

IN THE MATTER OF THE "Municipal Government Act"

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

BEFORE:

D. Weideman, Presiding Officer
Municipal Government Board

W. Connauton, Member
Municipal Government Board

C. Johnson, Member
Municipal Government Board

R. Myroniuk, Secretariat
Municipal Government Board

SUMMARY

On June 23, 1995, the Town of Millet filed notification of its intent to annex certain territory from the County of Wetaskiwin No. 10. As a result of meetings with the landowners and general public and negotiations with the County, the Town filed the negotiation report with the Municipal Government Board on August 4, 1995. The Board reviewed the negotiation report and determined there is general agreement on the annexation. The Board gave notification of their 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 October 23, 1995, the Board may file a report and recommendations with the Minister of Municipal Affairs without holding a public hearing. No objections or comments were received.

The purpose of the annexation is to provide the Town of Millet with sufficient land to meet the residential, industrial and commercial needs for the foreseeable future. The Town has grown from a population 456 in 1971 to a 2,005 in 1994 which represents an annual growth rate of 6.7%. In actual numbers this growth rate represents 67 new residents each year which translates into 20 new homes. Over the past five years, the rate of development has actually been closer to 50 new homes every year.

The Town of Millet currently has an inventory of 12 vacant residential lots and an outline plan is in place for an additional 46 lots. The only other parcel of land available for residential use is owned by a party who has not shown an interest in development. The proposed annexation includes a quarter section immediately adjacent to the subdivision currently being developed and can be readily serviced. The land is owned by an established developer who is in full agreement with the annexation.

Industrial land is in short supply in the Town of Millet with few undeveloped lots remaining in a small industrial park. The only other land in the Town designated for industrial use is constrained by residential uses which limit the development potential. The Town proposes to annex approximately 36 acres for industrial development in an area well segregated from the residential areas of the Town. The owners of the land have expressed a desire to subdivide for this use and have requested annexation in order to obtain water and sewer service.

Commercial land in the Town of Millet is mainly limited to highway frontage which is in short supply. Annexation will provide approximately one half mile of highway frontage with an estimated developable acreage of 18.37. Development will be setback from the highway allowing more than sufficient room for any future upgrading of Highway 2A.

The Town of Millet commenced negotiations with the County of Wetaskiwin No. 10 on October 11, 1994, at which time the Town outlined the need for additional land and the area under consideration. The County agreed in principle with the annexation proposal. Following meetings with the landowners, the Town prepared a second proposal eliminating those owners who did not want to be annexed. The two councils then met on May 8, 1995, to review the revised proposal and the County agreed to support annexation provided the owners also agreed to the proposal. The Town undertook to formally write all the owners requesting their agreement and to provide copies of the replies to the County. As a result of this mailing one parcel was dropped from the annexation proposal while the balance indicated their support.

Copies of the replies were given to the County and at the County Council meeting of July 1995, the council agreed to the annexation.

In addition to the agreement reached between the two municipalities on annexation, they agreed to an urban fringe and a mechanism for consultation on subdivision and development in the fringe area. The two parties also viewed the agreements reached in the negotiation process as the first step towards an Intermunicipal Development Plan. In addition to the matters agreed to regarding the urban fringe, the Town of Millet also agreed to amend the Land Use Bylaw to allow the existing uses to continue and that all agricultural and residential property continue to be assessed as if it had remained in the County until developed for other purposes. Agreement was also reached on the circumstances that would allow for further annexations in the future.

FINDINGS

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

1. The Town of Millet held a meeting of the landowners within the then proposed annexation territory on December 6, 1994, explaining the details of the proposal and that existing land uses and manner of assessment would continue until developed for urban purposes;
2. Based on the position of each landowner, the annexation proposal was reduced in size to only encompass those owners indicating support for the proposal and the amended proposal was then sent to each remaining owner;
3. Each landowner within the revised annexation territory was either hand delivered or mailed a copy of the finalized proposal and requested to indicate their support for the annexation;
4. Each landowner within the revised annexation territory filed a consent to the annexation of their property to the Town of Millet;
5. Councils for the Town of Millet and the County of Wetaskiwin No. 10 met on October 11, 1994, at which the Town explained the need for annexation and reviewed the area under consideration;
6. At the meeting of October 11, 1994, the County of Wetaskiwin No. 10 indicated that it has no objection in principle to annexation proposed by the Town of Millet;
7. Councils for the Town of Millet and the County of Wetaskiwin No. 10 met on May 8, 1995, where the Town presented a revised annexation proposal based on the support of the landowners and the County agreed not to oppose annexation provided the landowners agreed;
8. Copies of landowners comments and negotiation report were filed with the County of Wetaskiwin No. 10 and at the regular July 1995 meeting of Council the negotiation report was agreed to and signed;
9. The Town of Millet and the County of Wetaskiwin No. 10 entered into a memorandum of agreement concerning the present and future annexations, the establishment of an urban fringe, consultation on development in the urban fringe, and treatment of the annexed lands;
10. The Town of Millet has need of undeveloped land to meet the foreseeable demand for residential, industrial and commercial lots.

RECOMMENDATION

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

1. Effective December 31, 1995, 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 Town of Millet.

2. The assessor for the Town of Millet shall assess in 1995, for the purpose of taxation in 1996, the annexed land and the assessable improvements to it.
3. For taxation purposes in 1996 and subsequent years, the annexed lands and improvements thereon shall be assessed by the Town of Millet on the same basis and as if they had remained within the County of Wetaskiwin No. 10.
4. Clause 3 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 Millet Land Use Bylaw, to a use other than that existing on the effective date of annexation.
5. If Clause 3 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 Millet shall take effect in the year Clause 3 ceases to apply for the first complete taxation year immediately following the taxation year in which the event or circumstance occurs which causes Clause 3 to cease to apply.
5. Subject to Clauses 3, 4 and 5, the Minister of Municipal Affairs shall, for taxation or grant purposes commencing in the year 1996, reassess or revalue, as the case may be, all properties that are assessable or subject to valuation under the terms of Division 5 and 6 of Part 9 of the Municipal Government Act and which lie within the areas that are annexed to the Town of Millet, so that the assessment or valuation shall be fair and equitable with properties of a similar nature within the Town of Millet.

REASONS

The Town of Millet has conducted lengthy negotiations with the County of Wetaskiwin No. 10 resulting in the County's support for the annexation. In addition, the negotiations established a urban fringe area and a method of mutual cooperation in determining both future development of and annexation in the fringe area. The Town consulted the landowners throughout the process and has limited annexation to only those properties where the owners have provided written consent. The only concern of the landowners relate to the assessment of their property until required for urban development and this issue is addressed in the agreement between the Town and County.

The average population growth in the Town would indicate a well established community that will continue to expand in the future. The continued steady pace of growth would appear to support the need for additional land to meet the demands of the residential, commercial and industrial sectors. Coupled with the desire of the landowners for annexation would ensure that development will proceed as demand dictates.

The Board gave notice of its finding that there is general agreement by letter to the affected local authorities and landowners and to the general public by publication in the local newspaper. The notice also advised that if no objections were received by October 23, 1995, the Board would make its recommendation without holding a public hearing. No objections were received and the Board assumes that there is complete support for the annexation.

Dated at the City of Edmonton, in the Province of Alberta, 12th day of December, 1995.

MUNICIPAL GOVERNMENT BOARD



D. Weideman
Presiding Officer

APPENDIX "A"

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE COUNTY OF WETASKIWIN NO. 10 AND ANNEXED TO THE TOWN OF MILLET

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP FORTY-SEVEN (47), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN DESCRIBED AS FOLLOWS:

- A) HIGHWAY STREET AS SHOWN ON PLAN OF SURVEY 882 2723, AND
- B) LYING NORTHEASTERLY OF THE SOUTHEASTERLY LIMIT OF HIGHWAY NO. 2A AS SHOWN ON PLAN OF SURVEY 5640 J.Y.

SOUTH WEST QUARTER OF SECTION TWENTY-NINE (29), TOWNSHIP FORTY-SEVEN (47), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN, INCLUDING THE GOVERNMENT ROAD ALLOWANCES ADJOINING THE SOUTH AND WEST BOUNDARIES THEREOF.

ALL THAT PORTION OF THE SOUTH EAST QUARTER OF SECTION THIRTY (30), TOWNSHIP FORTY-SEVEN (47), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN CONTAINED IN PLAN OF SURVEY 842 2482.

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THIRTY (30), TOWNSHIP FORTY-SEVEN (47), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN LYING SOUTH OF THE SOUTHERLY LIMIT OF ROAD PLAN 752 1048.

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THIRTY-TWO (32), TOWNSHIP FORTY-SEVEN (47), RANGE TWENTY-FOUR (24), WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTHWESTERLY OF THE NORTHEASTERLY LIMIT OF THE RAILWAY RIGHT OF WAY ON RAILWAY PLAN C&E NO. 1 (7257 B.F.).

APPENDIX "B"

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

AFFECTED AREA(S)

