

IN THE MATTER OF THE "Municipal Government Act"

AND IN THE MATTER OF an application by the Town of Fox Creek, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Greenview No. 16.

BEFORE:

Dr. E.J. Thompson, Presiding Officer
Dr. D.J. Weideman, Member
Mr. J.M. Schmidt, Member
Mr. R. Myroniuk, Secretariat

SUMMARY

On May 21, 1996, the Town of Fox Creek filed notification of its intent to annex certain territory from the Municipal District of Greenview No. 16. As a result of a meeting with the parties having an interest in the land and the general public and negotiations with the Municipal District of Greenview No. 16, the Town filed its negotiation report with the Municipal Government Board on July 19, 1996. The Board reviewed the report and determined that there is general agreement on the annexation. The Board gave notice of its findings by advertising in the local newspapers and direct mailing to all parties having an interest in the proposal. In addition, the Board advised that if no objections were filed by August 16, 1996, the Board may file its report and recommendations with the Minister of Municipal Affairs without holding a public meeting. No objections or comments were received.

The area proposed for annexation consists of 828 acres and is situated to the north of the northwest quadrant of the Town of Fox Creek and southeast of the Town, north of Highway 43. All of the annexation territory is Crown land with some areas being held under various types of leases. The vast majority of the leased land is used by the Silver Birch Golf Club and this use is projected to continue in the future, subject to some residential infilling. The other area affected by leases is the Airport lands situated adjacent to Highway 43. The Town of Fox Creek will be assuming management and ownership of the Airport and would prefer to have it within their jurisdiction. The balance of the land is proposed for residential, industrial and commercial uses.

In support of the need for additional land, the Town of Fox Creek highlighted the recent growth in population from 2,068 in 1990 to a current population of 2,500, representing an increase of 23% in the last six years. The existing industrial park has been expanded twice and of the 27 lots, only three remain unsold. A continued demand for industrial lots is expected and if lots are to be made available, industrial development must expand eastward. Eastward expansion would provide excellent access to the existing industrial by-pass road and would not impact existing residential uses. Current demand for highway commercial lots has been strong, with six lots sold in the last 18 months. Traffic counts on Highway 43 have increased over the years which has also increased the demand for this type of lots. It is also expected that the recent government announcement to upgrade Highway 43 to a multi-lane facility will further increase the demand for highway commercial lots.

FINDINGS

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

1. Under date of May 21, 1996, the Town of Fox Creek initiated annexation by giving notice of its intent to the Municipal District of Greenview No. 16 and the Municipal Government Board;
2. Under date of June 13, 1996, the Municipal District of Greenview No. 16 formally advised the Town of Fox Creek that the Municipal District concurs with the annexation of 828 acres of land to the Town;
3. On June 4, 1996, the Town of Fox Creek held a public meeting to outline the proposed annexation and receive representations from interested parties;
4. No party in attendance at the public meeting of June 4, 1996, offered objections to the annexation proposal;
5. On July 22, 1996, the Municipal Government Board determined there is general agreement to the proposed annexation;
6. Under date of July 24, 1996, the Municipal Government Board gave notification of their findings and further advised that if no objections to the proposed annexation were received on or before August 16, 1996, the Board may file its written report and recommendations without holding a public hearing;
7. No objections were received by the Municipal Government Board up to and including August 16, 1996.

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 Greenview No. 16 and annexed to the Town of Fox Creek.
2. Any taxes owing to the Municipal District of Greenview No. 16 on December 31, 1996, in respect of the annexed lands are transferred to and become payable to the Town of Fox Creek together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Fox Creek upon collecting those taxes, penalties or costs shall pay them to the Municipal District of Greenview No. 16, and
3. The assessor for the Town of Fox Creek shall assess in 1996, for the purpose of taxation in 1997, the annexed land and the assessable improvements to it.

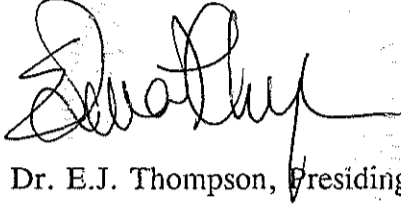
REASONS

The Town of Fox Creek has demonstrated a need for additional land to meet future growth. The recent population growth and continued interest in both industrial and highway commercial land is an strong indicator of the need for additional land to enable sound planning for the future.

The Town of Fox Creek has the support of the Municipal District of Greenview No. 16 and the lack of objections from other interested parties would indicate a recognition of the need to prepare for and accommodate future growth. All parties having a lease interest in the lands either appeared at the public meeting or filed written statements supporting annexation.

Dated at the City of Edmonton, in the Province of Alberta, 8th day of October, 1996.

MUNICIPAL GOVERNMENT BOARD



Dr. E.J. Thompson, Presiding Officer

APPENDIX A

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF GREENVIEW NO. 16 AND ANNEXED TO THE TOWN OF FOX CREEK:

ALL THAT PORTION OF THEORETIC SECTION TWENTY-TWO (22), TOWNSHIP SIXTY-TWO (62), RANGE NINETEEN (19), WEST OF THE FIFTH MERIDIAN LYING NORTH EASTERLY OF ROAD PLAN 4426 J.Y. (HIGHWAY 43) AND THAT THEORETIC ROAD ALLOWANCE LYING WESTERLY THEREOF

ALL THAT PORTION OF THEORETIC SECTION TWENTY-ONE (21), TOWNSHIP SIXTY-TWO (62), RANGE NINETEEN (19), WEST OF THE FIFTH MERIDIAN LYING NORTH EASTERLY OF ROAD PLAN 4426 J.Y. (HIGHWAY 43)

THE SOUTH HALF OF THE SOUTH WEST QUARTER OF THEORETIC SECTION TWENTY-SEVEN (27), TOWNSHIP SIXTY-TWO (62), RANGE NINETEEN (19), WEST OF THE FIFTH MERIDIAN AND THOSE THEORETIC ROAD ALLOWANCES LYING SOUTHERLY AND WESTERLY THEREOF

ALL THAT PORTION OF THE EAST HALF OF THEORETIC SECTION TWENTY-EIGHT (28), TOWNSHIP SIXTY-TWO (62), RANGE NINETEEN (19), WEST OF THE FIFTH MERIDIAN LYING NORTH EASTERLY OF ROAD PLAN 4426 J.Y. (HIGHWAY 43) AND THAT THEORETIC ROAD ALLOWANCE LYING SOUTHERLY THEREOF

THE MOST SOUTHERLY 1900 FEET OF THE SOUTH WEST QUARTER OF THEORETIC SECTION FOUR (4), TOWNSHIP SIXTY-THREE (63), RANGE NINETEEN (19) WEST OF THE FIFTH MERIDIAN AND THAT THEORETIC ROAD ALLOWANCE LYING SOUTHERLY THEREOF

THE MOST WESTERLY 660 FEET OF THE MOST SOUTHERLY 1900 FEET OF THE SOUTH EAST QUARTER OF THEORETIC SECTION FOUR (4), TOWNSHIP SIXTY-THREE (63), RANGE NINETEEN (19), WEST OF THE FIFTH MERIDIAN AND THAT THEORETIC ROAD ALLOWANCE LYING SOUTHERLY THEREOF.

APPENDIX B

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

AFFECTED AREA(S)

