

IN THE MATTER OF THE "Municipal Government Act"

AND IN THE MATTER OF an application by the Summer Village of Argentic Beach, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Wetaskiwin No. 10.

AND IN THE MATTER OF an application by the Summer Village of Argentic Beach, in the Province of Alberta, to separate certain territory from the Summer Village and annex it to the County of Wetaskiwin No. 10.

BEFORE:

J. Church, Presiding Officer
L. Dirom, Member
D. Weideman, Member

SUMMARY

On December 12, 1996, the Summer Village of Argentic Beach (Summer Village) filed notification of its intent to annex certain territory from the County of Wetaskiwin No. 10. As a result of meetings with the County of Wetaskiwin No. 10 (County), landowners and general public, the Summer Village filed its negotiation report with the Municipal Government Board (the Board) on April 28, 1997. The Board reviewed the negotiation report and determined there is general agreement on the annexation. The Board gave notice of its findings by advertising in a local newspaper and direct mailing to the landowners and local authorities. In addition, the Board advised that if no objections were filed by August 15, 1997, the Board may file a report and recommendation with the Minister of Municipal Affairs without holding a public hearing. No objections or comments were received.

The area proposed for annexation consists of approximately 47 hectares in parts of five quarter section now under County jurisdiction and a small part of an underdeveloped road allowance (east 33 feet) between Mulhurst and Argentic Beach is to be returned to the County jurisdiction. The annexation will bring a green belt strip of land under the jurisdiction of the Summer Village in order to permit the Village to enact bylaws to fulfill its obligation respecting use and address drainage issues. The remainder of SE 1/4 14-47-1-W5, the Gibeau homestead, will also be annexed into the Summer Village. The owner currently uses municipal services and will benefit further from other services from the Village such as police, fire, ambulance, and garbage. The Summer Village also agreed that the machinery and equipment tax revenue from the oil wells on SE 1/4 14-47-1-W5 continue to accrue to the County. This revenue is to be used for improvements to the beach front in the Hamlet of Mulhurst.

County Council had previously approved the subdivision of 5 parcels, 3 of which are proposed for annexation. The subdivision was to resolve some long-standing disputes with the owners, ensure development control, enable drainage and flood control initiatives and to preserve a significant wilderness area.

With respect to the 2 parcels not included in the annexation, they comprise of a wildlife preserve owned by Alberta Sport, Recreation & Wildlife Foundation. The wildlife property will be maintained in its natural state in perpetuity and will remain in the County.

The County of Wetaskiwin No. 10 fully supports the annexation. The general public has been exposed to the idea of annexation for two to three years.

Mr. Philippe J. Gibeau, one of the property owners had initially opposed the annexation because it would limit development to one dwelling per lot of less than 20 hectares which would impact the land value. As a result of an agreement with the Summer Village respecting zoning of his property following annexation, Mr. Gibeau withdrew his objection and asked the Board to continue with the proposal.

FINDINGS

After reviewing and considering the negotiation report of the Summer Village of Argentia Beach, the Board finds:

1. Under the date of December 12, 1996, the Summer Village of Argentia Beach initiated annexation by giving notice of its intent to the County of Wetaskiwin No. 10 and the Municipal Government Board;
2. On March 13, 1997, Mr. Philippe J. Gibeau wrote to the Summer Village objecting to the annexation;
3. On April 9, 1997, Mr. Gibeau wrote to the Municipal Government Board copying his March 13, 1997, letter of objection;
4. On June 5, 1997, McLennan Ross, Barristers & Solicitors, wrote on behalf of Mr. Gibeau, withdrawing his objection and requested the Board to continue with the annexation;
5. On July 15, 1997, the Municipal Government Board determined there is general agreement to the proposed annexation;
6. Under the date of July 15, 1997 the Municipal Government Board gave notification of their findings and further advised that if no objections to the proposed annexation were filed by August 15, 1997, the Board may file its written report and recommendations without holding a public hearing. Notification was also given to the public by notice in the Wetaskiwin Times Advertiser on July 29 and August 5, 1997;
7. No objections to the annexation were filed with the Municipal Government Board up to and including August 15, 1997.

RECOMMENDATION

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

1. Effective December 31, 1997, the land described in Appendix A and shown on the sketch in Appendix B be separated from the County of Wetaskiwin No. 10 and annexed to the Summer Village of Argentia Beach.
2. Effective December 31, 1997, the land described in Appendix C and shown on the sketch in Appendix D be separated from the Summer Village of Argentia Beach and annexed to the County of Wetaskiwin No. 10.

3. Any taxes owing to the County of Wetaskiwin No. 10 on December 31, 1997, in respect of the annexed lands described in Appendix A are transferred to and become payable to the Summer Village of Argentia Beach together with any lawful penalties and costs levied in respect of the those taxes, and the Summer Village of Argentia Beach upon collecting those taxes, penalties or costs shall pay then to the County of Wetaskiwin No. 10.
4. Any taxes owing to the Summer Village of Argentia Beach on December 31, 1997, in respect of the annexed lands described in Appendix C are transferred to and become payable to the County of Wetaskiwin No. 10 together with any lawful penalties and costs levied in respect of the those taxes, and the County of Wetaskiwin No. 10 upon collecting those taxes, penalties or costs shall pay then to the Summer Village of Argentia Beach,
5. Effective December 31, 1997, in respect of that portion of the South East Quarter of Section Fourteen (14), Township Forty-Seven (47), Range One (1) West of the Fifth Meridian described in Appendix A, the Summer Village of Argentia Beach, upon collecting taxes arising from the machinery and equipment assessment, shall pay those taxes to the County of Wetaskiwin No. 10, and
6. The assessor for the Summer Village of Argentia Beach and County of Wetaskiwin No. 10, must assess, for the purpose of taxation in 1998, the respective annexed land and assessable improvements to it. The assessment must be made on the same basis as the assessment of other property in the respective municipality.

REASONS

The Board after reviewing the negotiation report of the Summer Village of Argentia Beach has concluded all parties are in full agreement on the annexation. Annexation will resolve specific environmental issues common to both municipalities while at the same time resolving ongoing drainage problems associated with the annexed lands.

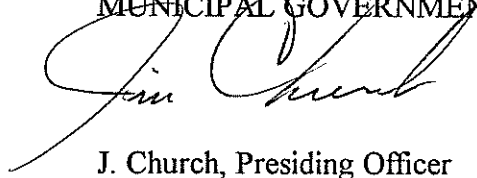
The roadway to be split between the municipalities is undeveloped and used to provide pedestrian access to the beach. The split will provide joint management and control which is part of the agreement between the two municipalities.

The Summer Village has agreed to a sharing of the revenue generated from the annexed lands. Specifically, the Summer Village will pay to the County all revenue generated by the machinery and equipment assessment. The county is to use the funds for beach improvements in the Hamlet of Mulhurst.

Given the results of negotiation by the two municipalities and input by both landowners and general public, the annexation represents a reasonable resolution of historical concerns affecting the area.

Dated at the City of Edmonton, in the Province of Alberta, this 24th day of September, 1997.

MUNICIPAL GOVERNMENT BOARD



J. Church, Presiding Officer

APPENDIX "A"

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE COUNTY OF WETASKIWIN NO. 10 AND ANNEXATION TO THE SUMMER VILLAGE OF ARGENTIA BEACH.

All that portion of east one half of section thirteen (13) township forty-seven (47) range one (1) west of the fifth meridian contained in Lot 3 Plan 962 3959.

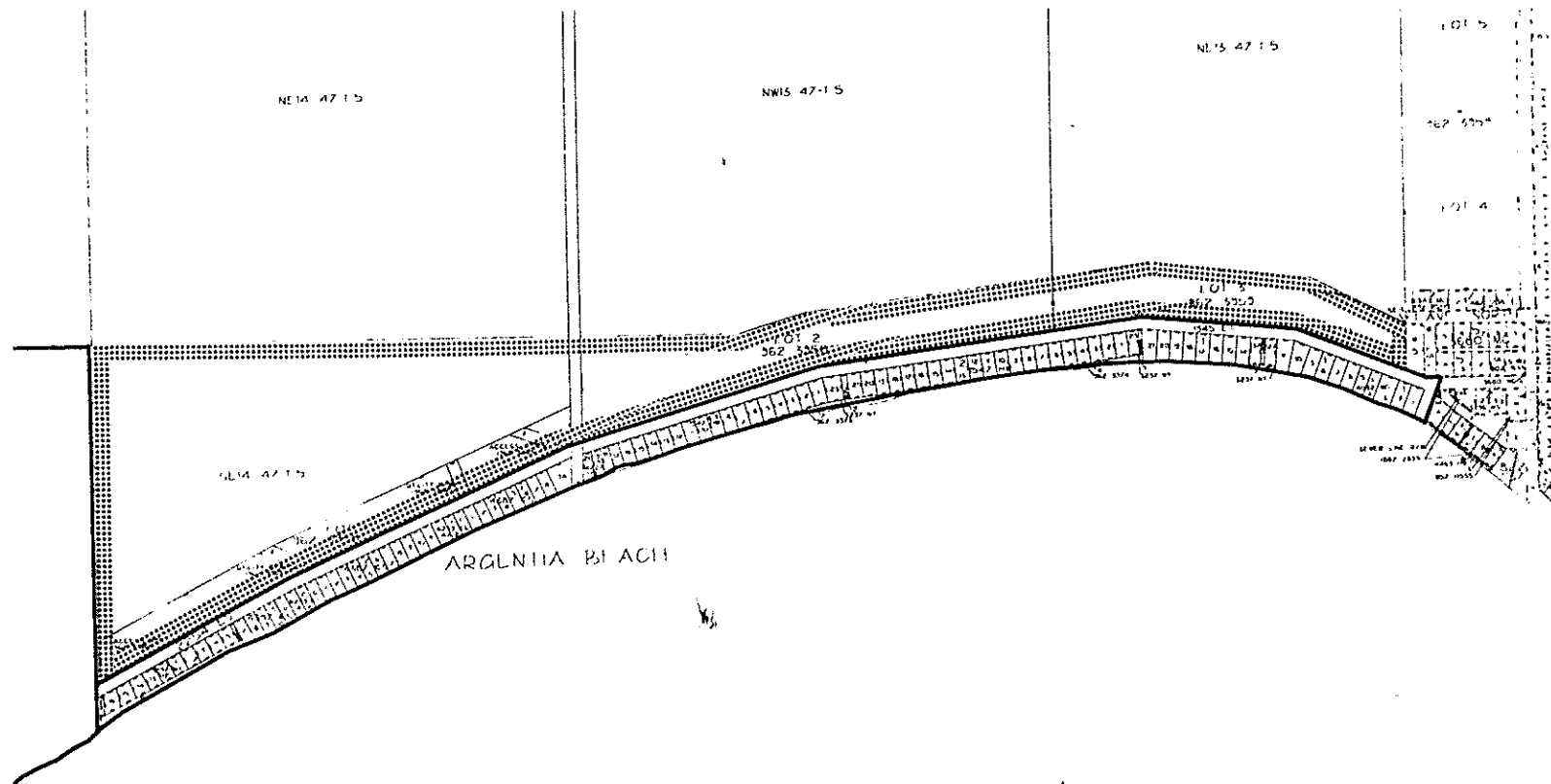
All that portion of the west one half of section thirteen (13) township forty-seven (47) range one (1) west of the fifth meridian contained in Lot 2 Plan 962 3958.

All that portion of the southeast quarter of section fourteen (14) township forty-seven (47) range one (1) west of the fifth meridian which lies northerly of Lake Drive as shown on Plan 2254 E.U. and that north south government road allowance adjoining the east boundary thereof.

APPENDIX "B"

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
RECOMMENDED FOR ANNEXATION TO THE SUMMER VILLAGE OF
ARGENTIA BEACH

AFFECTED AREA(S)



APPENDIX "C"

**DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM
THE SUMMER VILLAGE OF ARGENTIA BEACH AND ANNEXATION TO THE
COUNTY OF WETASKIWIN NO. 10.**

All that portion of the southeast quarter of section thirteen (13) township forty-seven (47) range one (1) west of the fifth meridian shown as Extra Road "B" as shown on Plan 9720783.

APPENDIX "D"

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS
RECOMMENDED FOR ANNEXATION TO THE COUNTY OF WETASKIWIN NO. 10.

AFFECTED AREA(S)

