

**IN THE MATTER OF THE "Municipal Government Act"**

**AND IN THE MATTER OF** an application by the Town of Cardston, in the Province of Alberta, to annex certain territory lying immediately adjacent thereto and thereby its separation from the Municipal District of Cardston.

**BEFORE:**

R. Gibbon, Presiding Officer  
D. Weideman, Member  
D. Shelley, Member  
R. Myroniuk, Secretariat

**SUMMARY**

On November 16, 1995, the Town of Cardston filed notification of its intent to annex certain territory from the Municipal District of Cardston No. 6. As a result of meetings with the landowners and for the general public and negotiations with the Municipal District of Cardston, the Town filed the negotiation report with the Municipal Government Board on February 8, 1996. The Board reviewed the negotiation report and determined there is general agreement on the annexation. The Board gave notice of its findings by advertising in a local newspaper and direct mailing to the landowners and local authorities. In addition, the Board advised that if no objections were filed by April 12, 1996, the Board may file a report and recommendations with the Minister of Municipal Affairs without holding a public hearing. No objections or comments were received.

The area proposed for annexation consist of two parcels and a portion of the adjoining north/south roadway. The annexation of these two properties would eliminate a jog in the municipal boundaries and reflect the actual treatment of the land by the two municipalities. The Town provides water service to the parcels, is responsible for maintaining that portion of the north/south roadway in the Municipal District's jurisdiction, provides gas service through the franchise agreement and maintains the roads abutting the north and south boundaries of the subject lands.

The Municipal District of Cardston No. 6 has no objection to the annexation and expressed appreciation for tidying up this section of the Town boundary and the north/south by-pass road. The Town held a public meeting on January 9, 1996, attended by the property owners of one of the parcels. Carey and Debbie Quinton expressed concerns regarding possible increase in taxation and loss of benefits provided by the Municipal District of Cardston relating to road maintenance and snow removal. The Town was unable to contact the owner of the other parcel. Mail directed to his known address was returned and he did not respond to the public notice.

In response to the concerns expressed by Mr. and Mrs. Quinton, the Town of Cardston advised that they are currently receiving water service from the Town at a higher rate than that enjoyed by residences of the Town and that any increase in taxes would be offset by a reduced water rate. In response to road maintenance, the roads to the north and south are in the Town boundaries and that portion of the road immediately to the east has been maintained by the Town for some time.

With regard to the second owner, the Board mailed notice of their findings to Mr. Hartley which was returned with the notation "incomplete address". A call was placed to the only listing in the Cardston directory, but the caller was informed no such person resided at that address. The Board did give notice of their findings in the local newspaper with no response from Mr. Hartley.

## FINDINGS

After reviewing and considering the negotiation report of the Town of Cardston, the Board finds:

1. Under the date of November 16, 1996, the Town of Cardston initiated annexation by giving notice of its intent to the Municipal District of Cardston No. 6 and the Municipal Government Board;
2. Under the date of December 13, 1995, the Municipal District of Cardston formally advised the Town of Cardston that the Municipal District had no objection to the annexation;
3. On January 9, 1996, the Town of Cardston held a public meeting to outline the proposed annexation and receive representations from interested parties;
4. The only interested party in attendance at the public meeting was Carey and Debbie Quinton who expressed concerns regarding increased taxation and road maintenance;
5. On April 12, 1996, the Municipal Government Board determined there is general agreement to the proposed annexation;
6. Under the date of March 13, 1996, the Municipal Government Board gave notification of their findings and further advised that if no objections to the proposed annexation were filed no later than April 12, 1996, the Board may file its written report and recommendations without holding a public hearing;
7. No objections were received by the Municipal Government Board up to and including April 12, 1996.

## RECOMMENDATION

In consideration of the above, the Board makes the following recommendations for the reasons set out below:

1. Effective December 31, 1996, the land described in Appendix A and shown on the sketch in Appendix B be separated from the Municipal District of Cardston and annexed to the Town of Cardston.
2. Any taxes owing to the Municipal District of Cardston No. 6 on December 31, 1996, in respect of the annexed lands are transferred to and become payable to the Town of Cardston together with any lawful penalties and costs levied in respect of the those taxes, and the Town of Cardston upon collecting those taxes, penalties or costs shall pay them to the Municipal District of Cardston, and
3. The assessor for the Town of Cardston shall assess in 1996, for the purpose of taxation in 1997, the annexed land and the assessable improvements to it.

**REASONS**

The Town of Cardston is currently providing services to the parcels and has the responsibility of maintaining the road to the east. As annexation would only recognize an existing situation, it can be considered to be of a minor nature. The Municipal District of Cardston No. 6 supports annexation and views it as a means of clarifying jurisdiction over the parcels and roads.

With regard to the concerns of the landowners, the Board is of the opinion that any increase in taxes would be minimal and more than offset by a reduction in the water rate. Road maintenance has been the responsibility of the Town of Cardston for some time and annexation will not impact the landowners current level of services.

Dated at the City of Edmonton, in the Province of Alberta, 25th day of April, 1996.

MUNICIPAL GOVERNMENT BOARD



R. Gibbon, Presiding Officer

**APPENDIX "A"**

DETAILED DESCRIPTION OF THE LANDS RECOMMENDED FOR SEPARATION FROM THE MUNICIPAL DISTRICT OF CARDSTON NO. 6 AND ANNEXED TO THE TOWN OF CARDSTON.

ALL THAT PORTION OF THE NORTH EAST QUARTER OF SECTION THREE (3), TOWNSHIP THREE (3), RANGE TWENTY-FIVE (25), WEST OF THE FOURTH MERIDIAN SHOWN AS LOT 3, BLOCK 33, PLAN 8211537, BLOCK 21, PLAN 4180 A.L. AND THAT NORTH/SOUTH ROAD ADJOINING THE EAST BOUNDARIES OF THE ABOVE DESCRIBED LANDS.

APPENDIX 'B'

A SKETCH SHOWING THE GENERAL LOCATION OF THE AREAS  
RECOMMENDED FOR ANNEXATION TO THE TOWN OF CARDSTON

AFFECTED AREA(S)

