



Province of Alberta
Order in Council

O.C. 239 /2017

JUL 12 2017

ORDER IN COUNCIL

Approved and ordered:

Lieutenant Governor
or
Administrator

The Lieutenant Governor in Council, effective September 1, 2017,

- (a) dissolves the Village of Botha,
- (b) directs that the former area of the village be designated as a hamlet and becomes part of the County of Stettler No. 6, and
- (c) makes the Order in the attached Appendix.

CHAIR

For Information only

Recommended by: Minister of Municipal Affairs

Authority: Municipal Government Act (sections 133, 134, 135 and 137)
Foreign Ownership of Land Regulations (section 14)

APPENDIX

Municipal Government Act

ORDER DISSOLVING THE VILLAGE OF BOTHA

1 In this Order,

- (a) “Act” means the *Municipal Government Act*;
- (b) “dissolution date” means September 1, 2017;
- (c) “former area of the village” means the land in the Village of Botha before the dissolution date;
- (d) “receiving municipality” means The County of Stettler No. 6;
- (e) “village” means the Village of Botha.

2 Effective September 1, 2017,

- (a) the Village of Botha is dissolved,
- (b) the land described in the Schedule becomes part of The County of Stettler No. 6,
- (c) the former area of the village is part of Ward 3 (Botha-Gadsby) of the receiving municipality until the receiving municipality passes a bylaw pursuant to section 148 of the Act that provides otherwise,
- (d) the former area of the village is designated as a hamlet to be known as the Hamlet of Botha until the council of the receiving municipality changes the designation in accordance with section 59 of the Act,
- (e) the boundaries of the Hamlet of Botha are described in the Schedule,
- (f) all liabilities of the village, whether arising under debenture or otherwise, and all assets, rights, duties, functions and obligations of the village are vested in the receiving municipality and may be dealt with in the name of the receiving municipality,
- (g) bylaws and resolutions of the village continue to apply in the former area of the village until the bylaws or resolutions are repealed, amended or replaced by the council of the receiving municipality,
- (h) the receiving municipality may impose an additional tax under Part 10 of the Act on property located in the former area of the village, including linear property as defined in section 284(1)(k) of the Act, to pay for any liabilities referred to in clause (f) that exceed the assets referred to in clause (f),

- (i) the receiving municipality may, by bylaw, impose an additional tax under Part 10 of the Act on the former area of the village to meet obligations under a borrowing that was made
 - (i) by the village prior to its dissolution, and
 - (ii) in respect of the former area of the village,
- (j) a bylaw referred to in clause (i) may be passed each year until the borrowing is fully repaid,
- (k) a reference to the village in any order, regulation, bylaw, certificate of title, agreement or any other instrument is deemed to be a reference to the receiving municipality,
- (l) the employees of the village at its dissolution are deemed to be employees of the receiving municipality,
- (m) all employment records related to past and current employees of the village are transferred to the receiving municipality, and
- (n) all liabilities related to past and current employees of the village are transferred to the receiving municipality.

3(1) The receiving municipality shall use

- (a) money received from the village on its dissolution, and
- (b) money received from the sale of any assets of the village vested in the receiving municipality under section 2(f) and sold by the receiving municipality before December 31, 2022,

only for the purposes of paying or reducing a liability vested in the receiving municipality under section 2(f) or for purposes for which the village could have used it.

(2) All money referred to in subsection (1) must be accounted for separately by the receiving municipality.

4 The assessor for The County of Stettler No. 6 shall keep the assessment and tax rolls for the land described in the Schedule separate from the assessment and tax rolls for other land in The County of Stettler No. 6 for the period from September 1, 2017 to December 31, 2017, inclusive.

5(1) For the period from January 1, 2017 up to and including the dissolution date, sections 276, 277 and 278 of the Act do not apply to the village and the receiving municipality shall appoint an auditor to complete a review engagement of all financial transactions of the village for that period.

(2) The scope of the review engagement shall be determined in accordance with the generally accepted auditing standards for municipal governments.

6 If a complaint is made under section 460 of the Act in respect of property located in the former area of the village and is properly filed in accordance with the Act and regulations before the dissolution date, the complaint

- (a) shall be heard and decided by the assessment review board established by the village, if that board began hearing the matter before the dissolution date, or
- (b) shall be heard and decided by the assessment review board established by the receiving municipality, in any other case.

7 The Minister may decide any other matter relating to the rights, obligations, liabilities, assets or any other thing in respect of the village resulting from the dissolution of the village.

8 Pursuant to section 14(1)(e) of the *Foreign Ownership of Land Regulations* (AR 160/79), the land within the boundaries of the Hamlet of Botha is excluded from the operation of those Regulations.

Schedule

HAMLET OF BOTHA

ALL THAT PORTION OF THE SOUTH HALF OF SECTION THIRTY-THREE (33), TOWNSHIP THIRTY-EIGHT (38), RANGE EIGHTEEN (18), WEST OF THE FOURTH (4) MERIDIAN, INCLUDING THE NORTH-SOUTH ROAD ALLOWANCE ON THE WEST SIDE OF SAID HALF-SECTION, EXCLUDING THE PORTION OF SAID HALF-SECTION CONTAINED WITHIN THE AREA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID HALF-SECTION, THENCE EASTWARD ALONG THE SOUTH BOUNDARY OF SAID HALF-SECTION TO THE FIRST POINT WHERE THE SOUTH BOUNDARY INTERSECTS THE SOUTH-EASTERLY POINT OF PLAN 892 0633.

THENCE NORTH ALONG THE EAST BOUNDARY OF SAID PLAN TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF THE EAST-WEST ROAD ALLOWANCE OF TOWNSHIP ROAD 385A.

THENCE NORTH ACROSS THE EAST-WEST ROAD ALLOWANCE TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF PLAN 082 1589.

THENCE EAST ALONG THE SOUTHERN BOUNDARY OF SAID PLAN TO ITS INTERSECTION WITH THE SOUTH BOUNDARY OF PLAN 3417 AB.

THENCE EAST ALONG THE SOUTHERN BOUNDARY OF SAID PLAN TO ITS INTERSECTION WITH THE EAST BOUNDARY OF SAID HALF-SECTION.

THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID HALF SECTION TO ITS INTERSECTION WITH THE SOUTHEAST CORNER OF SAID HALF-SECTION.

THENCE WEST ALONG THE SOUTH BOUNDARY OF SAID HALF-SECTION TO THE POINT OF COMMENCEMENT.