



Province of Alberta

MUNICIPAL GOVERNMENT ACT

**CITY OF EDMONTON BELVEDERE
COMMUNITY REVITALIZATION LEVY
REGULATION**

Alberta Regulation 57/2010

Extract

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this document are reminded that it has no legislative sanction. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

(no amdt)

ALBERTA REGULATION 57/2010

Municipal Government Act

**CITY OF EDMONTON BELVEDERE COMMUNITY
REVITALIZATION LEVY REGULATION**

Table of Contents

- 1 Definitions
- 2 Scope of Regulation
- 3 Establishment of community revitalization levy area
- 4 Community revitalization plan
- 5 Community revitalization levy bylaw
- 6 Borrowing bylaw
- 7 Preparation of assessments
- 8 Community revitalization assessment roll
- 9 Community revitalization levy roll
- 10 Community revitalization levy rate bylaw
- 11 Calculating the amount of the levy
- 12 Separate fund required
- 13 Application of Parts 9 to 12 of Act
- 14 Termination of a community revitalization levy bylaw
- 15 Expiry

Schedule

Definitions

1 In this Regulation,

- (a) “Act” means the *Municipal Government Act*;
- (b) “assessment baseline” means the property assessment of each property within the Belvedere Community Revitalization Levy Area as of December 31 of the year in which the community revitalization levy bylaw is approved by the Lieutenant Governor in Council;
- (c) “Belvedere Community Revitalization Levy Area” means the City of Edmonton community revitalization levy area established pursuant to section 3;

- (d) “community revitalization levy bylaw” means a bylaw passed by the council to impose a levy in respect of the incremental assessed value of property in the Belvedere Community Revitalization Levy Area;
- (e) “community revitalization levy rate” means the rate imposed under a community revitalization levy bylaw for the applicable assessment class or sub-class of property;
- (f) “council” means the council of the City of Edmonton;
- (g) “incremental assessed value” has the meaning given to it in section 381.1(a) of the Act;
- (h) “property” has the meaning given to it in section 284(1)(r) of the Act.

Scope of Regulation

2(1) This Regulation applies only to property located in the Belvedere Community Revitalization Levy Area.

(2) Sections 6 to 14 apply only if

- (a) the council passes a community revitalization levy bylaw in respect of the Belvedere Community Revitalization Levy Area, and
- (b) the Lieutenant Governor in Council approves the community revitalization levy bylaw.

Establishment of community revitalization levy area

3 This Regulation establishes a community revitalization levy area in the City of Edmonton, known as the Belvedere Community Revitalization Levy Area, on the lands described in the Schedule.

Community revitalization plan

4(1) Before passing a community revitalization levy bylaw in respect of the Belvedere Community Revitalization Levy Area, the council must

- (a) prepare a community revitalization plan for the Belvedere Community Revitalization Levy Area,
- (b) hold one or more public hearings on the proposed community revitalization plan in accordance with section 606 of the Act, and

- (c) make and keep a record of any public hearings, and make the results of the public hearings available to the public.
- (2)** A community revitalization plan must address
- (a) the objectives, risks and benefits associated with the plan,
 - (b) the need for the plan, including substantiation that redevelopment will not progress significantly in its absence,
 - (c) the costs associated with the plan, including the amount and timing of projected
 - (i) redevelopment capital costs,
 - (ii) borrowing costs, and
 - (iii) other costs,
 - (d) the revenues associated with the plan, including the amount and timing of projected
 - (i) community revitalization levies in respect of the incremental assessed value of property in the Belvedere Community Revitalization Levy Area,
 - (ii) general municipal revenues, and
 - (iii) other revenue sources,
 - (e) the amount, timing and source of projected borrowings associated with the plan, and the amount and timing of the repayments,
 - (f) a low, medium and high projection of estimated changes in the incremental assessed value of property in the Belvedere Community Revitalization Levy Area and the consequent impact on projected revenues from community revitalization levies,
 - (g) how the municipality will fund any shortfall in the event that actual revenues associated with the plan are not sufficient to provide for the actual costs and repayment of borrowings associated with the plan,
 - (h) the proposed land uses for the Belvedere Community Revitalization Levy Area,
 - (i) the proposed phasing of development in the Belvedere Community Revitalization Levy Area,

- (j) the impact, if any, that the redevelopment of the Belvedere Community Revitalization Levy Area will have on the residents of that area,
- (k) which features, facilities and characteristics of the municipality will be adversely affected by the redevelopment of the Belvedere Community Revitalization Levy Area and what is proposed to mitigate those effects,
- (l) which historically significant buildings in the Belvedere Community Revitalization Levy Area will be conserved and maintained and how they will be conserved and maintained, and
- (m) the expected role of private sector developers in the redevelopment of the Belvedere Community Revitalization Levy Area.

(3) A community revitalization plan must be consistent with the land use policies established by the Lieutenant Governor in Council under section 622 of the Act.

Community revitalization levy bylaw

5(1) A community revitalization levy bylaw must include all of the information required to be included in the community revitalization plan.

(2) A community revitalization levy bylaw may be amended by the council, but the amendment has no effect unless it is approved by the Lieutenant Governor in Council.

Borrowing bylaw

6 Despite sections 256 to 263 of the Act, a borrowing bylaw for the purpose of implementing the community revitalization plan, in whole or in part, must be advertised in accordance with section 606 of the Act.

Preparation of assessments

7 Assessments of property in the Belvedere Community Revitalization Levy Area must be prepared in the same manner as similar properties in the municipality in accordance with Part 9 of the Act, as modified by this Regulation.

Community revitalization assessment roll

8(1) The municipality must prepare annually, not later than February 28, a community revitalization assessment roll.

(2) A community revitalization assessment roll may be a continuation of the assessment roll prepared under Part 9 of the Act or may be separate from that roll.

Community revitalization levy roll

9(1) The municipality must prepare a community revitalization levy roll annually.

(2) A community revitalization levy roll may be a continuation of the tax roll prepared under Part 10 of the Act or may be separate from that roll.

(3) A community revitalization levy roll must show the same information that is required to be shown on the tax roll in accordance with section 329 of the Act.

Community revitalization levy rate bylaw

10(1) The council must pass a community revitalization levy rate bylaw annually.

(2) A community revitalization levy rate bylaw must

- (a) set and show separately all of the community revitalization levy rates that must be imposed to raise the revenue required to meet the levy increment financing program and council's approved budget, and
- (b) not be imposed in respect of property that
 - (i) is exempt under section 351, 361 or 362 of the Act, or
 - (ii) is exempt under section 363 or 364 of the Act, unless the bylaw passed under section 363 makes the property taxable.

(3) A community revitalization levy rate must be equal to or greater than the tax rates established annually for the corresponding property tax bylaw for each assessment class or sub-class of property referred to in section 297 of the Act.

(4) A community revitalization levy rate bylaw may set out the class and subclass tax rates for the municipal property tax, the school requisition and the community revitalization levy rate.

Calculating the amount of the levy

11(1) The amount of the levy to be imposed in respect of property located in the Belvedere Community Revitalization Levy Area is to

be calculated by multiplying the incremental assessed value for the property by the community revitalization levy rate to be imposed on that property.

(2) If a tax-exempt property in the Belvedere Community Revitalization Levy Area becomes taxable or partially taxable, the community revitalization levy for that property is to be calculated on a prorated basis by applying the community revitalization levy rate to the incremental assessed value of the taxable portion of the property.

(3) The community revitalization levy under subsection (2) is to be applied beginning in the year that the property becomes taxable or partially taxable.

(4) If a tax-exempt property in the Belvedere Community Revitalization Levy Area becomes taxable or partially taxable, the assessment baseline for that property shall be excluded from the equalized assessment beginning in the year that the property becomes taxable or partially taxable.

(5) If taxable property in the Belvedere Community Revitalization Levy Area becomes tax exempt, no community revitalization levy is to be applied to that property beginning in the year that the property becomes exempt.

(6) If, after the community revitalization area has been established, there is

- (a) a subdivision affecting the property within the Belvedere Community Revitalization Levy Area, or
- (b) a consolidation of 2 or more properties within the Belvedere Community Revitalization Levy Area,

in respect of which a community revitalization levy is payable, the municipality must reallocate the assessment baseline to each of the new properties in the year that the subdivision or consolidation occurs.

(7) If, after the community revitalization area has been established, there are changes to the assessment class or assessment sub-class for a property, the municipality may revise the assessment class or sub-class applicable to the property assessment baseline to reflect those changes with respect to future years.

Separate fund required

12 A community revitalization levy collected from the Belvedere Community Revitalization Levy Area, and any interest earned from the investment of that levy, must

- (a) be accounted for separately from other levies collected, and
- (b) be used only for the purposes specified for the Belvedere Community Revitalization Levy Area.

Application of Parts 9 to 12 of Act

13 Except as modified by this Regulation, Parts 9 to 12 of the Act relating to the assessment and taxation of property apply, with the necessary modifications to a community revitalization levy, and for that purpose a reference in those Parts to

- (a) a tax imposed under Part 10, Division 2 is deemed to be a reference to a community revitalization levy,
- (b) a property tax bylaw is deemed to be a reference to a community revitalization levy bylaw,
- (c) an assessment roll is deemed to be a reference to a community revitalization assessment roll, and
- (d) a tax roll is deemed to be a reference to a community revitalization levy roll.

Termination of a community revitalization levy bylaw

14 The community revitalization levy bylaw is terminated on the earliest of the following:

- (a) at the end of a period of 20 years from the year in which the community revitalization levy bylaw is approved by the Lieutenant Governor in Council;
- (b) the date that all borrowings for the Belvedere Community Revitalization Levy Area are repaid or recovered from the revenues associated with the community revitalization plan;
- (c) an earlier date specified by the Lieutenant Governor in Council.

Expiry

15 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on December 31, 2020.

Schedule

All lands in the City of Edmonton contained in the area shown on the following map and which may be described, approximately, as follows:

All that lands contained within the limits of the boundary described as follows:

Commencing at the northwest corner of the intersection of 66th Street and 134th Avenue; Thence easterly along 134th Avenue to the northeast corner of the intersection of Fort Road and 134th Avenue; Thence northeasterly along Fort Road and Fort Road Northbound to the southeast corner of the intersection of 137th Avenue Eastbound and Fort Road Northbound; Thence southeasterly along 137th Avenue Eastbound to the most southeasterly intersection point of 137th Avenue and Canadian National Railway Plan 4217S, Railway Right of Way within Township 53, Range 24 Title No. 792032913 ("CN Tracks North/South"); Thence southwesterly along the East Boundary of the CN Tracks North/South to the northwest corner of Right of Way Containing 11.87 Acres More or Less as Shown on Railway Plan 7720641, Title No. 772133878 ("CN Tracks East/West"); Thence westerly in a straight line to the southeast corner of Portion of NW ¼ Sec.14-53-24-4, Title No. 072371159; Thence westerly along the south boundary of Portion of NW ¼ Sec.14-53-24-4, Title No. 072371159 to the southwest corner of this parcel; Thence northerly along the east boundary of 66th Street to the southeast corner of the intersection of 127th Avenue and 66th Street; Thence westerly along 127th Avenue to the northeast corner of 127th Avenue and 67th Street; Thence northerly along 67th Street to the southeast corner of the intersection of 67th Street and 129th Avenue; Thence easterly along 129th Avenue to the southwest corner of the intersection of 66th Street and 129th Avenue; Thence northerly along 66th Street to the point of commencement.



Printed on Recycled Paper 