

DRAFT RESOLUTION

Our File: 2019-0-053

April 10, 2019

Cindy Vizzutti
Municipal Administrator
M.D. of Willow Creek No. 26
Box 550
Claresholm, Alberta
T0L 0T0

Dear Mrs. Vizzutti:

RE: Lots 2 & 3, Plan 8910762 within N1/2 29-14-28-W4M / M.D. of Willow Creek No. 26

With regard to the subdivision application noted above, please find attached a draft resolution for your Municipality's decision.

The Subdivision Authority should note that comments have not been received from the Livingstone Range School Division, AltaLink, AB Health Services - Calgary, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M. Didkowsky, AB Agriculture, Historical Resources Administrator and AER.

After the Subdivision Approval Authority's consideration of the application, **please forward the signed resolution to the Oldman River Regional Services Commission at your earliest convenience in order for our staff to promptly notify the applicant of the decision.**

Please contact this office if you require any further information.



Mike Burla
Senior Planner

MB/jm
Attachment

RESOLUTION

2019-0-053

M.D. of Willow Creek No. 26 Country Residential re-alignment of Lots 2 & 3, Plan 8910762 within N1/2 29-14-28-W4M

THAT the Country Residential re-alignment of Lots 2 & 3, Plan 8910762 within N1/2 29-14-28-W4M (Certificate of Title No. 101 072 301, 091 387 692), to enlarge an existing 3.0 acres to increase its size to 5.0 acres from a titled area comprising 234.74 acres; BE APPROVED subject to the following:

RESERVE: The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 2.0 acres at the market value per acre with the actual acreage and amount to be paid to M.D. of Willow Creek No. 26 be determined at the final stage, for Municipal Reserve purposes.

CONDITIONS:

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to the M.D. of Willow Creek No. 26.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with the M.D. of Willow Creek No. 26 which shall be registered concurrently with the final plan against the title(s) being created.
3. That the proposed 2.0 acre parcel be consolidated with the adjacent portion of Lot 2, Plan 8910762 in a manner such that the resulting Certificate of Title could not be subdivided without the approval of the Subdivision Authority.
4. That the applicant submit to the Subdivision Authority a copy of a sketch from an Alberta Land Surveyor that certifies the location and dimensions of the existing buildings and the exact dimensions of the lot to be subdivided.

REASONS:

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.

INFORMATIVE:

- (a) The 10% Reserve requirement shall be provided as money in place of land on the 2.0 acre parcel being created by this subdivision proposal.
- (b) That a legal description for the proposed parcel be approved by the Surveys Branch, Land Titles Office, Calgary.
- (c) The applicant/owner is advised that other municipal, provincial or federal government or agency approvals may be required as they relate to the subdivision and the applicant/owner is responsible for verifying and obtaining any other approval, permit, authorization, consent or license that may be required to subdivide, develop and/or service the affected land (this may include but is not limited to Alberta Environment and Parks, Alberta Transportation, and the Department of Fisheries and Oceans.)
- (d) TELUS Communications Inc. has no objection to the above circulation.

- (e) Thank you for contacting FortisAlberta regarding the above application for subdivision. We have reviewed the plan and determined that no easement is required by FortisAlberta at this time. The boundary line adjustment will not negatively affect any current/existing power line location/service.

FortisAlberta is the Distribution Wire Service Provider for this area. The developer can arrange installation of electrical services for this subdivision through FortisAlberta. Please have the developer contact 310-WIRE (310-9473) to make application for electrical services.

Please contact FortisAlberta land services at landserv@fortisalberta.com or by calling (403) 514-4783 for any questions.

- (f) ATCO Gas has no objection to the proposed adjustment.
(g) ATCO Pipelines has no objection.

MOVER

CHAIRMAN

DATE

NOTICE OF APPLICATION FOR SUBDIVISION OF LAND

DATE: March 26, 2019

Date of Receipt:

March 20, 2019

Date of Completeness:

March 20, 2019

TO: Landowners: Decoda Kay Schuler and Brent Allan Schuler &
Stephen William Marchbank and Susan Eva May Marchbank and
Brian John Marchbank and Candida Felice Marchbank

Agent: DeCoda Schuler

Surveyor: Grant Wallace, A.L.S. - Hunter Wallace Surveys Ltd.

Referral Agencies: M.D. of Willow Creek No. 26, Ian Sundquist, Livingstone Range
School Division, AltaLink, FortisAlberta, TELUS, ATCO Gas, ATCO Pipelines, AB Health
Services - Calgary, AB Environment & Parks - K. Murphy, Area Wildlife Biologist - M.
Didkowsky, AB Agriculture, Historical Resources Administrator, AER

Adjacent Landowners: Spring Hill Cattle Co. Inc., Jordan M. & Bradley Glaicar,
Terrence Cochlan, Timothy & Christine Nelson, Travis & Leah Ogilvie, Hutterian Br.
Church Of Parkland

Planning Advisor: Mike Burla



The Oldman River Regional Services Commission (ORRSC) is in receipt of the following subdivision application which is being processed on behalf of the M.D. of Willow Creek No. 26. This letter serves as the formal notice that the submitted application has been determined to be complete for the purpose of processing.

In accordance with the Subdivision and Development Regulation, if you wish to make comments respecting the proposed subdivision, please submit them via email or mail no later than **April 15, 2019**. (Please quote our File No. **2019-0-053** in any correspondence with this office).

File No.: 2019-0-053

Legal Description: Lots 2 & 3, Plan 8910762 within N1/2 29-14-28-W4M

Municipality: M.D. of Willow Creek No. 26

Land Designation: Rural General - RG
(Zoning)

Existing Use: Country Residential

Proposed Use: Country Residential

of Lots Created: 1 (Boundary Line Adjustment)

Certificate of Title: 101 072 301, 091 387 692

Meeting Date: **April 24, 2019** *Note that meeting dates are subject to change. It is advisable to contact the M.D. of Willow Creek No. 26 three (3) days prior to the meeting for times and to confirm that this application is on the agenda.*

If you wish to make a presentation at the subdivision authority meeting, please notify the M.D. of Willow Creek No. 26 Municipal Administrator at your earliest convenience.

Planner's Preliminary Comments:

This proposal would enlarge an existing 3.0 acre parcel by adding an additional 2.0 acres to the titled area. The additional 2.0 acres is being subdivided from a 234.74 acre parcel and will be consolidated by a plan of survey to create a 5.0 acre lot upon registration. The original 3.0 acre parcel was created in 1989.

A surveyor's sketch, municipal reserve and standard planning conditions will be applicable to a recommended approval.

The Subdivision Authority is requested to consider the following when rendering decision on this application:

1. Payment of any outstanding property taxes to the M.D. of Willow Creek No. 26.
2. Provision of a development agreement with the M.D. of Willow Creek No. 26.
3. Pertinent comments and information provided by adjacent landowners and by referral agencies.
4. Provision of Municipal Reserve as money in place of land on the two acres being subdivided
5. Provision of surveyors sketch which verifies parcel size and location of improvements.

RESERVE:

Municipal Reserve will be taken in cash on 2.0 acres.

Submissions received become part of the subdivision file which is available to the applicant and will be considered by the subdivision authority at a public meeting.



APPLICATION FOR SUBDIVISION RURAL MUNICIPALITY

FOR OFFICE USE ONLY	
Zoning (as classified under the Land Use Bylaw):	
Fee Submitted: \$1025.00	File No: 2019-0-053
APPLICATION SUBMISSION	
Date of Receipt: March 20, 2019	Received By:
Date Deemed Complete: March 20, 2019	Accepted By:

1. CONTACT INFORMATION

Name of Registered Owner of Land to be Subdivided: Stephen, Susan, Brian, Candida Marchbank

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email ☒ Mail ☐

Name of Agent (Person Authorized to act on behalf of Registered Owner): DeCoda Schuler

Mailing Address: _____ Postal Code: _____

Telephone: _____ Cell: _____ Fax: _____

Email: _____ Preferred Method of Correspondence: Email ☒ Mail ☐

Name of Surveyor: Hunter Wallace Surveys Ltd. - Grant Wallace

Mailing Address: 190 1st W, Drumheller, AB Postal Code: T0L 0Y4

Telephone: 403-597-1052 Cell: 403-823-6688 Fax: _____

Email: grant@hwsurveys.com Preferred Method of Correspondence: Email ☒ Mail ☐

2. LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED

- All/part of the NE $\frac{1}{4}$ Section 29 Township 14 Range 28 West of 4th Meridian (e.g. SE $\frac{1}{4}$ 36-1-36-W4M)
- Being all/part of: Lot/Unit _____ Block _____ Plan _____
- Total area of existing parcel of land (to be subdivided) is: _____ hectares 2.01 acres
- Total number of lots to be created: 1 Size of Lot(s): 5.0 acres total
- Rural Address (if applicable): _____
- Certificate of Title No.(s): _____

3. LOCATION OF LAND TO BE SUBDIVIDED

- The land is located in the municipality of Willow Creek
- Is the land situated immediately adjacent to the municipal boundary? Yes ☐ No ☒
If "yes", the adjoining municipality is _____
- Is the land situated within 1.6 kilometres (1 mile) of the right-of-way of a highway? Yes ☐ No ☒
If "yes" the highway is No. _____
- Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water, or by a canal or drainage ditch? Yes ☐ No ☒
If "yes", state its name _____
- Is the proposed parcel within 1.5 kilometres (0.93 miles) of a sour gas facility? Unknown ☐ Yes ☐ No ☒

4. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED

Describe:

- a. Existing use of the land Agriculture
- b. Proposed use of the land Yard site - horse pasture

5. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) flat
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, sloughs, creeks, etc.)
grass
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.) clay
- d. Is this a vacant parcel (void of any buildings or structures)? Yes ☒ No ☐
If "no", describe all buildings and any structures on the land. Indicate whether any are to be demolished or moved.

- e. Is there a Confined Feeding Operation on the land or within 1.6 kilometres (1 mile) of the land being subdivided? Yes ☐ No ☒
- f. Are there any active oil or gas wells or pipelines on the land? Yes ☐ No ☒
- g. Are there any abandoned oil or gas wells or pipelines on the land? Yes ☐ No ☒

6. WATER SERVICES

Describe:

- a. Existing source of potable water well
- b. Proposed source of potable water _____

7. SEWER SERVICES

Describe:

- a. Existing sewage disposal: Type septic field Year Installed 1989
- b. Proposed sewage disposal: Type _____

8. REGISTERED OWNER OR PERSON ACTING ON THEIR BEHALF

I, DeCoda Schuler hereby certify that

- ☐ I am the registered owner ☒ I am authorized to act on behalf of the register owner

and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision approval.

Signed: _____

Date: March 20, 2019

9. RIGHT OF ENTRY

I, DeCoda Schuler do ☒ / do not ☐ (please check one) authorize representatives of the Oldman River Regional Service Commission or the municipality to enter my land for the purpose of conducting a site inspection and evaluation in connection with my application for subdivision. This right is granted pursuant to Section 653(2) of the Municipal Government Act.

Signature of Registered Owner(s)

Stephen Marchbank

DeCoda Schuler



LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0010 693 456

8910762;;2

101 072 301

LEGAL DESCRIPTION

PLAN 8910762

LOT 2

EXCEPTING THEREOUT ALL MINES AND MINERALS

AREA: 95 HECTARES (234.75 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE

ATS REFERENCE: 4;28;14;29;N

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 081 199 092

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION

101 072 301	11/03/2010			
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OWNERS

STEPHEN WILLIAM MARCHBANK

AND

SUSAN EVA MAY MARCHBANK

BRIAN JOHN MARCHBANK

AND

CANDIDA FELICE MARCHBANK

(CONTINUED)

(DATA UPDATED BY: CHANGE OF NAME 121225509)
(DATA UPDATED BY: CHANGE OF NAME 121225510)
(DATA UPDATED BY: CHANGE OF NAME 121225511)
(DATA UPDATED BY: CHANGE OF NAME 121225512)

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

881 224 998 08/12/1988 CAVEAT

RE : DEVELOPMENT AGREEMENT PURSUANT TO PLANNING ACT
CAVEATOR - THE MUNICIPAL DISTRICT OF WILLOW CREEK
NO. 26.
P.O.BOX 550, CLARESHOLM
ALBERTA T0L0T0
AGENT - FRANK L MALONEY

121 225 513 30/08/2012

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 20 DAY OF MARCH,
2019 AT 01:29 P.M.

ORDER NUMBER: 36899550

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



LAND TITLE CERTIFICATE

S
LINC SHORT LEGAL TITLE NUMBER
0010 693 463 8910762;;3 091 387 692

LEGAL DESCRIPTION
PLAN 8910762
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.21 HECTARES (2.99 ACRES) MORE OR LESS

ESTATE: FEE SIMPLE
ATS REFERENCE: 4;28;14;29;NE

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

REFERENCE NUMBER: 891 105 737

REGISTERED OWNER(S)				
REGISTRATION	DATE(DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
091 387 692	22/12/2009			

OWNERS

DECODA KAY SCHULER

AND

BRENT ALLAN SCHULER

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION	DATE (D/M/Y)	PARTICULARS
881 224 998	08/12/1988	CAVEAT RE : DEVELOPMENT AGREEMENT PURSUANT TO PLANNING ACT CAVEATOR - THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26.

(CONTINUED)

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2
091 387 692

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

P.O.BOX 550, CLARESHOLM
ALBERTA T0L0T0
AGENT - FRANK L MALONEY

141 157 556 25/06/2014

TOTAL INSTRUMENTS: 002

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 20 DAY OF MARCH,
2019 AT 01:29 P.M.

ORDER NUMBER: 36899550

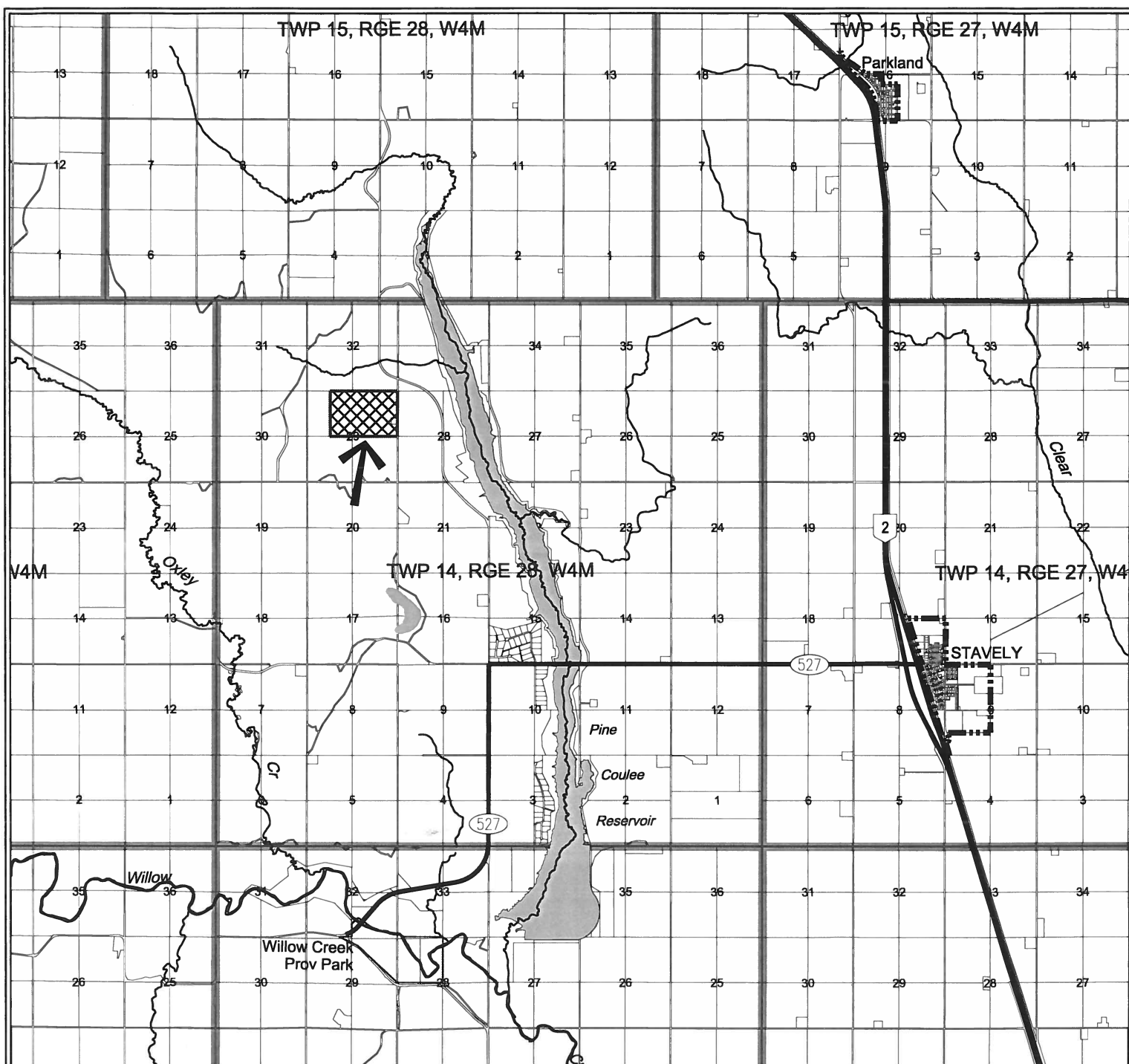
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PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S).



SUBDIVISION LOCATION SKETCH

LOTS 2 & 3, PLAN 8910762 WITHIN N 1/2 SEC 29, TWP 14, RGE 28, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: MARCH 21, 2019

FILE No: 2019-0-053

MAP PREPARED BY
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 18th AVENUE NORTH, LETHBRIDGE, AB T1Y 5E8
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"



March 21, 2019 N:\Subdivision\2019\2019-0-053.dwg

SE31
14-28-4

SW32 14-28-4

SE32 14-28-4

1 (in two parts)
1412445

NE30 14-28-4

LOT 1
8910762

LOT 2
8910762
TITLE NO.
101 072 301
95±ha(234.75±ac)

LOT 3
8910762

TITLE NO.
091 387 692
1.21±ha(2.99±ac)

NW28 14-28-4

SE30
14-28-4

SW29 14-28-4

SE29 14-28-4

SW28
14-28-4

SUBDIVISION SKETCH - EXISTING

LOTS 2 & 3, PLAN 8910762 WITHIN N 1/2 SEC 29, TWP 14, RGE 28, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: MARCH 21, 2019

FILE No: 2019-0-053



SE31
14-28-4

SW32 14-28-4

SE32 14-28-4

1 (in two parts)
1412445

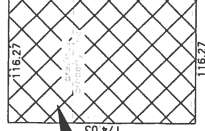
NE30 14-28-4

LOT 1

REMAINDER OF
TITLE IN
LOT 2, PLAN 8910762
94.19±ha(232.74±ac)

PROPOSED PARCEL
AREA WITHIN LOT 2, PLAN 8910762 = 0.81±ha (2.01±ac)
AREA WITHIN LOT 3, PLAN 8910762 = 1.21±ha (2.99±ac)
TOTAL AREA = 2.02±ha (5.00±ac)

PROPOSED
PARCEL
2.02±ha
(5.00±ac)



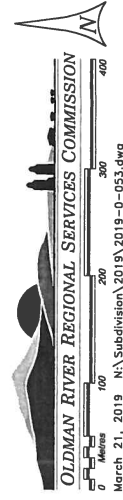
SE30
14-28-4

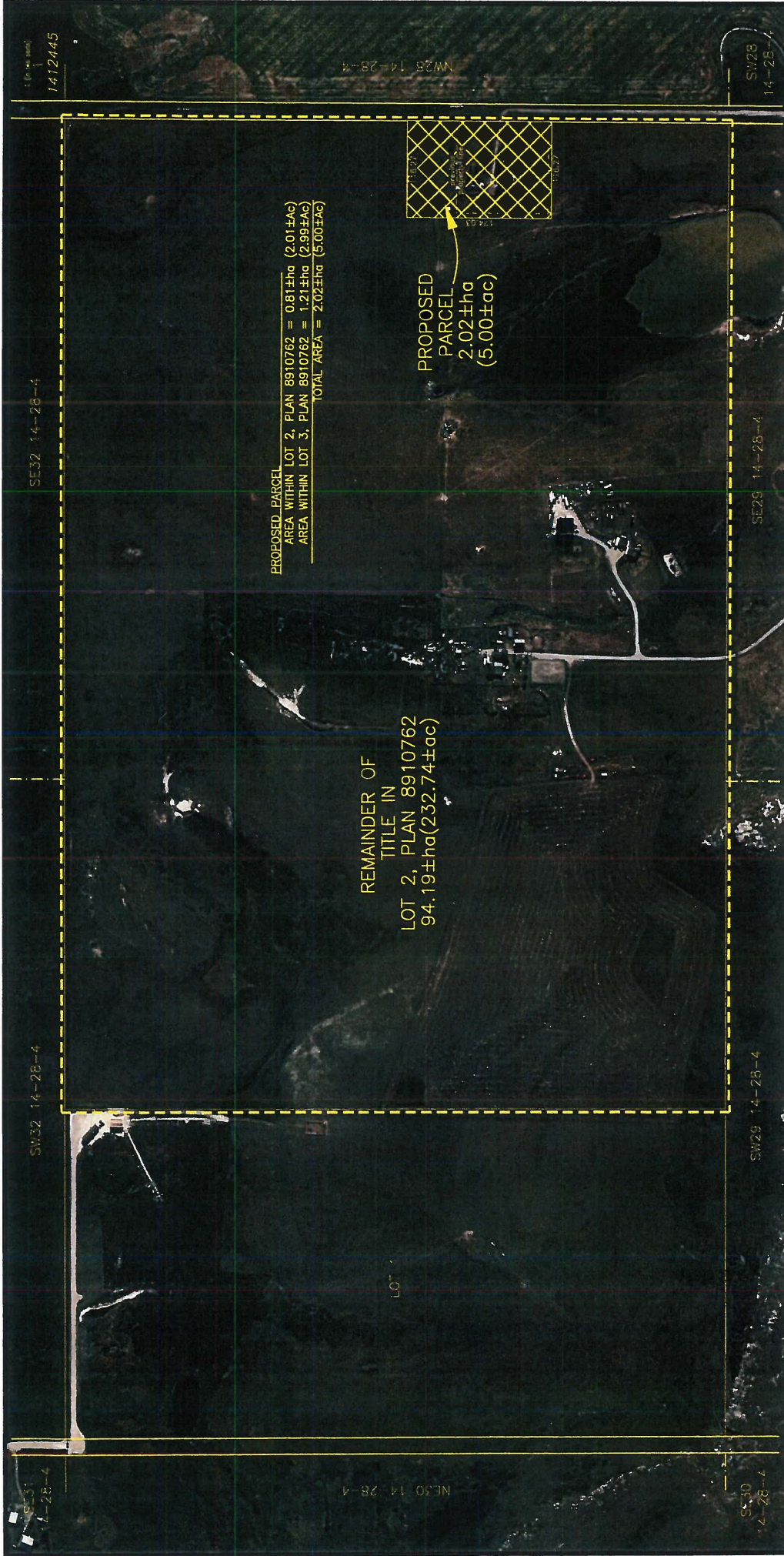
SW29 14-28-4

SE29 14-28-4

SW28
14-28-4

SUBDIVISION SKETCH - PROPOSED
LOTS 2 & 3, PLAN 8910762 WITHIN N 1/2 SEC 29, TWP 14, RGE 28, W 4 M
MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26
DATE: MARCH 21, 2019
FILE No: 2019-0-053





SUBDIVISION SKETCH - PROPOSED

LOTS 2 & 3, PLAN 8910762 WITHIN N 1/2 SEC 29, TWP 14, RGE 28, W 4 M

MUNICIPALITY: MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DATE: MARCH 21, 2019

FILE No: 2019-0-053

AERIAL PHOTO DATE: 2015

