

THIS AGREEMENT first written as of the 25 day of NOVEMBER, 2009.

BETWEEN:

MUNICIPAL DISTRICT OF FOOTHILLS No. 31
a Municipal Corporation in the Province of Alberta
("the M.D.")

- and -

THE CITY OF CALGARY
a Municipal Corporation in the Province of Alberta
("the City")

MEMORANDUM OF UNDERSTANDING

RECITALS

WHEREAS on May 14, 2009, Council for the M.D. passed an area structure plan encompassing an area located adjacent to the City's southern boundary with the M.D., and partially located within an area identified for future City growth within the Intermunicipal Development Plan adopted by both municipalities ("the Sirocco ASP");

WHEREAS on June 10, 2009, the City's Administration filed an appeal of the Sirocco ASP with the Municipal Government Board ("the MGB") that led to mediation between the M.D. and the City;

AND WHEREAS the M.D. and the City have reached a mediated solution, which they intend to document in the form of this Memorandum of Understanding in order to establish a basis from which the goals of the mediated solution can be implemented both effectively and efficiently.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

Part I - Mutual Annexation Applications: Proposed Land

- 1.1 The M.D. will immediately initiate the annexation process in accordance with Part 4, Division 6 of the *Municipal Government Act*, RSA 2000, as amended from time to time, to annex the "Spruce Meadows Vacant Lands", as identified on the map attached hereto as Schedule "A", from the City.
- 1.2 The City will immediately initiate the annexation process in accordance with Part 4, Division 6 of the *Municipal Government Act*, RSA 2000, as amended from time to time, to annex "Cell 1" from the M.D., as identified on the map attached hereto as Schedule "B", and located within the East half of 9-22-01-W5M.

Part II - Content of Annexation Agreement

- 2.1 Neither the M.D. nor the City will be entitled to compensation or otherwise negotiate or attempt to negotiate the payment of compensation from the other in connection with either annexation application, or portion thereof.
- 2.2 For clarity, matters that will be addressed as part of the annexation process include, but are not limited to the payment of a negotiated contribution by the M.D. to the City on the development of lands currently included within the Sirocco ASP, but excluded from Cell 1, for the purpose of mitigating the downstream transportation impacts within the City limits.
- 2.3 Those lands within the Sirocco ASP that will remain within the M.D. will be used in conjunction with Cell 1 lands to demonstrate compliance with the Calgary Metropolitan Plan, as proposed or adopted by the Province, as the case may be.

Part III - Process

- 3.1 Time is of the essence with respect to the commencement, finalization and submission of the annexation applications, and each party will support the final annexation application of the other as submitted to the MGB.
- 3.2 Upon submission of both annexation applications to the MGB, the City will withdraw its appeal of the Sirocco ASP.
- 3.3 The M.D. and the City will request the MGB to adjourn the merit hearing of the City's Sirocco ASP appeal (presently scheduled for January 18, 2010) until April 18, 2010, to allow for the preparation, completion and submission of the annexation applications to the MGB. If further time is required, further adjournment requests may be made to the MGB by either party.

3.4 If at any time either party does not want to proceed with the annexation applications, or the parties are unable to agree on the final terms of either annexation, then the merit hearing of the Sirocco ASP appeal must be scheduled and proceed as soon as practically possible.

IN WITNESS WHEREOF the parties hereto have hereunder affixed their respective corporate seals and signatures by duly authorized representatives, as of the date above first written.

APPROVED	
As To Content	
LUPP	<i>[Signature]</i>
As To Form	
LAW (Solicitors)	<i>[Signature]</i>

THE CITY OF CALGARY

[Signature]

 MAYOR

ACTING *[Signature]*

 CITY CLERK
 NOV 26 2009

**MUNICIPAL DISTRICT OF
 FOOTHILLS No. 31**

[Signature]

 REEVE

[Signature]

 MUNICIPAL MANAGER

Schedule "B"

