

BOARD ORDER NO. 20887

FILE: DEVO/T-6

IN THE MATTER OF THE "Municipal Government Act":

AND IN THE MATTER OF THE "County Act":

AND IN THE MATTER OF an application by the Town of Devon, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the County of Leduc No. 25.

This is a petition to the Alberta Local Authorities Board by the Town of Devon, in the Province of Alberta, for the annexation of all that territory described in Appendix "A".

SUMMARY

The proposal is to annex the balance of a quarter section, containing 146 acres to the Town of Devon. The territory is bound on the north and east by the present boundaries of the Town and lies west of Highway No. 60. The territory is presently in the jurisdiction of the County of Leduc No. 25. The land is owned by Andrew Stachnik and subject to a purchase agreement with Stanton Properties Inc. both of whom provided the Town of Devon with written unconditional consent to the annexation of this property.

The proposed annexation territory is identified in the General Municipal Plan of the Town of Devon as a future growth area and it is proposed that it be developed as an integrated residential/commercial development. Annexation would ensure that the Town of Devon would have an adequate supply of land to meet the residential demands of future growth.

The County of Leduc No. 25 reviewed the proposal and by letter to the Town of Devon, dated December 29, 1993, confirmed support for the annexation of the territory to the Town. The Edmonton Metropolitan Regional Planning Commission conducted an in-depth review of the need for annexation and adopted a resolution to support the proposal subject to ratification by the Executive Committee. The Executive Committee, at its meeting of February 16, 1994, ratified the Commission's support for annexation of the territory to the Town of Devon.

In addition, Alberta Transportation and Utilities, Alberta Agriculture, Food and Rural Development and Alberta Environmental Protection reviewed the proposal of the Town of Devon and offered no objection to annexation.

FINDINGS OF FACT

After having read and considered the documents shown on Appendix "B" attached hereto, the Board finds the facts in the matter to be as follows:

1. the Town of Devon, at a regular meeting of Council on November 23, 1992, adopted a motion to petition for the annexation of the S.E. 33-50-26-W4M, to the Town of Devon;
2. annexation will provide the Town of Devon with sufficient land to meet the long term residential demand;

3. the owner of the land proposed for annexation, as well as the purchaser, gave unconditional consent to the annexation of the land to the Town of Devon;
4. the County of Leduc No. 25 supports the annexation of the subject territory to the Town of Devon;
5. the Edmonton Metropolitan Regional Planning Commission, ratified by the Executive Committee, gave its approval to the annexation of the territory to the Town of Devon;
6. Alberta Transportation and Utilities has no objection to the proposed annexation of the Town of Devon;
7. Alberta Agriculture, Food and Rural Development has no objections to the annexation of the S.E. 33-50-26-W4M, to the Town of Devon;
8. Alberta Environmental Protection has no objections to the annexation as proposed by the Town of Devon.

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

DECISION

Subject to the Lieutenant Governor in Council approving this Order, or prescribing conditions that the Order is subject to and approving the Order subject to those conditions, or varying the Order and approving the Order as varied, IT IS ORDERED AS FOLLOWS:

1. That there be annexed to the Town of Devon, in the Province of Alberta, and be separated from the County of Leduc No. 25 all that territory described in Appendix "A" attached hereto.

(A sketch showing the general location of the annexed territory is attached as Appendix "C").
2. That any taxes owing to the County of Leduc No. 25 as at December 31, 1994, in respect of the annexed lands shall transfer to and become payable to the Town of Devon together with any lawful penalties and costs levied in respect of any such taxes; however, upon the Town of Devon collecting any or all of such taxes, penalties or costs, they shall be paid by the Town to the County of Leduc No. 25.
3. That the assessor for the Town of Devon shall, for taxation purposes in the year 1995, reassess the annexed lands and assessable improvements, which are by this Order annexed to the Town of Devon so that the assessment shall be fair and equitable with other lands and assessable improvements in the Town of Devon, and the provisions of the Municipal Taxation Act regarding the assessment roll shall apply.
4. That the Chief Provincial Assessor appointed pursuant to the provisions of the Municipalities Assessment and Equalization Act shall, for taxation or grant purposes commencing in the year 1995, reassess or revalue, as the case may be, all properties that are assessable or subject to valuation under the terms of the

Electric Power and Pipe Line Assessment Act and the Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this Order annexed to the Town of Devon, so that the assessment or valuation is fair and equitable with properties of a similar nature.

5. That the effective date of this Order is the 31 day of December, 1994.

REASONS

The annexation is to provide sufficient land to accommodate the long term residential needs of the Town of Devon. The land is to be purchased by a party committed to the development in a manner supported by the Town. In addition, the annexation and proposed use also conforms to the regional principles and criteria of annexation established by the Edmonton Metropolitan Regional Planning Commission.

The annexation to the Town of Devon is supported by the County of Leduc No. 25 as well as all government departments having an interest in the proposal. As the proposal would appear to meet the long term development needs of the Town of Devon and has received the support of all parties, annexation would appear to be warranted.

Dated at the City of Edmonton in the Province of Alberta this 7th day of March, 1994.

LOCAL AUTHORITIES BOARD

CERTIFIED A TRUE COPY

(SGD.) Jack Davis, *Acting Chairman.*

Ray Myroniuk, *Board Secretary.*

APPENDIX "A"

DETAILED DESCRIPTION OF THE TERRITORY SOUGHT FOR AND ANNEXED TO THE DEVON:

**SOUTH EAST QUARTER OF SECTION THIRTY-THREE (33),
TOWNSHIP FIFTY (50), RANGE TWENTY-SIX (26) WEST FOURTH
MERIDIAN NOT WITHIN THE TOWN OF DEVON**

**THE ABOVE DESCRIBED LANDS CONTAIN SIXTY AND SIXTY-TWO
HUNDREDTHS (60.62) HECTARES (149 ACRES), MORE OR LESS.**

APPENDIX "B"

DOCUMENTS RECEIVED AND CONSIDERED:

NO. ITEM

1. certified true copy of motion 385/92 of the Town of Devon, adopted November 23, 1992.
2. certificate of title for the S.E. 33-50-26-W4M encumbered by a caveat for an agreement for sale to Stanton Properties Inc.

3. Letter dated February 12, 1993, addressed to the Local Authorities Board from Andrew Stachnik.
4. Letter dated February 12, 1993, addressed to the Local Authorities Board from Stanton K. Hooper, President, Stanton Properties Inc.
5. General Municipal Plan of the Town of Devon adopted by By-law 16-420 of the Town of Devon passed May 28, 1984.
6. Devon Annexation Study prepared by Mackenzie Associates Consulting Group Limited, on behalf of Stanton Properties Inc., dated October 1992.
7. Memorandum, dated March 12, 1993, from Alberta Transportation and Utilities addressed to the Local Authorities Board.
8. Memorandum, dated March 15, 1993, from Alberta Agriculture, Food and Rural Development addressed to the Local Authorities Board.
9. Memorandum dated March 29, 1993 from Alberta Environmental Protection addressed to the Local Authorities Board.
10. Letter from the County of Leduc No. 25, dated May 18, 1993, addressed to the Local Authorities Board with attached Report of the County of Leduc No. 25 to the Edmonton Metropolitan Regional Planning Commission entitled the "Proposed Devon Annexation".
11. Letter from the Edmonton Metropolitan Regional Planning Commission dated February 22, 1994, addressed to the Local Authorities Board.
12. Staff Report to the Planning Committee of the Edmonton Metropolitan Regional Planning Commission.

APPENDIX "C"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER NO. 20887

EFFECTIVE DATE: DECEMBER 31, 1994

AFFECTED AREA(S)

