

GAZETTE JUNE 29, 1968  
LOCAL AUTHORITIES BOARD

ORDER NO. 3718

FILE: L.A. 75-A

FRIDAY—THE SEVENTEENTH DAY OF MAY, 1968

Before:

The Local Authorities Board  
for the Province of Alberta.

In the matter of The Town and  
Village Act:

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

Pursuant to an application by the Town of Ponoka petitioning for the annexation of certain lands lying adjacent thereto, the Board conducted a public hearing of the matter in the Town of Ponoka on March 8, 1968.

The lands which the town sought to annex lie in the County of Ponoka No. 3 and are described hereunder:

*Firstly:* All that portion of the south-east quarter of section 9, township 43, range 25, west of the fourth meridian, in the Province of Alberta, not now within the boundaries of the Town of Ponoka which lies south of the south boundary of lot 3, as shown on Sub-division Plan 1899 K.S. and its productions easterly and westerly.

*Secondly:* The westerly six hundred and sixty (660) feet in perpendicular width throughout of the south-west quarter of section 3, in the said township and range, together with all that portion of the original government road allowance adjoining the west boundary of the said south-west quarter.

*Thirdly:* All that portion of the north-east quarter of section 32, township 42, range 25, west of the fourth meridian subdivided under Plan 3772 H.W. and all that portion of the said north-east quarter which lies north and west of the land subdivided under the said Plan 3772 H.W.

*Fourthly:* All of the south-west quarter of section 5, township 43, range 25, west of the fourth meridian, together with all of the original government road allowances adjoining the west and south boundaries of the said quarter section together with the intersection of the said roads at the south-west corner of the said quarter section.

*Fifthly:* All that portion of the east half of the said section 5, in the said township and range, not now within the boundaries of the Town of Ponoka.

*Sixthly:* All that portion of the north-west quarter of said section 5, in the said township and range, as follows:

- (a) The easterly three hundred and thirty-four and two tenths (334.2) feet throughout of the said quarter section.
- (b) All of the land subdivided under Plan 2625 K.S.
- (c) All that portion of the said quarter section bounded as follows: On the north and east by south and west boundaries of the land subdivided under the said Plan 2625 K.S.; On the south by the north limit of the road widening as shown on Road Plan 3928 L.Z.; and on the west by the production southerly of the most westerly boundary of lot A as shown on the said Plan 2625 K.S. (all described in Certificate of Title No. 40-H-153).
- (d) All of the said quarter section taken for highway as shown on Road Plans 3928 L.Z., 5796 K.S. and 138 K.

together with all of the intersection of the said highway and the north-south original government road allowance adjoining the west boundary of the south-west quarter of the said section 5.

Representing the Town of Ponoka were mayor G. I. Loucks, councillors Chesney, Elliott, James and Stickel as well as M. M. Barrows of the Battle River Regional Planning Commission and secretary-treasurer D. L. Saunders.

The County of Ponoka was represented by L. G. Saunders, secretary-treasurer.

Due notice of the hearing having been mailed to all interested parties and individuals, the following interested ratepayers made representations to the Board:

Gordon J. Dickau (Pt. NW 5-42-25-4); Howard F. Dickau (Pt. NE 5-42-25-4); D. S. Grant (Pt. NW 5-42-25-4); S. Greshner (Pt. SE 9-42-25-4); A. Z. Haggerty (Pt. SW 3-42-25-4); Paul Krossa (Pt. SW 3-42-25-4); Glen A. Stewart; (Pt. SW 3-42-25-4); R. Frank Smith (Pt. SE 9-42-25-4).

I. The town submitted that the areas in south-east quarter of section 9-42-25-4, are requested for industrial developments, there being a shortage of suitable lands for such purposes in the present town limits. The lands are well served by railroad and roads and their industrial development would not interfere with residential developments in the town. The lands are largely owned outright by the town or are under option to purchase by the town.

Of the two remaining ratepayers within this area of SE 9, only one person has expressed an objection to having his land annexed to the town. Mr. Greshner (Plan 5395 K.S., Parcel H - 0.74 acres) — a ratepayer — advised that he had his own water well and sewage facilities and would sell his property to the town if they wished to annex it. He expressed some fear that town by-laws might prohibit him from keeping a saddle horse on the property in event of annexation.

II. The town stated that the areas in SW 3-42-25-4 are required primarily for development control and design purposes since the town proposes to expand its water storage facilities in this area to facilitate the distribution of water services to the town's Riverside areas.

The areas already have an urban type of development and are socially and economically linked to the town. Their further residential development will likely follow the filling-in of similar developments to the west in SE 4-42-25-4.

Direct development control over the area by the town will ensure its best design use for the benefit of the whole general Riverside area.

Mr. Haggerty (5 acres—C of T 165-J-200), a ratepayer, represented that his property, in event of annexation may not be readily saleable as an agricultural unit and that the town might restrict his keeping of animals.

The town suggested that such a sale price problem would exist in a fringe area whether a property was in the town limits or not. The town indicated that it had no intention of interfering with existing agricultural pursuits until such activities became incompatible with residential developments.

Mr. Krossa (lot 1, plan 643 M.C.—2.5 acres), a ratepayer, indicated that he was satisfied to have his property remain in the county.

Glen Stewart (lot 2, plan 643 M.C.), a ratepayer, suggested that there was a definite residential development activity taking place in the general Riverside area.

III. The town said that the areas in NE 32 are presently required only for future development control purposes. With the present subdivision development the area has an urban type character.

Non of the three interested property owners (Messrs. Christiansen, Elofsen, Johnston) made representation to the Board respecting the town's application.

IV. The town represented that the areas in SE 5 and SW 5-42-25-4 are particularly suitable for light industrial and highway commercial types of development, for which purposes the town has not sufficient supply of lands. Some compatible developments already exist in this area.

The proposed highway changes in this general area (a Highway 53 link-up with Highway 2A) will create certain new problems in traffic patterns and in actual development of the area. These problems are best met by having the areas under the town's own jurisdiction.

No owner of the properties in these areas appeared to oppose the town's application.

V. The areas in NE 5 and NW 5-42-25-4 and their future development said the town will be affected by the proposed Highway 53 link-up.

As with the areas in IV above, it was submitted that the control of future developments in area V is best under jurisdiction of the town which will have the direct responsibility for designing the planning for the general benefit of the town.

Gordon Dickau—19.87 acres in NW 5 expressed some concern that annexation of his lands could lead to unwanted controls being imposed on his construction shop activities as well as on his keeping of animals.

He suggested that development control would maintain on his property whether or not his lands were in the Town of Ponoka.

Howard Dickau (13 acres, more or less in NE5) opposed the application because of possible control by-laws in the town which might adversely affect his enjoyment of his property. His property is low and not readily serviceable with sewer facilities. He keeps a few cattle on the land and would prefer to sell his 29.87 acres as a parcel. He stated that he would only gain fire protection and that his buildings were presently assessed.

D. Grant (pt. NW 5, plan 2625 K.S.—20 acres) was of the opinion that his activities on his land where he keeps some cattle, would not be interfered with by the town for another five years.

On reviewing the representations made to the Board, we have come to the following substantial and general conclusions

(a) The town's application for lands in SE9 and section 5-43-25-4 appears justified on the grounds that additional lands are required by the town for industrial, and commercial purposes and that the locations of these lands is suitable for the required purposes.

The lands are adequately served by roads and railway (SE 9) and by two highways in section 5. Land fragmentation is already evident in both these areas.

(b) The request for annexation of certain lands in SW 3-43-25-4 and NE 32-42-25-4 is supported by the existing urbanization of the subject properties. In respect to the areas in SW 3, the town's additional direct need for development control for the efficient planning of waterworks facilities in the general Riverside area is an important factor.

(c) The concerns of the ratepayers who oppose the annexation seem largely to hinge upon the fear that the town will implement or enforce by-laws to control nuisances respecting the keeping of animals or burning of wastes.

The town made it clear that it has no intention of disturbing existing agricultural type pursuits until such rises change or interfere with future developments.

Lands brought into the town should not suffer from any large increase in taxation since assessment levels in the town and County of Ponoka are similar and the mill rates in 1967 were somewhat lower in the town.

The board therefore orders as follows:

I. The following described territory is annexed to the Town of Ponoka and separated from the County of Ponoka No. 3:

*Firstly:* All that portion of the south-east quarter of section 9, township 43, range 25, west of the fourth meridian, in the Province of Alberta, not now within the boundaries of the Town of Ponoka which lies south of the south boundary of lot 3, as shown on Subdivision Plan 1899 K.S. and its productions easterly and westerly.

*Secondly:* The westerly six hundred and sixty (660) feet in perpendicular width throughout the south-west quarter of section 3, in the said township and range, together with all that portion of the original government road allowance adjoining the west boundary of the said south-west quarter.

*Thirdly:* All that portion of the north-east quarter of section 32, township 42, range 25, west of the fourth meridian subdivided under Plan 3772 H.W. and all that portion of the said north-east quarter which lies north and west of the land subdivided under the said Plan 3772 H.W.

*Fourthly:* All of the south-west quarter of section 5, township 43, range 25, west of the fourth meridian, together with all of the original government road allowances adjoining the west and south boundaries of the said quarter section together with the intersection of the said roads at the south-west corner of the said quarter section.

*Fifthly:* All that portion of the east half of the said section 5, in the said township and range, not now within the boundaries of the Town of Ponoka.

*Sixthly:* All that portion of the north-west quarter of said section 5, in the said township and range, as follows:

- (a) The easterly three hundred and thirty-four and two tenths (334.2) feet throughout of the said quarter section.
- (b) All of the land subdivided under Plan 2625 K.S.
- (c) All that portion of the said quarter section bounded as follows: On the north and east by south and west boundaries of the land subdivided under the said Plan 2625 K.S.; On the south by the north limit of the road widening as shown on Road Plan 3928 L.Z.; and on the west by the production southerly of the most westerly boundary of Lot A as shown on the said Plan 2625 K.S. (all described in Certificate of Title No. 40-H-153).
- (d) All of the said quarter section taken for highway as shown on Road Plans 3928 L.Z., 5796 K.S. and 138 K.

together with all of the intersection of the said highway and the north-south original government road allowance adjoining the west boundary of the south-west quarter of the said section 5.

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

II. Any taxes owing to the County of Ponoka No. 3 as at December 31, 1968 in respect of the aforementioned annexed property shall transfer to and become payable to the Town of Ponoka together with the amount of any lawful penalties and costs levied thereon in respect of such taxes; however, upon the Town of Ponoka collecting any or all of the said taxes, penalties and costs, such collections shall forthwith be paid by the Town of Ponoka to the County of Ponoka No. 3.

III. The assessor for the Town of Ponoka shall for taxation purposes in the year 1969 re-assess the 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 related properties in the Town of Ponoka.

IV. 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 1969, re-assess 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 the properties of a similar nature.

V. The effective date of this Order shall be the first (1st) day of January, 1969.

LOCAL AUTHORITIES BOARD,  
C. G. MACGREGOR (Chairman).  
I. MORRIS (Member).  
A. B. WETTER (Member)

Certified a true copy,  
W. C. ELLIOTT (Secretary).

## SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION  
OF THE AREAS EFFECTED BY ORDER No. 3718  
EFFECTIVE DATE - JANUARY 1, 1969

 EFFECTED AREA(S)

