

IN THE MATTER OF THE *Municipal Government Act (Act)*

AND IN THE MATTER OF an application by the City of Leduc (City), in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from Leduc County (County).

BEFORE:

L. Dirom, Presiding Officer
S. Cook, Member
C. Hannah, Member
D. Hawthorne, Secretariat Advisor

SUMMARY

The City applied to the Municipal Government Board (Board) for an annexation of approximately 2,840 acres of territory from the County. The purpose of the annexation is to provide stable long-term boundaries for the City and develop a cooperative planning approach with the County for future development proposals. The City expects to accommodate a full range of land uses which will extend and be compatible with the existing land uses presently in the City and the existing land uses presently in the County. The proposal includes approximately 640 acres located along the west boundary of Leduc and south of the Edmonton International Airport and 2,200 acres along the east boundary of Leduc south of Airport Road and the Nisku Industrial Park.

After two years of consultation and negotiation the City and the County decided to adopt an Inter-Municipal Development Plan and an Annexation Agreement. Both the City and the County Councils have been able to eliminate all matters of disagreement. During the summer and fall of 1998, all landowners directly affected by the annexation were mailed copies of the proposal and advertisements were placed in the Leduc Representative for a series of open house meetings and a public hearing which was held jointly by both Councils. The main concerns identified by the general public and the affected landowners referenced potential assessment and property tax increases as well as continued maintenance and upgrading of roads included in the annexation areas. Both Councils agreed to alter the annexation agreement in order to accommodate the concerns of the landowners and the general public.

Following the submission of the application, the Board received a letter of objection from Mr. Tom Taylor who is a landowner in the County but located outside the annexation area but inside the development referral area identified in the inter-municipal plan. Mr. Taylor's property is located on Township Road 500 adjacent to the eastern annexation area. Mr. Taylor's main

concern is the designation of a truck route near his farm and the dust created by traffic using the truck route and other roads nearby. The Board advertised the annexation in the Leduc Representative and directed that any objections to the annexation be submitted to the Board by March 12, 1999. No objections were received.

Following is a brief summary of each of the documents submitted with the negotiation agreement.

Highlights of the Intermunicipal Development Plan (Plan)

The main purpose of the Plan is to provide a basis for good planning and direction for the orderly development of the border area between the City and the County. With the consolidation of air traffic at the Edmonton International Airport and anticipated high growth rates in the region, both municipalities agreed to the necessity of a solid plan.

The main thrust of the Plan is to establish a cooperative atmosphere for the referral of land use, subdivision and development applications within the Plan area. The provisions of the Plan apply to a two mile wide area as well as the International Airport. The two mile referral area includes one mile inside the City boundary and one mile outside the boundary. The municipalities have also agreed to establish mechanisms for dispute resolution through the creation of an Intermunicipal Planning Committee. If the committee cannot resolve issues then the Councils will hold a joint meeting. If the joint Council meeting fails to resolve issues, then the Plan states that the Minister of Municipal Affairs will be requested to mediate.

The Annexation Agreement

The agreement provides for a population cap on the City of 40,000 persons. The municipalities have also agreed that residential and farm properties will continue to be assessed as if they are still in the County until such time as the land use of the property changes. Further, the City will create an Annexation Tax Stability District and apply a special mill rate to the area in order to approximate the taxes levied on similar property in the County.

The other main feature of the agreement are the provisions respecting the cost sharing for the maintenance and upgrading of boundary roads. The agreement specifies which roads will be the subject of sharing responsibility for maintenance, paving, widening and dust control. The agreement includes Township Road 500 and Airport Road. The City has agreed to set aside \$200,000 each year for five years for its share of the cost of upgrading Airport Road. Out of the \$200,000 the City will pay 50% of the cost incurred by the County for upgrading Airport Road

FINDINGS

After reviewing and considering the negotiation report of the City, the Board finds:

1. There is general agreement with the public, the affected landowners and the County respecting the annexation proposal.
2. No objections were received by the Board as a result of the Board's advertisement in the Leduc Representative.

RECOMMENDATION

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

1. Effective January 1, 1999, the land described in Appendix A and shown on the sketch in Appendix B is separated from Leduc County and annexed to the City of Leduc.

"Annexed land" means the land described in Appendix A and shown on the sketch in Appendix B.

2. Any taxes owing to Leduc County on December 31, 1998 in respect of the annexed land, together with any lawful penalties and costs levied in respect of those taxes, are transferred to and become payable to the City of Leduc and the City of Leduc upon collecting those taxes, penalties or costs must pay them to Leduc County.
3. The assessor for the City of Leduc must assess in 1999, for the purpose of taxation in 1999, the annexed land and the assessable improvements to it.
4. For taxation purposes in 1999 and subsequent years, the annexed land and the assessable improvements to it must be assessed and taxed by the City of Leduc on the same basis and as if they had remained within Leduc County.
5. Section 4 ceases to apply to a portion of the annexed land and the assessable improvement to it in the taxation year immediately following the taxation year in which
 - (a) the portion becomes a new parcel of land created as the result of a subdivision or separation of title, except for first parcels to be subdivided from a quarter section or the creation of two eighty acre parcels from a quarter section, or subdivision as the result of physical separation as defined in the City of Leduc Land Use Bylaw,

- (b) the portion has received a development permit for a commercial or industrial development,
or
- (c) the portion has been redesignated at the request of the landowner, pursuant to the City of Leduc Land Use Bylaw.
6. After section 4 ceases to apply to a portion of the annexed land in a taxation year, the portion of the annexed land and the assessable improvements to it must be assessed, for the purposes of property taxes in that year, on the same basis as the assessment of property of the same class in the City of Leduc.

REASONS

The City, the County and the affected landowners are in support of the annexation. All of the areas of concern have been addressed in the Annexation Agreement between the municipalities and the Intermunicipal Development Plan adopted by the Councils of both municipalities. Further, there are provisions in the Plan for the establishment of a dispute resolution body.

There were no objections submitted to the Board from any party other than that of Mr. Taylor. The Board considered Mr. Taylor's letter and decided that designation of truck routes and the issues of traffic and dust are matters for detailed planning, enforcement and action at the local level whether or not the roads are located within the County or the City. While the Board gave consideration to the complaint, it was felt that for annexation purposes the complaint did not carry sufficient weight for the Board to find general disagreement with the proposal.

The Board finds approval of the annexation is appropriate provided it is in accordance with the provisions listed in the above recommendation.

Dated at the City of Edmonton, in the Province of Alberta, this 15th day of March, 1999.

MUNICIPAL GOVERNMENT BOARD



L. Dirom, Presiding Officer

APPENDIX A

**DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM
LEDUC COUNTY AND ANNEXED TO THE CITY OF LEDUC**

The descriptions of Areas 1 to 5 coincide with the areas shown on the map in Appendix B

Area 1 THE EAST HALF OF SECTION TWENTY-EIGHT (28), AND THE EAST HALF OF SECTION THIRTY-THREE (33), ALL WITHIN TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN, EXCEPTING THAT PORTION OF HIGHWAY 39 LYING BETWEEN THE REFERENCED HALF-SECTIONS.

THAT PART OF TOWNSHIP ROAD 500 LYING NORTH OF THE NORTHEAST QUARTER OF SECTION THIRTY-THREE (33); THE NORTHEAST AND NORTHWEST QUARTER SECTION OF THIRTY-FOUR (34); THE NORTHWEST QUARTER OF SECTION THIRTY-FIVE (35), ALL WITHIN TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN.

THAT PART OF TOWNSHIP ROAD 494 LYING SOUTH OF THE SOUTHEAST QUARTER OF SECTION TWENTY-EIGHT (28) AND THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION TWENTY-SEVEN, ALL WITHIN TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN.

THAT PART OF RANGE ROAD 252 LYING WEST OF THE SOUTHWEST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN.

Area 2 THE EAST HALF OF SECTION TWELVE (12), INCLUDING LOTS A, B AND C, PLAN 354 TR., AND THE EAST HALF OF SECTION ONE (1) AND THE ROAD ALLOWANCE LYING SOUTH OF THE SOUTHEAST QUARTER OF SECTION ONE (1), ALL WITHIN TOWNSHIP FIFTY (50), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN.

THE EAST HALF OF SECTION THIRTY-SIX (36), TOWNSHIP FORTY-NINE (49) RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN.

- Area 3 THE NORTH HALF OF SECTION THIRTY (30) AND THE SOUTH HALF OF SECTION THIRTY-ONE (31), ALL WITHIN TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN.
- Area 4 THE SOUTH HALF OF SECTION THIRTY (30) AND THE NORTH HALF OF SECTION THIRTY-ONE (31) AND THE ROAD ALLOWANCE LYING WEST OF SECTIONS THIRTY (30) AND (31) ALL WITHIN TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, EXCEPT THAT PORTION OF SECONDARY HIGHWAY 623 LYING SOUTH OF THE SOUTHERLY BOUNDARY OF THE SOUTH HALF OF SECTION THIRTY (30), TOWNSHIP FORTY-NINE (49), RANGE TWENTY-FOUR (24) WEST OF THE FOURTH MERIDIAN.
- Area 5 THAT PART OF ROAD PLAN 952 0401 AS DESCRIBED ON SURVEY PLAN DATED JANUARY 28, 1998, WHICH HAS BEEN SEPARATED FROM THE HIGHWAY RIGHT-OF-WAY.

APPENDIX B

**A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
RECOMMENDED FOR ANNEXATION TO THE CITY OF LEDUC**

AFFECTED AREA(S)

