

IN THE MATTER OF THE: "Municipal Government Act"

AND IN THE MATTER OF an application by the Town of Provost, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Provost No. 52.

BEFORE

S. Cook, Presiding Officer
C. Hanna, Member
E. Briscoe, Member

SUMMARY

On May 8, 1997, the Town of Provost (Town) filed notification of its intent to annex certain territory from the Municipal District of Provost No. 52 (Municipal District). As a result of meetings with the Municipal District, landowner and general public, the Town prepared and filed a negotiation report with the Municipal Government Board (the Board) on October 16, 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 landowner and local authorities. In addition, the Board advised that if no objections were filed by December 12, 1997, 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 area proposed for annexation consists of approximately 210 acres immediately east of the current boundaries of the Town. The purpose of the annexation is firstly to enable the Town to meet the immediate demand for serviced highway commercial land and secondly, to enable long term planning to meet future needs for serviced industrial, residential and institutional land.

The Municipal District's only concern was to ensure that the portion of Secondary Highway 899 intervening the Town boundary and the proposed annexation area was included within the proposal. It was also agreed by both the Town and the Municipal District that the Urban Fringe Agreement would be amended to reflect the annexation.

The Town met with the landowner whose only concern was the annexation of those lands lying to the south of the railway. The Town amended the proposal to exclude those lands and the landowner fully supports the amended annexation proposal.

The Town gave notice of the public participation process, but received no response throughout the period between notification of the intent to annex and completion of the negotiation report.

FINDINGS

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

1. under the date of May 8, 1997, the Town initiated annexation by giving notice of its intent to the Municipal District, landowner, local authorities, general public and the Board;
2. at a meeting on May 20, 1997, between the landowner and the Town, the landowner confirmed support for the annexation subject to the exclusion of the lands lying to the south of the railway;
3. at a special meeting of Council of the Town on May 26, 1996, the annexation proposal was amended to exclude those lands lying south of the railway;
4. the Town and the Municipal District met on May 29, 1997, and agreed that the Town would accept responsibility for the control and management of Secondary Highway 899 commencing at the railway north to the intersection with Highway 13 and the Municipal District would amend their land use bylaw to accommodate the proposed boundary;
5. no objections to the proposed annexation were filed with the Town from any local authority or member of the general public;
6. the Town filed the negotiation report with the Board on October 16, 1997;
7. the Board found there is general agreement to the proposed annexation;
8. under the date of November 18, 1997, the Government Board gave notification of their finding and further advised that if not objections to the proposed annexation were filed by December 12, 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 Provost News on November 26, 1997 and December 3, 1997;
9. no objections to the annexation were filed with the Board up to and including December 12, 1997.

RECOMMENDATIONS

In consideration of the above, the Municipal Government 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 Municipal District of Provost No. 52 and annexed to the Town of Provost.
2. Any taxes owing to the Municipal District of Provost No. 52 on December 31, 1997, in respect of the annexed lands described in Appendix A are transferred to and become payable to the Town of Provost together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Provost upon collecting those taxes, penalties or costs shall pay them to the Municipal District of Provost No. 52.
3. the assessor for the Town of Provost, must assess, for the purpose of taxation in 1998, the annexed land and assessable improvements to it on the same basis as the assessment of other property in the Town of Provost.

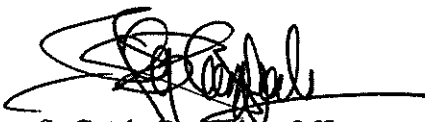
REASONS

The Board, after reviewing the negotiation report of the Town, has concluded all parties are in full agreement on the annexation. The Town has recognized the concerns of both the Municipal District and landowner in developing the final proposal. Further, the Town and Municipal District have agreed to amend the urban fringe agreement to reflect the annexation.

Annexation will provide the Town with sufficient land to meet current and future development needs in its role as a regional centre.

Dated at the City of Edmonton, in the Province of Alberta, this 13th day of January, 1998.

MUNICIPAL GOVERNMENT BOARD


S. Cook, Presiding Officer

APPENDIX A

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF PROVOST NO. 52 AND ANNEXED TO THE TOWN OF PROVOST.

ALL THAT PORTION OF THE WEST HALF OF SECTION SIXTEEN (16), TOWNSHIP THIRTY-NINE (39), RANGE TWO (2), WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTH OF THE MAIN HIGHWAY NO. 13, AS SHOWN ON ROAD PLAN 5717 J.Y. AND NORTH OF THE SOUTH BOUNDARY OF THE RAILWAY RIGHT OF WAY AS SHOWN ON PLAN 2452 A.A.

ALL THAT PORTION OF THE NORTH SOUTH GOVERNMENT ROAD ALLOWANCE LYING WEST OF THE WEST BOUNDARY OF THE SECTION SIXTEEN (16), TOWNSHIP THIRTY-NINE (39), RANGE TWO (2), WEST OF THE FOURTH MERIDIAN WHICH LIES SOUTH OF THE PRODUCTION EAST AND WEST OF THE SOUTH LIMIT OF THE MAIN HIGHWAY NO. 13 AS SHOWN ON ROAD PLAN 5717 J.Y. AND NORTH OF THE PRODUCTION WEST OF THE SOUTH BOUNDARY OF THE RAILWAY RIGHT OF WAY AS SHOWN ON PLAN 2452 A.A.

APPENDIX B

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

AFFECTED AREA(S)

