

TOWN OF PONOKA

Order No. 18139

File No. 144(A)9

Before: The Local Authorities Board for the Province of Alberta

In the matter of the Municipal Government Act

And in the matter of the County Act

And in the matter of an application by the Council of the Town of Ponoka, in the Province of Alberta, for the annexation of certain territory lying immediately adjacent thereto and thereby its separation from the County of Ponoka No. 3.

Pursuant to an application by the Town of Ponoka, in the Province of Alberta, requesting annexation of certain lands which lie immediately adjacent to the existing boundaries, the Board has considered the subject application which is to permit the construction of a church building and servicing of the property.

And whereas the parcel proposed for annexation is owned by the Alberta Conference Corporation of the Seventh Day Adventist Church and under the date of November 18, 1986, the Pastor of the Ponoka Congregation advised the Town of Ponoka of the Congregation's desire to have the church property annexed to the Town.

And whereas Council for the County of Ponoka No. 3, at its meeting of December 17, 1986, passed a motion stating that Council has "no objection" to the annexation proposed by the Town of Ponoka.

And whereas the Battle River Regional Planning Commission considered the annexation proposal of the Town of Ponoka and by letter to the Board dated December 2, 1986, submitted the following comments:

"The proposed annexation is the evolutionary result of the Planning Commission's decision in 1982 to allow the subdivision. The eventual jurisdictional conflicts were reviewed, and as a favourable response was received from both the Town and County, the Commission agreed to this parcel. The parcel registered as lot 1, plan 862-0191, is within the urban fringe designation area of the County's Land Use Bylaw. This district allows for activities which will not inhibit the orderly growth of the adjacent urban area, and as such the user conformed.

Even though the end user, the Seventh Day Adventist Church, only added a compatible amenity, with no tax base increase, neither municipality favoured the 'status quo' situation.

The County was not prepared to maintain the street system (63rd Street) to an urban standard, nor was the Town prepared to provide urban services to a rural parcel.

The resultant request for annexation to the Town of Ponoka by the Town, as we understand, was by mutual agreement. With the Town willing to accept the responsibility of this parcel under their jurisdiction and the County not opposing this request, we feel the transfer would be beneficial to both municipalities. The Planning Commission offers no objection to the annexation."

And whereas by memorandum to the Board dated December 1, 1986, Alberta Transportation advised that the Department has "no objections" to the proposed annexation.

And whereas by memorandum to the Board dated November 28, 1986, Alberta Agriculture, after reviewing the proposal by the Town of Ponoka, submitted the following comments:

"1. The proposed annexation lies within an area of Class 3M soils. This class of soils has moderately severe limitations that restrict the range of crops or require special conservation practises; subclass M indicates low available moisture holding capacity.

2. Based on Alberta Hail and Crop Insurance data for lands under cultivation this land has a productivity rating of 90-94%.

Although this is considered to be 'better' agricultural land given the small size of the parcel (less than 10 acres) and its proximity to the existing town development, Alberta Agriculture does not object to the annexation."

And whereas by memorandum to the Board dated December 1, 1986, Alberta Environment advised that the Department has "no objection" to the annexation as proposed by the Town of Ponoka.

And whereas from the information supplied to this Board, it would appear that annexation of the parcel to facilitate the servicing and construction of a church building is warranted.

Therefore, subject to the Lieutenant Governor in Council approving this Order, or prescribing conditions that the Order is subject to and approving the Order subject to those conditions, or varying the Order and approving the Order as varied, it is ordered as follows:

I. That there be annexed to the Town of Ponoka, in the Province of Alberta, and thereupon be separated from the County of Ponoka No. 3, the following described territory:

All that portion of the south west quarter of section 8, township 43, range 25, west of the fourth meridian contained within plan of subdivision 862 0191.

The above described lands contain 0.85 hundredths of a hectare (2.10 acres) more or less.

(A sketch showing the general location of the annexed lands is attached as Schedule "A").

II. That any taxes owing to the County of Ponoka No. 3 as at December 31, 1987, in respect of the aforementioned properties shall transfer to and become payable to the Town of Ponoka together with any lawful penalties and costs levied thereon in respect of any such taxes; however, upon the Town of Ponoka collecting any or all of such taxes, penalties or costs, such collection shall forthwith be paid by the Town to the County of Ponoka No. 3.

III. That the assessor for the Town of Ponoka shall, for taxation purposes in the year 1988, reassess the annexed lands and assessable improvements thereon, which are by this Order annexed to the Town of Ponoka so that the assessment thereof shall be fair and equitable with other lands and assessable improvements in the Town of Ponoka, and the provisions of the Municipal Taxation Act regarding the assessment roll shall mutatis mutandis apply to such assessment.

IV. 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 1988, reassess or revalue, as the case may be, all properties that are assessable or subject to valuation under the terms of the Electric Power and Pipeline 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 Ponoka, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

V. That the effective date of this Order is December 31, 1987.

Dated and signed at Edmonton, Alberta, January 9, 1987.

Local Authorities Board

Certified a True Copy:

(SGD.) C.I. Shelley, Chairman

Ray Myroniuk, Acting Secretary

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE
AREAS AFFECTED BY BOARD ORDER No. 18139

EFFECTIVE DATE: DECEMBER 31, 1987



 AFFECTED AREA(S)

