

**TOWN OF PONOKA**

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Order No. 18325

File No. PONO/T-10

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, to annex 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 bring into the Town's jurisdiction a Town owned and administered cemetery and tree nursery and also fulfill the request of the owners of one parcel to be included in the Town of Ponoka.

And whereas the territory proposed for annexation is composed of five separate parcels, four of which are owned by the Town and are used jointly as a cemetery and tree nursery. The fifth parcel is owned by Jerry and Mini Witvoet who, by letter to the Town of Ponoka dated December 31, 1986, requested the annexation of their property to the Town.

And whereas Council for the County of Ponoka No. 3 considered the annexation of the Witvoet property at its meeting of January 16, 1987, an adopted a motion that Council had "no objection" to this proposal. Subsequently thereto Council, at its meeting of April 16, 1987, considered the proposal to annex the Town owned lands and also adopted a motion stating that Council had "no objection to this portion of land being annexed by the Town of Ponoka."

And whereas the Battle River Regional Planning Commission considered the annexation proposal of the Town of Ponoka and in support of the proposal submitted, by letter to the Board dated June 8, 1987, the following comments:

"The annexation request by the Town of Ponoka would transfer the jurisdictional control to the Town of an area of land mutually agreeable to both municipalities.

The land west of the government road allowance is presently owned by the Town and consists of a cemetery and tree nursery. The tree nursery provides beauty and land use separation prior to the actual need and conversion of the land. The land use presently existing is permanent and establishes a natural barrier which will inhibit the expansion of residential development. The cemetery, first established in 1928, is presently the logical westerly limit of the Town in which both orderly and economical growth would occur. The concerns of road standard and maintenance on half a mile road way between the Town's cemetery and present Town jurisdiction would also be eliminated through this annexation. Besides the short term solutions which favour the jurisdiction transfer, the Town will benefit through control of its long range traffic planning strategy. This roadway will, in the future, assist in providing a direct arterial to 57 avenue. This connection from highway 53 will eventually provide the westerly emergency service route to the hospital.

The acreage lot included in the annexation actually initiated the process, however, it has no relevant importance either positive or negative on the annexation issue.

The Planning Commission supports the area and annexation application as applied for by the Town."

And whereas by memorandum to the Board dated June 1, 1987, Alberta Transportation advised that the Department has "no objection" to the annexation proposed by the Town of Ponoka.

And whereas by memorandum to the Board dated June 30, 1987, Alberta Agriculture, after reviewing the proposal by the Town of Ponoka, submitted the following comments:

"a) Canada Land Inventory (CLI) agricultural capability rating for the parcel under consideration is 3M. Soils of this class have fair to moderately high productivity for a fair range of crops.

b) Alberta Agriculture recognizes the area under consideration for annexation as better agricultural land. However, no lower quality accessible alternative lands exist in the immediate vicinity of Ponoka.

c) Current uses on the parcel range from extensive agriculture (hay) to tree nursery to cemetery.

As no lower quality accessible alternative sites exist, and only a portion of the parcel is currently used for agricultural pursuits, our Department has no objections to the Town of Ponoka's annexation proposal."

And whereas Alberta Environment reviewed the Town's annexation proposal and by memorandum to the Board dated June 2, 1987, submitted the following comments:

"Our Department has reviewed this above-mentioned annexation proposal and has examined 1981 and 1984 air photos of the property. The site is nearly flat and is probably well-drained. It appears to have three uses, a cemetery, a farmstead and cultivated field. The locations of these three activities are shown on the attached map.

In conclusion, we have no objections to this proposed annexation."

And whereas from the information supplied to this Board, it would appear that meeting the request of the property owners and transferring jurisdiction over the Town owned lands and the road allowance to facilitate the long range traffic planning strategy 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 north west quarter section 5, township 43, range 25 west of the fourth meridian not within the Town of Ponoka.

All that portion of the north east quarter of section 6, township 43, range 25 west of the fourth meridian described as follows:

a) Cemetery site, as shown outlined in red on road plan 5492 H.W., excepting thereon road plan 3928 L.Z.

b) Parcel A, as shown on filed plan 737 E.O.

c) Lots C and D, as shown on plan of subdivision 818 N.Y.

That north south government road allowance adjoining the west boundary of the north west quarter of section 5, township 43, range 25, west of the fourth meridian.

The above described lands contain 15.66 hectares (38.70 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 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

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 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, July 21, 1987.

Local Authorities Board

Certified a True Copy:

(SGD.) B.T. Clark, Secretary-Member

Ray Myroniuk, Acting Secretary

(SGD.) H.W. Thiessen, Member

## SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION OF THE  
AREAS AFFECTED BY BOARD ORDER No. 18325

EFFECTIVE DATE: DECEMBER 31, 1987

AFFECTED AREA(S)

