

IN THE MATTER OF THE *Municipal Government Act* being Chapter M-26.1 of the Statutes of Alberta 1994 (Act).

AND IN THE MATTER OF an application by the Town of Elk Point (Town) to annex certain adjacent territory from County of St. Paul No. 19 (County).

BEFORE:

A. Savage, Presiding Officer
R. Telford, Member
J. Church, Member

PROPOSAL

The Town is proposing an annexation of approximately 260 acres of territory from the County. The annexation area lies south of the present Town boundary, east of Highway 41 and north of Secondary Highway 646. The purpose of the annexation is to provide land for future residential, industrial and highway commercial developments.

BACKGROUND

The Town and the County successfully negotiated an agreement respecting the proposed annexation. Several of the landowners within the annexation area expressed concerns about the proposal regarding future assessment and taxation. As a result of these concerns, the Town has requested that for the next 10 years the annexed land be assessed and taxed at the values and rates of the Town or the County, whichever is lowest.

One of the landowners, Agricore Ltd., submitted a written objection to the proposed annexation. Agricore did not specify a reason for the objection.

Because of the objection of Agricore, the MGB decided there was not a general agreement with the proposed annexation and directed that a public hearing be held. As required by the Act, the MGB advertised in the local newspaper that it would conduct a public hearing on October 24, 2001 in the Town's Council Chambers. No additional objections or concerns were received as a result of the advertisement.

Three landowners within the annexation area attended the hearing and indicated their support for the proposed annexation provided the assessment and taxation condition be included in the final annexation approval. Upon questioning from the MGB, those in attendance at the hearing confirmed that each had ample opportunity to express concerns or make comments and there

were no further submissions. A representative from the County neither attended the hearing nor made a written submission.

Although invited by the MGB to attend the hearing, there was no representative from Agricore in attendance at the hearing nor did Agricore make a written submission to the MGB. One of the landowners at the hearing indicated that Agricore had recently closed its facility and the property was now up for sale.

TOWN'S SUBMISSION ON THE PROPOSED ANNEXATION

The Town advised that there is a need for annexation because there is a modest but growing demand for residential land and a more urgent demand for highway commercial land. With a population of less than 3,500, the Town is not required to have a municipal development plan. However, the Town has decided that its better growth direction is toward the south because it is more cost efficient to extend municipal water and sewer services in a southerly direction. Further, the best transportation routes for highway commercial development, Highways 41 and 646, are located south of the present Town boundary. Alberta Transportation has no objection to the proposed annexation.

FINDINGS

After conducting a public hearing and reviewing and considering the negotiation report and annexation agreement between the Town and the County and after reviewing and considering the input of the landowners and the general public, the MGB finds:

There is no valid objection to the proposed annexation.

RECOMMENDATION

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

- (a) Effective January 1, 2002, the land described in Appendix A and shown on the sketch in Appendix B, be separated from the County of St. Paul No. 19 and annexed to the Town of Elk Point;
- (b) Any taxes owing to the County of St. Paul No. 19 at the end of December 31, 2001, in respect of the annexed lands, are transferred to and become payable to the Town of Elk Point together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Elk Point upon collecting those taxes, penalties or costs shall pay them to the County of St. Paul No. 19; and

- (c) The assessor for the Town of Elk Point shall assess, for the purpose of taxation in 2002, the annexed land and the assessable improvements to it.

and makes the Order in Appendix C.

REASONS

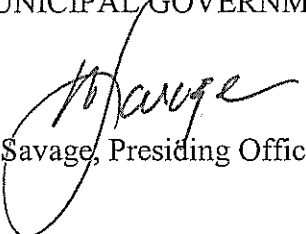
Between the time the MGB decided to conduct a public hearing and the actual hearing, Agricore Ltd., the only objector, changed the status of its property and did not advise the MGB. Since Agricore did not make a submission respecting its position on annexation, the MGB has decided that there is general agreement for the proposal.

In the MGB's opinion, the proposed annexation is straight forward and a logical extension of the Town's boundary. The growth direction toward the south takes advantage of the Provincial Highway system in the area and represents the most economical approach to extending the sewer and water services already within the Town. The MGB also recognizes that the position taken by the Town to keep assessment and taxation at the lowest rate of the Town or the County, fully addresses the concerns of the landowners regarding this issue. Indeed, the affected landowners are satisfied with this condition.

Therefore, the MGB respectfully submits to the Minister of Municipal Affairs, that this annexation be approved as proposed.

Dated at the City of Edmonton, in the Province of Alberta, this 14th day of February 2002.

MUNICIPAL GOVERNMENT BOARD


A. Savage, Presiding Officer

APPENDIX "A"

**DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR
SEPARATION FROM THE COUNTY OF ST. PAUL NO. 19 AND
ANNEXED TO THE TOWN OF ELK POINT**

THE SOUTHWEST QUARTER OF SECTION ONE (1), TOWNSHIP FIFTY-SEVEN (57),
RANGE SEVEN (7), WEST OF THE FOURTH MERIDIAN.

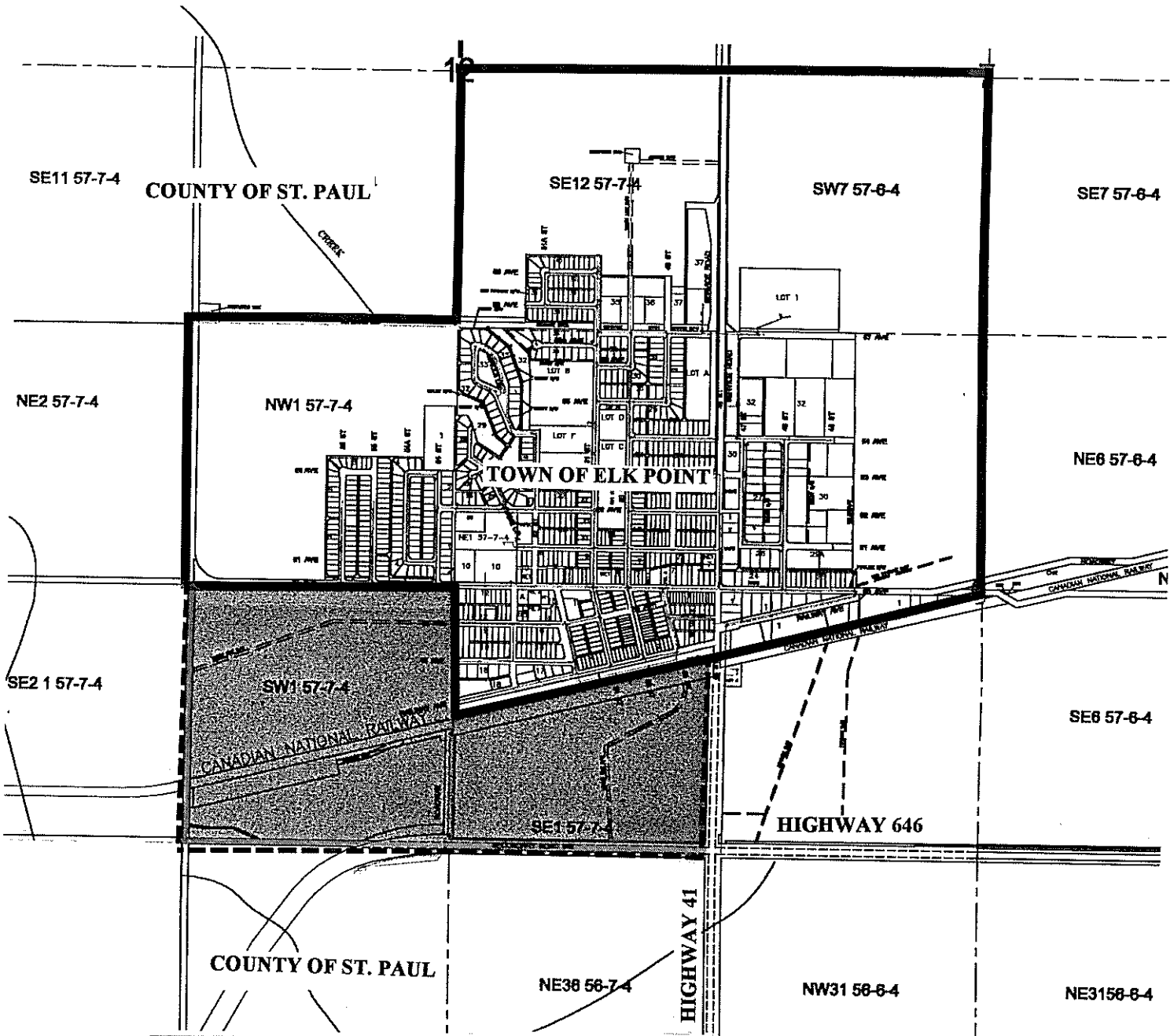
ALL THAT PORTION OF RAILWAY RIGHT-OF-WAY PLAN 5746CL LOCATED WITHIN
THE SOUTHEAST QUARTER OF SECTION ONE (1), TOWNSHIP FIFTY-SEVEN (57),
RANGE SEVEN (7), WEST OF THE FOURTH MERIDIAN.

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION ONE (1),
TOWNSHIP FIFTY-SEVEN (57), RANGE SEVEN (7), WEST OF THE FOURTH
MERIDIAN, LYING SOUTH OF RAILWAY RIGHT-OF-WAY PLAN 5746CL.

ALL INTERVENING ROAD ALLOWANCES AND RAILWAY AND ROAD RIGHTS-OF-
WAY.

APPENDIX B

A SKETCH SHOWING THE GENERAL LOCATION OF AREAS RECOMMENDED FOR ANNEXATION TO THE TOWN OF ELK POINT



AREAS ANNEXED FROM THE COUNTY OF ST. PAUL TO THE TOWN OF ELK POINT

APPENDIX C

ORDER

- 1 In this Order, “annexed land” means the land described in Appendix A and shown on the sketch in Appendix B.
- 2 For taxation purposes in 2002 and later years up to and including 2011, the annexed land and the assessable improvements to it
 - (a) must be assessed by the Town of Elk Point on the same basis as if they had remained in the County of St. Paul No. 19, and
 - (b) must be taxed by the Town of Elk Point in respect of each assessment class that applies to the annexed land and the assessable improvements to it using either
 - (i) the tax rate established by the Town of Elk Point, or
 - (ii) the tax rate established by the County of St. Paul No. 19,whichever is lowest.
- 3(1) Where, in any taxation year, a portion of the annexed land
 - (a) becomes a new parcel of land 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) becomes a residual portion of 3 acres or less after a new parcel referred to in clause (a) has been created,
 - (c) is redesignated at the request of or on behalf of the landowner under the Town of Elk Point Land Use Bylaw to another designation, orsection 2 ceases to apply at the end of that taxation year in respect of that portion of the annexed land and the assessable improvements to it.
- 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 Town of Elk Point is assessed and taxed.