

IN THE MATTER OF THE "Municipal Government Act"

AND IN THE MATTER OF an application by the Town of Nanton, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Willow Creek No. 26.

BEFORE:

G. Cornish, Presiding Officer
V. Chatten, Member
D. Berezowski, Member
R. Myroniuk, Secretariat

SUMMARY

The Town filed notification of its intent to annex certain territory with the Municipal Government Board on September 1, 1995. In accordance with the provisions of the Municipal Government Act, the Town entered into negotiations with the Municipal District and held a public meeting. Notification of the public meeting was advertised in the Nanton News and written notification given to the three owners affected by the proposal. The public meeting was held on November 6, 1995 and attended by one owner, two residents and a representative of the Municipal District of Willow Creek No. 26.

The Town filed the negotiation report with the Municipal Government Board on March 4, 1996, and advised the Town wished to proceed with the annexation. The Municipal District of Willow Creek No. 26 supports the annexation and signed the negotiation report. Two of the affected owners, who had requested annexation, supported the proposal while one owner objected based on increased taxes. The Municipal Government Board reviewed the negotiation report of the Town of Nanton and was not satisfied there was general agreement to the proposal. As the Board was not satisfied there was general agreement, a hearing was held on May 2, 1996.

The issue of annexation was first raised when one of the landowners was faced with either removing a second dwelling located on his property or creating a separate country residential parcel for this home. The Municipal District of Willow Creek No. 26 advised the landowner that a permit for the second dwelling or subdivision would be in contravention of the Land Use Bylaw and suggested that he seek annexation to the Town of Nanton. The landowner approached the Town of Nanton and the Town, after reviewing the proposal, agreed to annex his property on the condition that the two adjoining properties be included in the proposal. The Town's position is that annexation of a single property would do little to control development and provide a very irregular boundary. Municipal services are located on the street fronting the three properties and the Town is of the opinion that development pressure can only be planned and controlled if all the land abutting the street is annexed. The Municipal District supports this position and is recommending that the three parcels be annexed to the Town.

The Town of Nanton met with the landowners and the Municipal District of Willow Creek No. 26 and as a result, a second owner gave his consent to annexation. The third owner, Herbert Jahn, objected because annexation would not be a benefit and he would be subject to increased taxation. Mr. Jahn reiterated his concern with annexation at the hearing, but stated that it is not his intention to cause a problem for his neighbors and if his taxes would remain the same, he would agree to annexation.

FINDINGS

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

1. the Town of Nanton gave notification of its intent to annex certain territory to the Municipal Government Board and affected local authorities on September 1, 1995;
2. the Town of Nanton held a public meeting on November 6, 1995;
3. the Town of Nanton filed its negotiation report with the Municipal Government Board on March 4, 1996;
4. the annexation proposal is supported by the owners of two of the three parcels that comprise the annexation area;
5. the Municipal District of Willow Creek No. 26 supports annexation of the three parcels to the Town of Nanton;
6. the owner of one parcel objects to annexation due to the potential for increased taxation;

RECOMMENDATION

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

1. Effective December 31, 1996, the land described in Appendix A and shown on the sketch in Appendix B be separated from the Municipal District of Willow Creek No. 26 and annexed to the Town of Nanton.
2. Any taxes owing to the Municipal District of Willow Creek No. 26 on December 31, 1995, in respect of the annexed lands are transferred to and become payable to the Town of Nanton together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Nanton upon collecting those taxes, penalties or costs shall pay them to the Municipal District of Willow Creek No. 26.
3. The assessor for the Town of Nanton shall assess in 1996, for the purpose of taxation in 1997, the annexed land and the assessable improvements to it.
4. For taxation purposes in 1997 and subsequent years, the annexed lands and improvements thereon shall be assessed and taxed by the Town of Nanton on the same basis and as if they had remained within the Municipal District of Willow Creek No. 26.
5. Clause 4 shall cease to apply to any parcel of land and improvements within the annexation territory which is subject to either or both of the following having occurred after the effective date of annexation either at the request of, or on behalf of the landowner,
 - (i) the parcel of land is the subject of a subdivision or separation of title, whether by registered plan of subdivision, by instrument or any other method whereby a new parcel of land, including the residual parcel, is created and

- (ii) the parcel of land is redesignated, pursuant to the Town of Nanton Land Use Bylaw, to a use other than that existing on the effective date of annexation.
6. If Clause 4 ceases to apply to a parcel of land and improvements thereon, the assessment of the annexed lands and improvements on the same basis as other land and improvements in the Town of Nanton shall take effect in the year clause 4 ceases to apply for the first complete taxation year immediately following the taxation year in which the event or circumstance occurs which causes Clause 4 to cease to apply.

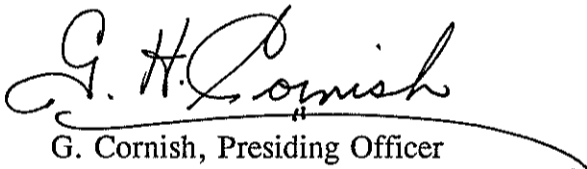
REASONS

The Town of Nanton, in responding to the needs of two of the landowners, will be able to direct and control any development planned for this area. Municipal services are readily available which should enhance the development potential of the annexation territory and it is advisable that control be exercised prior to any subdivision.

The Municipal District of Willow Creek No. 26 supports annexation of all three parcels to the Town of Nanton. While one owner is objecting, the Board is of the opinion that restricting assessment and taxation to rural levels will satisfy his concerns.

Dated at the City of Edmonton, in the Province of Alberta, this 17th day of July, 1996.

MUNICIPAL GOVERNMENT BOARD


G. Cornish, Presiding Officer

APPENDIX "A"

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26 AND ANNEXED TO THE TOWN OF NANTON

THE MOST EASTERLY 330 FEET OF THE NORTH EAST QUARTER OF SECTION SIXTEEN (16), TOWNSHIP SIXTEEN (16), RANGE TWENTY-EIGHT (28), WEST OF THE FOURTH MERIDIAN NOT WITHIN THE TOWN OF NANTON, EXCEPTING THEREOUT ROAD PLAN 2881 K.

APPENDIX "B"

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

AFFECTED AREA(S)

