had adopted a general plan. This general plan reviews and analyzes the existing land use in the City and makes particular mention of the marginal location of the central business district to the western edge of the City. Mr. Alberts indicated that this is a handicap to the maintenance of a thriving central business district which is of incalculable value to the City. The eccentric growth of the central business district also creates other problems not the least of which is traffic congestion and also the creation of pockets of commercial and industrial development along main thoroughfares. He indicated that the location of the central business district was one point which was borne very much in mind when any planning or redevelopment of the City takes place. Mr. Alberts indicated that the general plan strongly advocates the expansion of the City to the west side with respect to the costs of servicing such an area to the west. The general plan conceives that servicing costs would probably be higher in the west than in other areas of the City initially but the general plan sets overwhelming advantages in terms of both economic and social costs for developing the

area on the west side of the river. In addition to its advantages of position in relationship to the central business district, westward expansion would have extremely important beneficial effects on traffic circulation. He indicated that west Lethbridge also had value as it overlooked the river valley on one side and the Rocky Mountains on the other and was attractive for residential development. Mr. Alberts further made several points regarding westward development.

1. The expansion of the City west of the river enables the greatest number of people to locate in close proximity to the existing City centre.
2. Continued growth and development of the existing City centre could be greatly assisted by west strip development which would eventually place the centre of the City in the middle of the community rather than at the periphery.
3. The western area possesses the greatest potential for development in an orderly manner and there is almost an unlimited supply of residential land.
4. The design potential of the west would be considerably more flexible.
5. The soils in the west side of the river, although generally classified as good are of poorer quality than those in other areas.
6. The area west of the City exhibited the greatest potential for development of one sewage district.
7. Beyond the initial installation of services for the westward development, costs decrease.

Mr. Alberts under cross examination stated that if the entire peninsula of west Lethbridge were developed to its full potential of some 90,000-100,000 persons, it would in fact not assist in commercially strengthening or fortifying the downtown core as this area would likely have shopping centres of its own, and the full development would not geographically centralize the central business district.

The City of Lethbridge brought forth evidence through Mr. Randy Holfeld. Mr. Holfeld indicated that at present the north south major collectors have traffic volumes which nearly approximate those contained in the DeLeuw Cather study and which would arise 20 years hence. Mr. Holfeld indicated that the costs necessary to provide a roadway system which would reduce congestion and provide a tolerable level of service, could be substantial and the benefits to all would be disproportionate with the majority of the benefit accruing to those persons living in the newly developed areas. Mr. Holfeld indicated that while there is some economic question as to the feasibility of the north-west parkway, reports that the City of Lethbridge had commissioned and have adopted recommend the construction of the parkway in the 1980's. The City of Lethbridge has currently provided in its budget funds for the upgrading of the main north south collectors.

The City of Lethbridge also introduced its economic development director Mr. O'Connell. Mr. O'Connell's prime concern was the Lethbridge rail relocation study. Mr. O'Connell stated that the Council of the City of Lethbridge took formal steps in the form of a resolution which was passed on Monday, August 25, 1975 for the relocation of railway facilities in downtown Lethbridge. Mr. O'Connell provided the Board with detailed information on the steps that have been taken to formalize the rail relocation process. Mr. O'Connell also set out at some length the aims and objectives of the rail relocation committee. He stated that the City of Lethbridge must demonstrate commitment toward rail relocation to strengthen their position in the eyes of senior governments. The proposed annexation to the north would possibly weaken the position of the City of Lethbridge in this regard.

Mr. O'Connell submitted letters from two officials involved in the railway relocation which indicated that the position of the City of Lethbridge could in fact be weakened with the development of the Lethbridge north lands; however under cross examination Mr. O'Connell stated that he had solicited these letters for the purpose of presentation relative to the annexation matter.

Mr. O'Connell stated that he had some reservations regarding the competition between the developers of the Lethbridge north lands and the redevelopment of the C.P.R. lands in the central business district, however, under cross examination he indicated that

there would be very little likelihood of a competition in the housing market between the two areas as the area in the central business district would be primarily multi-family dwellings, while the area to the north in a Lethbridge north annexation would be primarily single family residential development.

The City of Lethbridge introduced Mr. Dick Varley, systems analyst. Mr. Varley provided the hearing with information regarding the pricing procedure of land in West Lethbridge, Stage Eleven (11) and the method used in determining sale price for lots owned by the City.

Mr. Varley stated that considerations in obtaining lot pricing were: utilities, access roads, roadways, bridges, lake, park, the relocation of irrigation systems, electric transmission and distribution lines, as well as debenture interest on capital expenditures. These prices did not include consideration for administrative costs, carrying costs for money and replacement cost of land, although the initial land cost was considered. Mr. Varley said that the City of Lethbridge policy required that these lots be sold at 90% of the calculated value and that in fact the lag time between determining price and the time of sale created a further reduction from market value in the pricing of lots.

Mr. Hogeweide appeared on behalf of the City of Lethbridge as the official responsible for traffic control and engineering. Mr. Hogeweide provided an exhibit which indicated that current traffic volumes for 1976 had almost reached, or in some cases exceeded, the projected volumes outlined in the DeLeuw Cather study for the year 1996. The evidence provided by Mr. Hogeweide indicated that an addition of slightly in excess of 3 lanes would be required to provide adequate arterial roadways to handle the prospective traffic from the Lethbridge north development.

Mr. Jacobson on behalf of the Oldman River Regional Planning Commission introduced the Director of the Commission, Mr. Smith. Mr. Smith in his evidence stated that large amounts of City owned land or land banked property in the west are held by Alberta Housing Corporation, who have title to most of the City land. He stated that servicing for this area has been provided to a maximum of 30,000 people and that this constituted an economy of scale over the 18,000 people which was proposed for the north Lethbridge development. Mr. Smith further stated that it is the recommendation of the Regional Planning Commission that no annexation be granted at the present time and that further annexation applications be considered only after completion of the City general plan review and the Commission's Lethbridge and the Environs study.

The applicants reintroduced Mr. Grigel to provide rebuttal evidence to the information which had been provided by the other transportation witnesses. Mr. Grigel's rebuttal testimony served to reinforce his earlier statements regarding traffic patterns, roadway capacity and requirements. The evidence provided by Mr. Grigel once again agreed closely with the report which had been prepared by DeLeuw Cather transportation consultants, while the City's evidence did not seriously detract from the validity of this information.

The applicants introduced Mr. Al Boykiw who provided information on supply and demand factors and the prices of homes in the Lethbridge area. He further indicated that at any time there is a restriction on supply, prices are gradually bid up to a higher level. Mr. Boykiw demonstrated by means of a graph the correlation of availability and price, he also pointed out that there was a brief lag time between the increase or decline in price that would be associated with the availability of houses.

From consideration of the application by the majority of owners, the letters and briefs filed with the Board, the oral argument and evidence presented, together with the cross examination which was brought forth at the sessions held by the Board into the proposed annexation, the Board has come to the following general conclusions:

1. The lands proposed for annexation can feasibly be developed for residential purposes.
2. Servicing of the area with storm, sanitary sewer, water systems, can be accomplished by utilizing the natural land slope and the cost of these services is comparable to new developments in the City of Lethbridge.
3. Providing transportation to and from the proposed annexation area is feasible.

4. The proposed territory constitutes a logical extension to the City of Lethbridge's jurisdiction and may be needed within fifteen years.

5. The loss of revenues from this territory will not seriously, adversely affect the County of Lethbridge No. 26.

6. The inclusion of this territory within the City of Lethbridge is consistent with orderly development of school and municipal services.

7. The inclusion of this territory would make provision for a long term land supply base and would mitigate a dependence on one development area.

8. The location of this proposed annexation territory is adjacent to an existing industrial (employment) development and a proposed expansion of the industrial area and residential lands could be complementary.

9. Any annexation to the City to the north should include the Hamlet of Hardieville and should anticipate a merging of the water and sewer systems eventually. Existing debenture debt for Hardieville's water and sewer works should pass to the City when annexation occurs.

IT IS ORDERED therefore, SUBJECT TO THE APPROVAL of this Order by the Lieutenant Governor in Council, that

I. There be annexed to the City of Lethbridge, in the Province of Alberta and thereupon be separated from the County of Lethbridge No. 26, the territory described on Schedule "B", attached to this Order;

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

II. Any taxes owing to the County of Lethbridge No. 26 as at December 31, 1977 in respect of the aforementioned territory shall transfer to and become payable to the City of Lethbridge, together with any lawful penalties and costs levied thereon in respect of such taxes; however, upon the City of Lethbridge collecting any or all of such taxes, penalties or costs, such collections shall forthwith be paid to the County of Lethbridge No. 26;

III. The property, rights and liabilities of the water and sewer systems of the County of Lethbridge No. 26, servicing the Hamlet of Hardieville shall on the effective date of this Order transfer to the City of Lethbridge together with the associated debenture debt outstanding on that date;

IV. The assessor for the City of Lethbridge shall for taxation purposes commencing in the year 1978, re-assess the annexed lands and improvements thereon which are by this Order annexed to the City so that the assessment thereof shall be fair and equitable with other lands and improvements in the City of Lethbridge;

V. 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 1978, 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 City of Lethbridge so that the assessment or valuation shall be fair and equitable with properties of a similar nature;

VI. The effective date of this Order shall be the First (1st) day of January, 1978; however, if this Order is not approved or disapproved by the Lieutenant Governor in Council on or before March 31, 1978, the Local Authorities Board may by Order, subject to the approval of the Lieutenant Governor in Council confirm or vary the effective and commencement dates specified in the Order.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 23rd day of December, 1977.

Certified a true copy,
B. CLARK, Secretary.

LOCAL AUTHORITIES BOARD,
D. A. BANCROFT, Chairman,
T. J. LAUDER, Member.

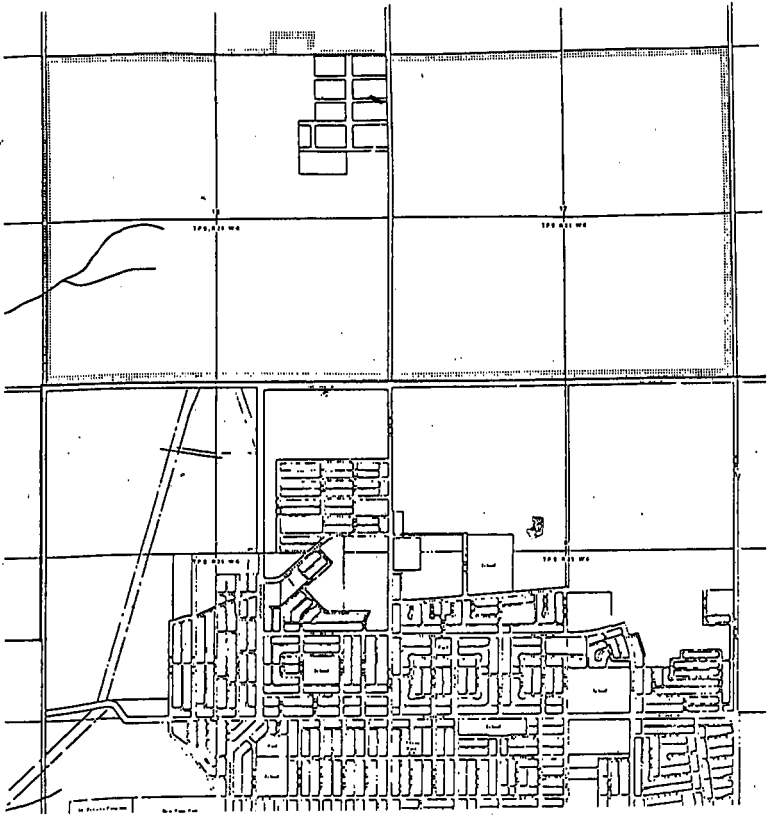
SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 10079

EFFECTIVE DATE: JANUARY 1, 1978



AFFECTED AREA(S)



SCHEDULE "B"

A DETAILED DESCRIPTION OF TERRITORY SOUGHT FOR ANNEXATION;
AND ANNEXED TO THE CITY OF LETHBRIDGE, ALBERTA

Section 17, township 9, range 21, west of the fourth meridian.

North-south government road allowance adjoining the west boundary of the west half of section 17, township 9, range 21, west of the fourth meridian.

East-west government road allowance adjoining the south boundary of the south half of section 17, township 9, range 21, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 17, township 9, range 21, west of the fourth meridian.

Section 18, township 9, range 21, west of the fourth meridian.

North-south government road allowance adjoining the west boundary of the west half of section 18, township 9, range 21, west of the fourth meridian.

East-west government road allowance adjoining the south boundary of the south half of section 18, township 9, range 21, west of the fourth meridian.

That government road allowance intersection adjoining the south-west corner of the south-west quarter of section 18, township 9, range 21, west of the fourth meridian.

All that portion of the south-east quarter of section 19, township 9, range 21, west of the fourth meridian contained in Plan of Subdivision 7510301 and shown as 44th Avenue N. within plans 403 L.K. and 2697 Y.