

**Ordinance 2013-03****An Ordinance of the City of Olivia, Minnesota Annexing Land Located in Bird Island Township, Renville County, Minnesota Pursuant to MN Statutes 414.033 Subdivision 2(3), Permitting Annexation by Ordinance**

**WHEREAS**, a petition signed by all the property owners, requesting that property legally described herein be annexed to the City of Olivia Minnesota, was received by the City on June 14, 2013 and duly presented to the Olivia City Council; and

**WHEREAS**, said property is unincorporated and abuts the City of Olivia on its eastern boundary; is less than 120 acres; is not presently served by public sewer facilities or public sewer facilities are not otherwise available; and

**WHEREAS**, said property is not located within a flood plain or shoreland area; and

**WHEREAS**, said property is currently used for agricultural purposes and annexation is requested to facilitate the extension of city services for commercial development (placement of a new Renville County Hospital & Clinic campus); and

**WHEREAS**, the City of Olivia held a public hearing pursuant to Minnesota Statutes § 414.033 Subd. 2b, on August 19, 2013 following at least thirty (30) days written notice by certified mail to the Town of Bird Island and to all landowners within and contiguous to the area legally described (herein or attached exhibit), to be annexed; and

**WHEREAS**, The City of Olivia provided notification to the petitioners pursuant to Minn. Stat. §414.033, subd. 13 that there may be electric utility rate service changes involving the subject property as a result of the annexation, and has received a signed acknowledgment from the petitioners of said notice;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OLIVIA HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property as hereinafter described abuts the city limits and is or is about to become urban or suburban in nature in that commercial use is being proposed for said property the construction of which requires or will need city services, including public sewer facilities.
2. None of the property is now included within the limits of any city, or in any area that has already been designated for orderly annexation pursuant to Minnesota Statute § 414.0325.

3. The corporate limits of the City of Olivia, Minnesota, are hereby extended to include the following described property, said land abutting the City of Olivia and being 120 acres or less in area, and is not presently served by public sewer facilities or public sewer facilities are not otherwise available, and the City having received a petition for annexation from all the property owners of the land, to wit:

**That part of the North Half of the Northwest Quarter of Section 17, Township 115 North, Range 34 West, Renville County, Minnesota described as follows:**

**Beginning at the northwest corner of said North Half of the Northwest Quarter; thence easterly, along the northerly line of said North Half of the Northwest Quarter, a distance of 1911.69 feet; thence southerly, deflecting to the right 90 degrees 00 minutes 00 seconds, to the intersection with the easterly extension of the southerly line of Parcel 36 as shown on Minnesota Department of Transportation Right of Way Plat No. 65-41 as the same is on file and of record in the office of the County Recorder in and for said Renville County; thence westerly, along said easterly extension, to the southeast corner of said Parcel 36; thence northerly, along the easterly line of said Parcel 36, to the northeast corner of said Parcel 36; thence westerly, along the northerly line of said Parcel 36, to the northwest corner of said Parcel 36; thence southerly, along the westerly line of said Parcel 36, to the southwest corner of said Parcel 36; thence westerly, along the westerly extension of the southerly line of said Parcel 36, to the westerly line of said North Half of the Northwest Quarter; thence northerly, along the westerly line of said North Half of the Northwest Quarter, to the point of beginning and there terminating.**

**Together with that part platted as Radtke's Sunny Side Addition to Olivia, Minnesota, as the same is on file and of record in the office of the County Recorder in and for Renville County, Minnesota.**

The above described property consists of a total of 26 acres, more or less. Copies of the corporate boundary map showing the property to be annexed and its relationship to the corporate boundaries and all appropriate plat maps are attached hereto in Exhibit A of this resolution.

4. That the population of the area legally described herein and hereby annexed is zero.

5. The City of Olivia, pursuant to Minnesota Statutes § 414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Town of Bird Island in accordance with the following schedule:

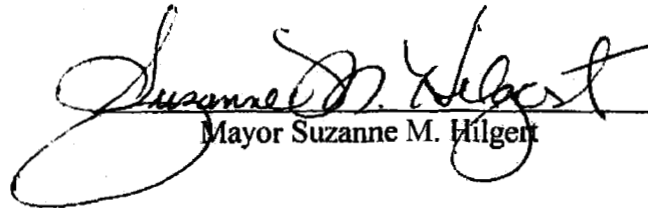
The City of Olivia shall pay a single, lump sum payment to the Town of Bird Island in the amount of \$386.60 (Three Hundred Eighty Six Dollars and Sixty Cents) as determined by the formula noted in Exhibit B of this resolution.

6. That pursuant to Minnesota Statutes § 414.036 with respect to any special assessments assigned by the Town to the annexed property and any portion of debt incurred by the Town prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described herein there are no special assessments or debt incurred by the Town on the subject are for which reimbursement is required.

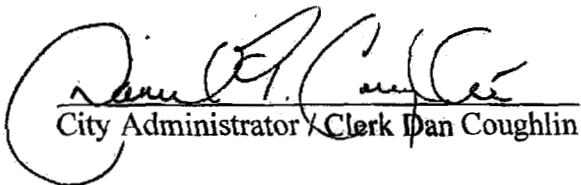
7. That the City Clerk of the City of Olivia is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Renville County Auditor, and the Bird Island Township Clerk.

8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Olivia, Minnesota, this 19<sup>th</sup> day of August, 2013.

  
Mayor Suzanne M. Hilgert

ATTEST:

  
City Administrator / Clerk Dan Coughlin

(City Seal)

# Exhibit A-1

**PROPOSED LEGAL DESCRIPTION OF**  
**THE ANNEXATION PARCEL**

REC'D BY  
MBA

AUG 23 2013

That part of the North Half of the Northwest Quarter of Section 17, Township 115 North, Range 34 West, Renville County, Minnesota described as follows:

Beginning at the northwest corner of said North Half of the Northwest Quarter; thence easterly, along the northerly line of said North Half of the Northwest Quarter, a distance of 1911.69 feet; thence southerly, deflecting to the right 90 degrees 00 minutes 00 seconds, to the intersection with the easterly extension of the southerly line of Parcel 36 as shown on Minnesota Department of Transportation Right of Way Plat No. 65-41 as the same is on file and of record in the office of the County Recorder in and for said Renville County; thence westerly, along said easterly extension, to the southeast corner of said Parcel 36; thence northerly, along the easterly line of said Parcel 36, to the northeast corner of said Parcel 36; thence westerly, along the northerly line of said Parcel 36, to the northwest corner of said Parcel 36; thence southerly, along the westerly line of said Parcel 36, to the southwest corner of said Parcel 36; thence westerly, along the westerly extension of the southerly line of said Parcel 36, to the westerly line of said North Half of the Northwest Quarter; thence northerly, along the westerly line of said North Half of the Northwest Quarter, to the point of beginning and there terminating.

Together with that part platted as Radtke's Sunny Side Addition to Olivia, Minnesota, as the same is on file and of record in the office of the County Recorder in and for Renville County, Minnesota.

N:\2013\132233\ADD DATA\SURV\132233-ANNEX EXH.DWG - one sheet files

**Loucks Associates**

7200 Hemlock Lane, Suite 300

Minneapolis, Minnesota 55369-5592

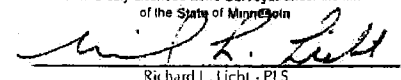
Telephone: (763)424-5505 Fax: (763)424-5022

Web Page: [www.LoucksAssociates.com](http://www.LoucksAssociates.com)

Planning • Civil Engineering • Land Surveying  
Landscape Architecture • Environmental

S132233-ANNEX EXH.DWG/Legal

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota

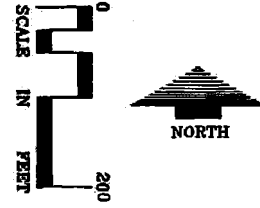


Richard L. Licht - PLS

26724  
License No

7-3-13  
Date

Exhibit A-2



Trunk Highway No. 212

Twin Cities and Western Railroad Company

Exception Parcel 201

MnDot ROW Plat No. 65-16

Bratsch Addition

1st Street South

Diagonal hatched area with text: "Gratke's side survey addition to Olin's addition"

North line of N 1/2 of NW 1/4 of Section 17, Twp 115 N, Rng 34 W.  
Also: South line of SW 1/4 of Section B, Twp 115 N, Rng 34 W.

N'y line of Parcel 36 per  
MnDot ROW Plat No. 65-41

W'y line of Parcel  
36 per MnDot ROW  
Plat No. 65-41

**Parcel 36**  
MnDot ROW Plat No. 65-41

E'y line of Parcel 36 per  
MnDot ROW Plat No. 65-41

W'y ext of the South line Parcel 36

E'y ext of the South line Parcel 36

Proposed Division Line

Proposed Division Line

Proposed Division Line

5132233-ANNEX EXH.DWG/Exhibit

W'y line of N 1/2 of NW 1/4

NW Cor N 1/2 of NW 1/4

NW Cor Parcel 36

SW Cor Parcel 36

NE Cor Parcel 36

SE Cor Parcel 36

REC'D BY  
MBA

AUG 23 2013

# Ordinance 2013-03

## Exhibit B

### Bird Island Township Compensation Calculations for the Annexation of 26.0 Acres of Real Property Located Within Parcel #0401361-00

Original lot acreage	74.61				
2013 Township taxes on original lot	\$470.35				
Equivalent township tax per acre:	\$6.30				
Acrage of lot to be annexed	26.0				
	2014	2015	2016	2017	2018
Historical 5-year Annexation Compensation Formula	90%	70%	50%	30%	10%
90 / 70 / 50 / 30 / 10% of Township Tax in 2013	\$147.52	\$114.73	\$81.95	\$26.00	\$16.39
Total Tax Reimbursement from City to Town:	\$386.60 (can be combined in 1 payment if parties agree)				