

**IN THE MATTER OF THE “Municipal Government Act” (the Act);**

**AND IN THE MATTER OF** an application by the Town of St. Paul (Town), in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of St. Paul No. 19 (County).

**BEFORE:**

T. Helgeson, Presiding Officer  
J. Church, Member  
G.J. Dziwenka, Secretariat

**BACKGROUND**

The Town has applied to annex 160 acres from the County. The County does not object to the proposal, however some of the affected landowners do object or have concerns. The proposed annexation is for the E 1/2 of the S.E. and the W 1/2 of the N.E. of 6-58-9-4. Fourteen landowners are affected by the proposed annexation.

The Town is proposing the annexation for the following reasons:

- a) It is apparent that expansion of the Town will continue to the west with the development of Spring Creek Meadows.
- b) The properties immediately west of the existing Town boundaries have requested, and in some instances, have received Town services, specifically water and sanitary sewer.
- c) Commercial, residential, and acreage development is in demand in the area proposed for annexation. Annexation will ensure that development occurs according to the Town's long range plans.
- d) The Town recently annexed back to the County 243.8 acres because it is prime agricultural land.
- e) Discussions have taken place with representatives of Blue Quills College, two and one half miles west of the present boundaries regarding the supply of water and sanitary sewer services which will require crossing the proposed annexation territory. In addition, there are negotiations for expansion of the facilities, which will result in greater demands for development.

In summary, the Town's natural growth direction is to the west of the present boundary, and the Town is proposing the annexation to the west in order to accommodate its long term plans for comprehensive residential and highway commercial development. Water and sanitary sewer are presently built to the westerly boundary of the Town and have been oversized to accommodate future requirements. Therefore, the purpose of the annexation is to acquire lands to accommodate that westerly expansion and to control the development that is taking place in that area through the Town's Land Use Bylaw.

On July 28, 1997 the Council of the Town passed a resolution to initiate procedures for the annexation of the subject lands from the County. Subsequently, the Council of the Town met with the Council of the County on September 9, 1997 to discuss this proposal. A letter of intent to proceed with the proposed annexation dated September 11, 1997 was sent to the County with a copy forwarded to the Board.

The Town held a public meeting with all stakeholders on April 2, 1998 to discuss its annexation proposal with the County and affected residents. Written notification was sent to the stakeholders dated March 16, 1998. A letter dated April 8, 1998 was sent to all parties affected by the proposed annexation outlining conditions of the annexation derived from the results of the public meeting. Results of the responses to this letter were that one landowner was against the proposed annexation and two landowners had concerns.

By letter dated July 7, 1998 the County conveyed to the Town their approval of the proposed annexation on the basis that the proposed annexation not occur before January 1, 1999. By letter dated January 18, 1999 to the Board, the County indicated that they had concluded negotiations on the proposed annexation in accordance with section 117 of the Act and confirmed to the Board that they had no objection to the proposed annexation.

The Town filed notification of its intent to annex certain territory with the Municipal Government Board on September 9, 1998. On October 16, 1998, the Board determined that there was not general agreement respecting the proposed annexation due to the objections and concerns of three affected landowners. In accordance with section 121 of the Act, the Board conducted a public hearing on January 27, 1999 in order to allow any affected person to appear before the Board. The Board gave notice of the hearing in the January 4 and 11 editions of the St. Paul Journal, also in accordance with the Act.

## **SUMMARY OF HEARING**

Louis Pelchat, owner of a 1.98 acre parcel in the middle of the proposed annexed area, objects to the annexation because of the increase in taxes in ten years and because he does not want to go on Town sewer and water or be restricted from burning garbage.

James and Shawn McGonigal, owners of a 1.28 acre parcel located adjacent to Highway 28, have concerns about the annexation because of the potential increase in taxes and the restriction on either keeping livestock in the Town limits or adding to the present livestock population.

Edward Kaszefski and Helen Charchuk, owners of a 37.94 acre parcel located on the western boundary of the Town, are concerned about the possibility of increased property value and therefore increased taxes. They also want assurance from the Town that they will be hooked into the water and sewer when it cuts across their property. A further concern is that the Town will not trespass on their property without reasonable notice, which has happened in the past.

In addition, a letter dated January 18, 1998 written by Alex Bilobrowka, owner of a 37.14 acre parcel, was read at the hearing. He objects to the annexation because he feels he receives better services from the County and that taxes will always be lower in the County.

The Town has agreed to meet with those residents who have animals, other than dogs and cats, and will try to accommodate these people on an individual basis based on acreage and proximity to high density development.

The Town has indicated to the affected landowners that it will guarantee the lowest mill rate of the Town or the County for ten years or until rezoning occurs for imminent development. In addition, the Town has told the landowners that the Town will meet with any landowner that has a concern.

## **FINDINGS**

After reviewing and considering the negotiation report of the Town of St. Paul and submissions made at the hearing, the Board finds:

1. the Town gave notification of its intent to annex certain territory to the Municipal Government Board and affected local authorities on September 11, 1997;
2. the Town held a public meeting on April 2, 1998;
3. the Town filed its negotiation report with the Municipal Government Board on July 9, 1998;
4. the annexation proposal affects fourteen owners, with two owners objecting to the proposal and two owners having concerns;
5. the County supports annexation of the land to the Town;

6. the owners of two parcels object to annexation primarily due to the potential for increased taxation.

### **RECOMMENDATIONS**

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

- (a) effective January 1, 2000, 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 St. Paul,
- (b) any taxes owing to the County of St. Paul No. 19 on December 31, 1999 in respect of the annexed land, together with any lawful penalties and cost levied in respect of those taxes, are transferred to and become payable to the Town of St. Paul and the Town of St. Paul 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 St. Paul must assess in 1999, for the purpose of taxation in 2000, the annexed land and the assessable improvements to it.

And make the Order shown in Appendix C

**REASONS**

The natural growth direction for the Town is to the west of the present boundary. The Town is proposing the annexation to the west in order to accommodate its long term plans for comprehensive residential and highway commercial development. The Town will be able to direct and control any development planned for the annexed area through its Land Use Bylaw. It is advisable and good planning practice that control be exercised before any development occurs.

Water and sanitary sewer are presently built to the westerly boundary of the Town and have been oversized to accommodate future requirements. These municipal services are readily available and should enhance the development of this area.

The County of St. Paul supports annexation of the land to the Town of St. Paul. While there are two owners objecting, the Board is of the opinion that guaranteeing the lowest mill rate for the next ten years will help to alleviate their concerns. Two other landowners had concerns about having farm animals inside the boundaries of the Town. These were addressed by the Town at the hearing. The Town indicated that they would meet with these landowners to address their concerns individually and try to accommodate them based on size of parcel and proximity to high density development.

DATED at the City of Edmonton, in the Province of Alberta, this *11<sup>th</sup> day of May, 1999.*

MUNICIPAL GOVERNMENT BOARD

  
T. Helgeson, Presiding Officer

## APPENDIX A

### DETAILED DESCRIPTION OF THE LANDS SEPARATED FROM THE COUNTY OF ST. PAUL AND ANNEXED TO THE TOWN OF ST. PAUL

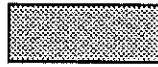
ALL TITLED AREAS AND INTERVENING PUBLIC ROADWAYS WITHIN THE EAST ONE-HALF (1/2) OF THE SOUTHEAST QUARTER OF SECTION SEVEN (7), TOWNSHIP FIFTY EIGHT (58), RANGE NINE (9), WEST OF THE FOURTH MERIDIAN.

ALL TITLED AREAS WITHIN THE WEST ONE-HALF (1/2) OF THE NORTHEAST QUARTER OF SECTION SIX (6), TOWNSHIP FIFTY-EIGHT (58), RANGE NINE (9), WEST OF THE FOURTH MERIDIAN.

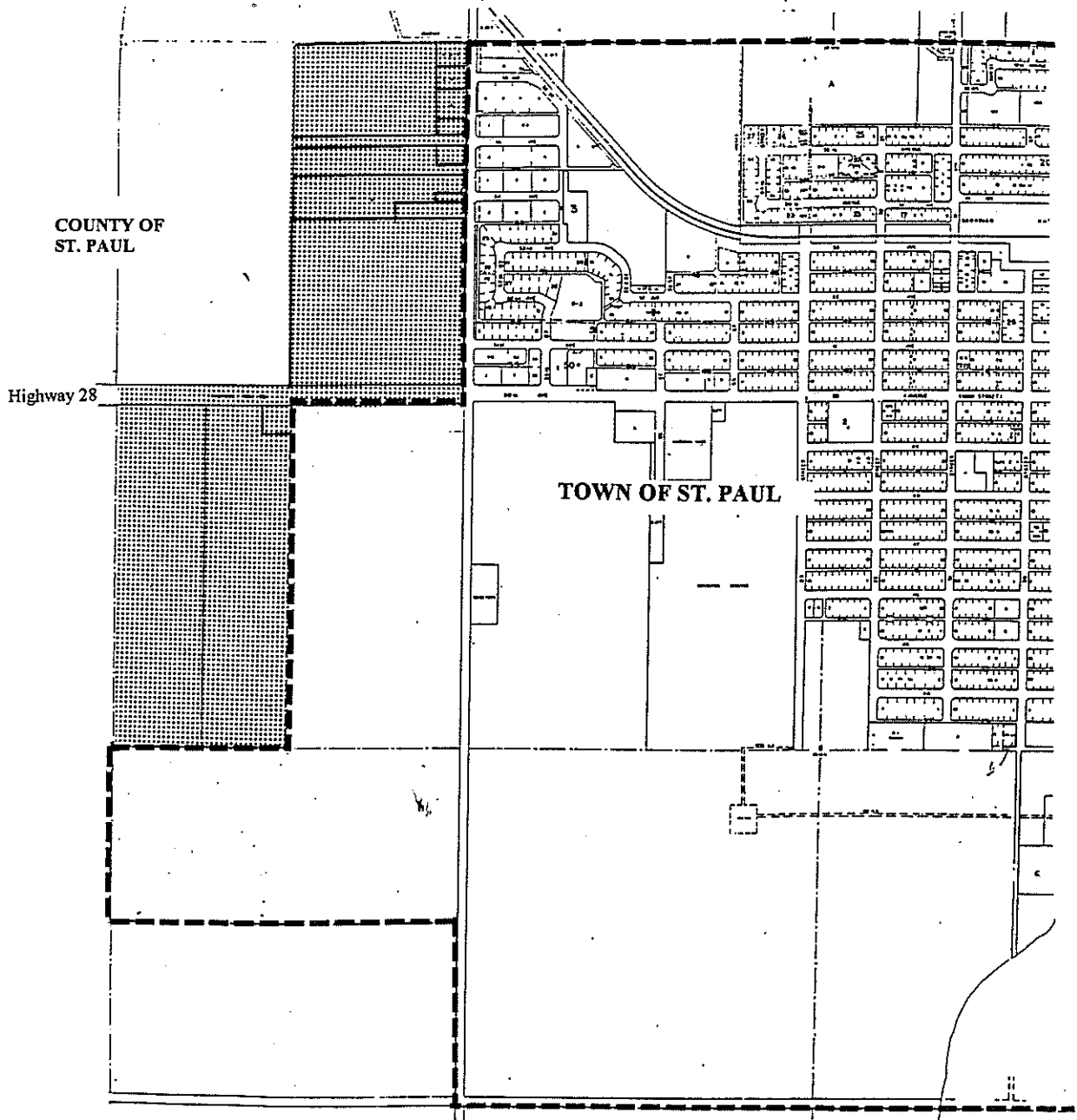
THAT PORTION OF HIGHWAY 28 LYING BETWEEN THE SOUTHEAST QUARTER OF SECTION SEVEN (7), AND THE NORTHEAST QUARTER OF SECTION SIX (6), ALL WITHIN TOWNSHIP FIFTY-EIGHT (58), RANGE NINE (9), WEST OF THE FOURTH MERIDIAN.

**APPENDIX B**

**A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS ANNEXED TO THE TOWN OF ST. PAUL**



**AFFECTED AREA**



## 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 2000 and later years up to and including 2009, the annexed lands and improvements to it must

(a) be assessed by the Town of St. Paul on the same basis as if they had remained in the County of St. Paul No. 19, and

(b) be taxed by the Town of St. Paul in respect of each assessment class that applies to the annexed land and the assessable improvement to it using either

(i) the tax rate established by the Town of St. Paul, or

(ii) the tax rate established by the County of St. Paul No. 19,

whichever is the lowest.

3. Section (2) 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 a result of a subdivision or separation of title, whether by registered plan of subdivision, 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 after a new parcel referred to in clause (a) has been created and the residual portion is 3 acres or less, or

(c) the portion is, at the request of, or on behalf of, the landowner, redesignated by an amendment to the Town of St. Paul Land Use Bylaw.

4. After section 2 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 and taxed for the purposes of property taxes in that year on the same basis as the assessment and taxation of property of the same assessment class in the Town of St. Paul.