

BY-LAW NO. 8-89

COUNTY OF LEDUC NO. 25

A BY-LAW TO AUTHORIZE THE COUNCIL OF THE COUNTY OF LEDUC NO. 25, IN THE PROVINCE OF ALBERTA, TO ENTER INTO A TAX SHARING AGREEMENT WITH THE CITY OF LEDUC.

WHEREAS Section 114 of the Municipal Government Act, Revised Statutes of Alberta, 1980, Chapter M-26 authorizes two or more municipalities to enter into an agreement for the sharing of taxes imposed for municipal purposes by one of the municipalities on a person having assessable and taxable property in that municipality; and

WHEREAS the City made application to the Local Authorities Board of Alberta to annex certain lands from the County; and

WHEREAS the Board in its Order No. 18534 recommended that approximately 248 acres of land within the County be annexed to the City; and

WHEREAS the Board also recommended that the City and the County consider entering into certain revenue sharing agreements with respect to the revenues generated from the Edmonton International Airport as an alternative to annexation of additional land; and

WHEREAS the Minister of Municipal Affairs on behalf of the Government of Alberta directed that the City and the County enter into an agreement for sharing municipal tax revenues from the Edmonton International Airport; and

WHEREAS pursuant to the recommendation of the Board and the direction of the Government of the Province of Alberta, the City and the County intend to share municipal tax revenues and grants in lieu of municipal tax revenue received by the County with respect to the Edmonton International Airport.

NOW THEREFORE, the Council of the County of Leduc No. 25 in the Province of Alberta, duly assembled in Council, enacts as follows:


That the Reeve and County Manager of the County of Leduc No. 25 be and are hereby empowered to execute the agreement attached and marked Exhibit "A" between the County of Leduc No. 25 and the City of Leduc relating to Tax Sharing.

DONE AND PASSED in open Council assembled at Leduc, in the Province of Alberta, this 3rd day of March, A.D. 1989.

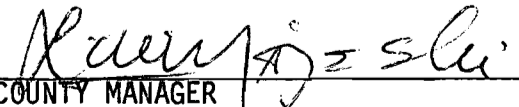
Read a first time this 3rd day of March, A.D., 1989.

Read a second time this 3rd day of March, A.D., 1989.

Read a third time with the unanimous consent of the Council Members present and finally passed this 3rd day of March, A.D., 1989.


REEVE

S E A L


COUNTY MANAGER

MEMORANDUM OF AGREEMENT made this 3rd day of March, 1989.

BETWEEN:

THE COUNTY OF LEDUC NO. 25,
(hereinafter referred to as "the County"),

- and -

THE CITY OF LEDUC
(hereinafter referred to as "the City")

TAX SHARING AGREEMENT

WHEREAS the City made application to the Local Authorities Board of Alberta (hereinafter referred to as "the Board") to annex certain lands from the County; and

WHEREAS the Board in its Order No. 18534 recommended that approximately 248 acres of land within the County be annexed to the City; and

WHEREAS the Board also recommended that the City and the County consider entering into certain revenue sharing agreements with respect to the revenues generated from the Edmonton International Airport as an alternative to annexation of additional land; and

WHEREAS the Minister of Municipal Affairs on behalf of the Government of Alberta directed that the City and the County enter into an agreement for sharing municipal tax revenues from the Edmonton International Airport; and

WHEREAS pursuant to the recommendation of the Board and the direction of the Government of the Province of Alberta, the City and the County intend to

share municipal tax revenues and grants in lieu of municipal tax revenue received by the County with respect to the Edmonton International Airport upon the terms and conditions contained herein; and

WHEREAS Section 114 of the Municipal Government Act, Revised Statutes of Alberta, 1980, Chapter M-26 authorizes two or more municipalities to enter into an agreement for the sharing of taxes imposed for municipal purposes by one of the municipalities on a person having assessable and taxable property in that municipality;

NOW THEREFORE, in consideration of the mutual covenants, provisos and promises to be observed and performed by the parties hereto, the County and the City hereby agree as follows:

1. The County agrees to pay to the City annually, effective January 1, 1989, thirty (30%) percent of all municipal tax revenues and grants in lieu of municipal tax revenues actually collected by the County in respect of the lands and premises comprising the Edmonton International Airport as more particularly described in Schedule "A" attached and forming part of this Agreement (hereinafter referred to as "the Shared Tax Revenues").
2. The amount of Shared Tax Revenues payable by the County to the City pursuant to Clause 1 hereof shall be calculated by the County on the basis set forth in Schedule "B" attached and forming part of this Agreement, and such calculation shall be provided to the City on the

1st day of June of each year in which the Shared Tax Revenues will be collected by the County and paid to the City.

3. The Shared Tax Revenues collected by the County shall be due and payable to the City semi-annually on the 31st day of July and the 31st day of December of the year in which the Shared Tax Revenues are actually collected by the County. The first payment to be made hereunder by the County to the City will be on the 31st day of July, 1989.
4. This Agreement may be amended, clarified or rescinded by and with the consent of the Councils of the City and the County. If the County and the City are unable to agree to the amendment, clarification, or rescission of the Agreement, or if the County and the City are unable to agree as to the manner in which the Agreement is to be interpreted for the purpose of sharing of revenues in any particular year, then either party may apply to the Board for the amendment, clarification, or rescission of the Agreement as the case may be, and the Board shall decide the matter.
5. This Agreement is subject to the express condition precedent that the Lieutenant Governor in Council shall issue regulation or regulations pursuant to Section 10(1) of the Municipal Government Act approving and authorizing the entering into of this Agreement by the City and the County.

6. This Agreement shall terminate in the event that the regulation or regulations referred to in Clause 5 hereof cease to have effect and are not contemporaneously replaced by a regulation or regulations of similar form or by legislation.

7. Notwithstanding any other provision hereof, this Agreement shall immediately terminate without notice upon the effective date of annexation of the lands and premises comprising the Edmonton International Airport and no payment of Shared Tax Revenues shall be made by the County to the City in the year of termination of this Agreement.

IN WITNESS WHEREOF the parties hereto have affixed their corporate seals as attested by the duly authorized signing officers of the parties as of the day first above written.

COUNTY OF LEDUC NO. 25

Per: *Norman Bittner*
(REEVE)

Per: *Kenneth J. J. J. J.*
(COUNTY MANAGER)

CITY OF LEDUC

Per: *[Signature]*
Deputy (MAYOR)

Per: *[Signature]*
(CITY CLERK)

SCHEDULE "A"
OF
TAX SHARING AGREEMENT

All those lands and premises situated in:

Township Fifty (50)

Range Twenty Five (25)

West of the Fourth (4th) Meridian,

Comprising the:

West Half ($\frac{1}{2}$) of Sections Two (2), Eleven (11), Fourteen (14)
and Twenty-Three (23);

ALL of Sections Three (3), Four (4), Nine (9), Ten (10),
Fifteen (15), Sixteen (16), Twenty-One (21) and
Twenty-Two (22); and

East Half ($\frac{1}{2}$) of Sections Eight (8) and Seventeen (17).

J3.

SCHEDULE "B"
OF
TAX SHARING AGREEMENT

FOR TAXATION YEAR _____

Municipal Tax Revenues and Grants-in-Lieu of Municipal Tax Revenues are calculated on the effective (mill) rates, as follows:

Municipal -
School -
Other - (third party requisitions) _____
Total _____
=====

| | <u>FARMLAND LEASES</u> | <u>COMMERCIAL LEASES</u> | <u>GRANTS IN LIEU PROPERTIES</u> | <u>TOTAL</u> |
|------------------------|----------------------------|------------------------------|--------------------------------------|-------------------|
| Current Year Levy | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Adjustments * (+/-) | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total | \$ _____ ===== | \$ _____ ===== | \$ _____ ===== | \$ _____ ===== |

(* provided with explanatory note)

The SHARED TAX REVENUES payable based on 30% of the above total levy, as adjusted, is \$ _____.

J. N.