

1984 BILL 64

Second Session, 20th Legislature, 33 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 64

**MUNICIPAL DISTRICT OF CYPRESS NO. 1
INCORPORATION ACT**

MR. HYLAND

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 64
Mr. Hyland

BILL 64

1984

MUNICIPAL DISTRICT OF CYPRESS NO. 1 INCORPORATION ACT

(Assented to , 1984)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

- Definitions**
- 1** In this Act,
- (a) "council" means the council of the Municipality;
 - (b) "Minister" means the Minister of Municipal Affairs;
 - (c) "Municipality" means The Municipal District of Cypress No. 1.
- Creation of Municipality**
- 2(1)** The reeve and councillors and all other electors within that part of Alberta described in the Schedule are a corporation with the name "The Municipal District of Cypress No. 1".
- (2)** Except as provided in this Act, the Municipality is a municipal district for all purposes as though it had been formed by an order of the Lieutenant Governor in Council under the *Municipal Government Act*.
- (3)** This Act applies to the Municipality notwithstanding anything in the *Local Authorities Election Act*, *Municipal Government Act*, *Municipal Taxation Act* or any other Act or law relating to municipalities.
- (4)** Nothing in this Act shall be construed as precluding the annexation of land to, or the removal of land from, the Municipality, or a change of corporate status of the Municipality.

Change in status **3(1)** In subsections (2)(c) and (3), “ministerial order” means an order of the Minister made pursuant to any Act or regulation that applies to or relates to Improvement District No. 1.

(2) When this Act comes into force,

(a) Improvement District No. 1 is dissolved;

(b) each employee of the Government employed in Improvement District No. 1 whose salary is paid from money referred to in section 10(1) of the *Improvement Districts Act* continues as an employee of the Municipality until the council otherwise directs;

(c) subject to subsection (3), a ministerial order in effect in Improvement District No. 1 immediately before the commencement of this Act continues to be in effect in the Municipality as though it were a by-law of the council, until the council, by by-law, provides that the ministerial order ceases to be in effect in the Municipality;

(d) subject to subsection (3), any agreement entered into by the Minister that relates to Improvement District No. 1 is binding on the Municipality, as far as practicable, as though the Municipality had replaced the Minister as a party to the agreement;

(e) all taxes due to the Minister in respect of Improvement District No. 1 shall be deemed to be arrears of taxes due to the Municipality and may be collected and dealt with by the Municipality as if it had imposed the taxes;

(f) subject to the *Limitation of Actions Act*, all rights of action and actions by or against the Crown in right of Alberta may be continued or maintained by or against the Municipality if the cause of action arose in Improvement District No. 1 and relates to the administration by the Minister of any municipal matter relating solely to the improvement district;

(g) all assets, liabilities, whether arising under a debenture or otherwise, rights, duties, functions and obligations of the Minister in respect of Improvement District No. 1 are vested in the Municipality and may be dealt with in its own name;

(h) a reference to Improvement District No. 1 or to the Minister or the Crown in respect of Improvement District No. 1 in any order, regulation, by-law, certificate of title, agreement or other instrument shall be deemed to be a reference to the Municipality.

(3) The Minister may, by order, exempt any ministerial order from the operation of subsection (2)(c) or any agreement from the operation of subsection (2)(d).

(4) If a question arises as to whether

(a) a right of action or action is one to which subsection (2)(f) applies, or

(b) an asset, liability, right, duty, function or obligation is one to which subsection (2)(g) applies,

the Minister shall decide the question.

(5) The Lieutenant Governor in Council may direct that any land in the Municipality under the administration of the Minister and owned by the Crown in right of Alberta be transferred by way of gift to the Municipality.

- Public highways **4(1)** With respect to roads in the Municipality,
- (a) from the commencement of this Act until April 1, 1986 or an earlier date that may be agreed to by the council and the Minister, the Minister of Transportation has the direction, control and management of those roads, and
 - (b) on and after April 1, 1986, or the date agreed to by the council and the Minister under clause (a), as the case may be, the council has the direction, control and management of those roads, other than primary highways as defined in the *Public Highways Development Act*.
- (2) The council and the Minister of Transportation may enter into agreements in relation to construction and maintenance of any roads within the Municipality.
- Assessment and taxation **5(1)** Notwithstanding section 27 of the *Municipal Taxation Act*, for the purpose of taxation in 1985, the council shall adopt the assessed values of the property within the Municipality as made in 1984 by the assessor for Improvement District No. 1.
- (2) Subject to section 34 of the *Municipal Taxation Act*, the council shall continue to use the values adopted under subsection (1) until a general assessment is carried out in the Municipality.
- Transitional **6** *The persons appointed to the Advisory Council for Improvement District No. 1 by order of the Minister dated November 19, 1983 shall be deemed to be the council of the Municipality until a new council is elected under the Local Authorities Election Act.*
- Coming into force **7** *This Act comes into force on January 1, 1985.*

SCHEDULE
THE MUNICIPAL DISTRICT OF CYPRESS NO. 1
Area as of January 1, 1985.

Commencing at the southeast corner of township 1, range 1, west of the 4th Meridian; then westerly along the south boundary of township 1 to the intersection of the west boundary of range 5; then northerly along the west boundary of range 5 to the intersection of the northwest corner of section 19 of township 3; then easterly along the northwest corner of section 19 and its production to the west boundary of range 4; then northerly along the west boundary of range 4 to the intersection of the northwest corner of township 6; then westerly along the south boundary of township 7 to the southeast corner of section 1 of township 7; then northerly along the southeast corner of section 1 and its production to the intersection of the northwest corner of section 36; then westerly along the north boundary of township 7 to the intersection of the southwest corner of section 3 of township 8; then northerly along the southwest corner of section 3 and its production to the intersection of the northwest corner of section 22; then westerly along the northwest corner of section 22 and its production to the intersection of the southwest corner of section 28 of township 8, range 6; then northerly along the southwest corner of section 28 to the northwest corner of the southwest quarter of section 28; then easterly to the northwest corner of the southeast quarter of section 28; then northerly to the northwest corner of the northeast quarter of section 28; then westerly to the southwest corner of section 33; then northerly along the southwest corner of section 33 and its production to the intersection of the northwest corner of section 9 of township 9; then westerly along the northwest corner of section 9 and its production to the intersection of the west boundary of range 6; then northerly along the west boundary of range 6 to the intersection of the south boundary of township 10; then westerly along the south boundary of township 10 to the intersection of the southeast corner of the southwest quarter of section 2, range 8; then northerly from the southeast corner of the southwest quarter of section 2 and its production to the intersection of the south bank of the South Saskatchewan River; then follow the southern bank of the South Saskatchewan River to the intersection of the west bank of the Bow River; then follow the Bow River north to the intersection with the north boundary of township 13, range 13; then easterly along the north boundary of township 13 to the intersection of the west boundary of range 10; then northerly along the west boundary of range 10 to the intersection of the northwest corner of section 18 of township 20; then easterly from the northwest corner of section 18 and its production to the intersection of the east boundary of range 3; then southerly along the east boundary of range 3 to the intersection of the south bank of the South Saskatchewan River; then follow the South Saskatchewan River north to the intersection of the east boundary of range 1; then southerly along the east boundary of range 1 to the point of commencement.