

1985 BILL 11

Third Session, 20th Legislature, 34 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 11

**CROWSNEST PASS MUNICIPAL UNIFICATION
AMENDMENT ACT, 1985**

THE MINISTER OF MUNICIPAL AFFAIRS

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

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CROWSNEST PASS MUNICIPAL UNIFICATION AMENDMENT ACT, 1985

(Assented to _____, 1985)

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

1 *The Crownsnest Pass Municipal Unification Act is amended by this Act.*

2 *Section 6 is repealed and the following is substituted:*

6(1) If an Act or regulation authorizes the making of a grant to a municipality, the amount of the grant to which the Municipality is eligible shall be calculated on the basis of

(a) the Municipality as a single urban jurisdiction equivalent to a town, or

(b) the Municipality as a regional jurisdiction encompassing 2 or more urban or rural or both urban and rural municipal areas,

whichever basis would result in the larger grant, except that a library assistance grant shall be calculated pursuant to clause (a).

(2) The amount of a Municipal Water Supply and Sewage Treatment Grant to which the Municipality is eligible under the Utilities and Telecommunications Grants Regulation (Alta. Reg. 219/75) or any successor to that regulation shall be calculated

(a) pursuant to subsection (1), or

(b) on the basis of the Municipality as a number of separate urban municipal areas each one of which is eligible for assistance in regard to facilities designated for each as if they were separate towns, villages or hamlets,

whichever would result in the larger grant.

(3) The Municipality is not eligible for grants provided only to counties or municipal districts except that the Municipality is eligible for assistance calculated for hamlets formerly in the improvement district area and now in the Municipality.

Explanatory Notes

1 This Act will amend chapter C-39 of the Revised Statutes of Alberta 1980.

2 Section 6 presently reads:

6(1) When an Act or regulation authorizes the making of a grant to a municipality, a grant under that Act or regulation to the Municipality shall be not less than the aggregate of the grants that could have been made to the urban municipalities and to the Minister in respect of the improvement district area if

(a) the urban municipalities had continued to exist after the effective date with the same boundaries that existed immediately before the effective date, and

(b) the improvement district area had continued as a separate improvement district after the effective date.

(2) An affidavit of the secretary of the Municipality required to be submitted to the Deputy Minister of Municipal Affairs by section 27(1) of the Property Tax Reduction Act shall also show the populations in

(a) the urban municipalities as they existed immediately before the effective date, and

(b) the remainder of the Municipality.

(3) This section ceases to have effect in respect of grants to the Municipality payable after a date, not sooner than January 1, 1984, to be fixed by the Lieutenant Governor in Council after consultation by the Minister with the council of the Municipality.

(4) This section ceases to have effect in respect of grants payable to the Municipality after a date not sooner than March 31, 1989 to be fixed by the Lieutenant Governor in Council after consultation by the Minister with the council.

3 *The following is added after section 10:*

10.1(1) In this section “registered owner” has the same meaning as it has in the *Planning Act*.

(2) On receipt of a proposed land boundary adjustment scheme prepared in accordance with subsection (3), the council may, by resolution, authorize a land boundary adjustment scheme for the purpose of adjusting property boundaries so as to coincide with the lines of occupation.

(3) A proposed land boundary adjustment scheme shall be prepared by an Alberta land surveyor and shall show

(a) the boundaries of each parcel of land affected by the proposed scheme, as they are located before adjustment,

(b) the boundaries of each parcel of land affected by the proposed scheme, as they will be located after adjustment, and the location of each registered easement and right of way,

(c) the names of the registered owners and of persons having a registered interest in each parcel of land, both before and after adjustment,

(d) the written consent to the proposed scheme of every registered owner of and of every person having a registered interest in the land affected by the proposed scheme,

(e) the written consent of the Minister of Transportation, if the proposed land boundary adjustment scheme affects the boundaries of a public roadway, and

(f) the amount of compensation, if any, to be paid to the registered owners, and the manner in which the costs of the proposed scheme are to be shared among the registered owners and the Municipality.

(4) Notwithstanding the *Municipal Government Act*, no by-law is required to close the portion of a public roadway affected by the land boundary adjustment scheme.

(5) The *Planning Act* and the land use by-law of the Municipality do not apply to a land boundary adjustment scheme under this section.

10.2(1) In this section “Registrar” has the same meaning as it has in the *Land Titles Act*.

(2) If a land boundary adjustment scheme is authorized under section 10.1, the council shall

(a) cause to be filed in the appropriate land titles office a certified copy of the resolution authorizing the land boundary

3 Land boundary adjustment schemes.

adjustment scheme and a list of all existing lots included within the land boundary adjustment scheme, and

(b) have the land within the scheme surveyed in accordance with the *Surveys Act* by an Alberta land surveyor, who shall prepare a plan of subdivision showing the new boundaries for each parcel of land affected by the scheme and the location of all registered easements and rights of way.

(3) When the documents referred to in subsection (2)(a) are filed, the Registrar shall endorse on the certificate of title a memorandum of the resolution, after which a person who acquires an interest in the land affected is not entitled to receive any notice of proceedings as to the land boundary adjustment scheme unless he files with the office of the council a notice of his interest with evidence of the registration thereof and an address to which notices can be mailed.

(4) If the council is satisfied with the plan of subdivision prepared under subsection (2)(b), it shall, by resolution, adopt the land boundary adjustment scheme and shall submit to the Registrar

(a) the plan of subdivision executed under the seal of the Municipality,

(b) a certified copy of the resolution adopting the land boundary adjustment scheme, and

(c) a certified copy of the land boundary adjustment scheme.

(5) When the documents referred to in subsection (4) are filed, the Registrar shall

(a) register the plan of subdivision,

(b) cancel the existing certificates of title to the original lots within the land boundary adjustment scheme,

(c) issue new certificates of title to the new lots established by the plan of subdivision,

(d) endorse on the new certificates of title

(i) those easements and rights of way that are shown on the land boundary adjustment scheme as being carried forward to the new certificates of title, and

(ii) those encumbrances, interests and caveats that were endorsed on the certificates of title of the original lots unless the land boundary adjustment scheme shows them as not transferred,

(e) make any other endorsements necessary to carry out the intent of the land boundary adjustment scheme, and

(f) cancel the memorandum of the resolution filed under subsection (2)(a).

(6) Section 83(6) of the *Land Titles Act* does not apply to a plan of subdivision registered pursuant to subsection (5).

4 Section 83(6) of the Land Titles Act is amended by adding the following after clause (b):

(b.1) a plan of subdivision prepared pursuant to a land boundary adjustment scheme under the Crowsnest Pass Municipal Unification Act,

In accordance with section 4(1) of the Interpretation Act, this Bill comes into force on the date it receives Royal Assent.

4 Amends chapter L-5 of the Revised Statutes of Alberta 1980. Section 83(6) of that Act presently reads:

(6) *Except for*

(a) *a plan of subdivision or other instrument under section 80 of the Planning Act,*

(b) *a plan of subdivision prepared pursuant to a replotting scheme under the Planning Act,*

(c) *a plan of subdivision signed by the Minister of Municipal Affairs pursuant to section 149 of the Planning Act relating to an Innovative Residential Development Area, or*

(d) *a plan of subdivision, other than a condominium plan, in which there is no dedication of land for roads, reserves or other public purposes,*

the original plan, including a condominium plan, shall be signed by each person shown on the certificate or certificates of title for the land in the plan of subdivision as having a registered interest in the land or a caveat registered against the land other than a mortgage of an easement or a caveat in respect of a writ of execution, and certified in the prescribed form by an Alberta land surveyor.