

LOCAL AUTHORITIES BOARD

ORDER NO. 4408

FILE: L.A. 43-A

WEDNESDAY—THE TENTH DAY OF SEPTEMBER, 1969

Before:

The Local Authorities Board
for the Province of Alberta.

In the matter of The Municipal
Government Act:

And in the matter of an appli-
cation by the Town of Brooks for
annexation of certain territory
lying adjacent thereto.

On March 13, 1969 the Town of Brooks in the Province of Alberta applied to the Board for annexation of section 29, township 18, range 14, west of the fourth meridian.

At the public hearing of the matter in the Town of Brooks on June 17, 1969, the Town was represented by Secretary-Treasurer Schellenberg, and Councillors Holeha and Aasen.

The County of Newell No. 4 was represented by Chairman Musgrove.

The Eastern Irrigation District was represented by S. A. Saunders, Assistant Manager.

Canadian Western Natural Gas Company Limited was represented by Ralph Pilkington, Manager of Production and Transmission.

The applicant represented that the lands were required for needed industrial sites and that the area was economically serviceable by the town utilities and had rail access.

E. Albright, purchaser of part of the east half of section 29, township 18, range 14, west of the fourth meridian, containing some three hundred and seven and two hundred and sixty-one thousandths (307.261) acres, more or less, as described in Certificates of Title numbered 105-M-159 and 105-M-160, represented that he farmed the said lands in conjunction with other lands. He stated that the three dwellings on the north half of the north-east quarter of section 29, township 18, range 14, west of the fourth meridian were owned by him and occupied by him, *his son* and hired help. He represented that his son and the occupant of the third dwelling assisted him in his farm operation and received their accommodation free but in exchange for **work** on the farm operation.

He submitted that his lands and buildings should continue after annexation to be assessed as a farm unit remaining in the County of Newell until they were subdivided.

The Eastern Irrigation District favoured annexation of their lands comprising some three hundred and ten and eighty-three hundredths (310.83) acres in the west half of section 29, township 18, range 14, west of the fourth meridian, as described in Certificate of Title No. 46-A-185 and the County of Newell offered no objection to annexation of section 29, township 18, range 14, west of the fourth meridian.

In written advices to the Board, the Provincial Department of Highways and the Medicine Hat Regional Planning Commission, respectively, offered no objection to, and favoured the proposed annexation of section 29.

The Canadian Western Natural Gas Company Limited had no objection to the annexation provided their facilities were protected by normal planning procedures.

After considering all the evidence placed before it, the Board considers that all of said section 29 should be annexed to the Town of Brooks, together with the adjoining roads on the west and south.

It is ordered, therefore:

I. That the following described lands be annexed to the Town of Brooks and be separated from the County of Newell No. 4:

"All of section 29, township 18, range 14, west of the fourth meridian, including the north-south road adjoining the westerly boundary and the east-west road adjoining the southerly boundary of the said section and including the intersection of the said roads at the south-west corner of the said section."

(The general location of the annexed lands is shown on attached Schedule "A".)

II. That any taxes owing to the County of Newell No. 4 as at December 31st, 1969, in respect to the aforementioned annexed property shall transfer to and become payable to the Town of Brooks, together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Brooks collecting any or all of the said taxes, penalties or costs, such collections shall forthwith be paid by the Town of Brooks to the County of Newell No. 4.

III. That the assessor for the Town of Brooks shall for taxation purposes in the year 1970, re-assess the lands and assessable improvements thereon (other than the properties described in condition IV hereunder) and which are by this Order annexed to the town, so that the assessment thereof shall be fair and equitable with other related lands and assessable improvements in the Town of Brooks.

IV. That the assessor for the Town of Brooks shall for taxation purposes in 1970, 1971 and 1972 re-assess any annexed parcel of land comprising a farm unit, as referred to in The Municipal Taxation Act, section 2, clause 10, and the farm buildings thereon used in connection with the raising or production of crops, livestock, or poultry or in connection with fur production or beekeeping, on the same basis of assessment as would be applicable to them had such lands and farm buildings remained in the County of Newell No. 4, provided that:

- (a) if the said lands or a part thereof is subdivided by a plan of subdivision, or
- (b) if the town, by Resolution of Council, or the owner in writing, establishes that for other good and sufficient reason the provisions of clause IV should be cancelled or varied,

application may be made to the Board for an Order to implement such cancellation or variation as the Board deems to be proper in the circumstances.

V. That for taxation purposes commencing in the year 1970, all annexed lands shall be taxed at the applicable town mill rates.

VI. That the chief provincial assessor, appointed pursuant to the provisions of The Municipalities Assessment and Equalization Act, shall for taxation or grant purposes commencing in the year 1970, re-assess or re-value, as the case may be, all properties that are assessable or subject to valuation under the terms of The Electric Power and Pipe

Line Assessment Act and The Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this Order annexed to the Town of Brooks, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

VII. That the effective date of this Order shall be the 1st day of January, 1970.

LOCAL AUTHORITIES BOARD,
C. G. MACGREGOR (Chairman).

Certified a true copy,

C. G. MACGREGOR (Acting Secretary).

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 4408

EFFECTIVE DATE - JANUARY 1, 1970



AFFECTED AREA(S)

