

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
MUNICIPAL BOUNDARY ADJUSTMENT UNIT

In the Matter of OA-1565-1
Olivia/Bird Island Township
Pursuant to Minnesota Statutes 414

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The joint resolution for orderly annexation submitted by the City of Olivia and Bird Island Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on December 16, 2013 and the Township on December 2, 2013, and duly filed with the Office of Administrative Hearings, Municipal Boundary Adjustment Unit on December 30, 2013.

2. The joint resolution requests the designation and immediate annexation of certain property to the City of Olivia described as follows:

Pheasant Lawn Residential Lot Extensions

That part of the Northwest Quarter of the Southeast Quarter of Section 18, Township 115 North, Range 34 West of the Fifth Principal Meridian, Bird Island Township, Renville County, Minnesota, described as follows;

- Commencing at the southwest corner of the Southeast Quarter of said Section 18;
- thence on a geodetic bearing of North 00 degrees 06 minutes 50 seconds West, along the west line of the Southeast Quarter of said Section 18, a distance of 2335.67 feet to the south line of the north 313.50 feet of the Northwest Quarter of the Southeast Quarter of said Section 18, which is the point of beginning of the land to be described;
- thence on a bearing of South 89 degrees 00 minutes 34 seconds East, along the south line of the north 313.50 feet of the Northwest Quarter of the Southeast Quarter of said Section 18, a distance of 1322.39 feet to the east line of the

- Northwest Quarter of the Southeast Quarter of said Section 18;
- thence on a bearing of North 00 degrees 08 minutes 19 seconds West, along the east line of the Northwest Quarter of the Southeast Quarter of said Section 18, a distance of 132.03 feet to the south line of the north 181.50 feet of the Northwest Quarter of the Southeast Quarter of said Section 18;
 - thence on a bearing of North 89 degrees 00 minutes 34 seconds West, along the south line of the north 181.50 feet of the Northwest Quarter of the Southeast Quarter of said Section 18, a distance of 266.13 feet to the east line of the record plat entitled PHEASANT LAWN, on file in the office of the Renville County Recorder;
 - thence on a bearing of South 00 degrees 06 minutes 50 seconds East, along the east line of said record plat entitled PHEASANT LAWN, a distance of 1.00 foot to the southeast corner of said record plat entitled PHEASANT LAWN;
 - thence on a bearing of North 89 degrees 00 minutes 34 seconds West, along the south line of said record plat entitled PHEASANT LAWN, a distance of 1056.20 feet to the west line of the Southeast Quarter of said Section 18;
 - thence on a bearing of South 00 degrees 06 minutes 50 seconds East, along the west line of the Southeast Quarter of said Section 18, a distance of 131.02 feet to the point of beginning.

And,

Southern Lot of Bold High School Campus

The Northerly 272.47 feet of the Easterly 799.35 feet of the Northeast Quarter of the Southwest Quarter of Section Eighteen (18), Township One Hundred Fifteen (115), Range Thirty-four (34), Containing five (5) acres more or less.

And,

Viking Drive Northern and Southern Shelter Belts

That part of the Northwest Quarter of Southwest Quarter (NW ¼ of SW ¼) of Section 18, Township 115, Range 34, Renville County, Minnesota described as follows: Beginning at the northwest corner of Lot 1 of J & L Addition to the City of Olivia, thence north 100 feet on a line parallel to the west boundary line of said Section 18; thence at a right angle east 642.8 feet; thence at a right angle south 100 feet; and thence at a right angle west 642.8 feet along the north boundary line of said J & L Addition to the point of beginning; being approximately 1.48 acres.

That part of the Northwest Quarter of Southwest Quarter (NW ¼ of SW ¼) of Section 18, Township 115, Range 34, Renville County, Minnesota described as follows: Beginning at the southwest corner of Lot 12 of J & L Addition to the City of Olivia, thence south 100 feet on a line parallel to the west boundary line of said Section 18; thence at a right angle east 642.8 feet; thence at a right angle north 100 feet; and thence at a right angle west 642.8 feet along the south boundary line of said J & L Addition to the point of beginning; being approximately 1.48 acres.

3. Minnesota Statutes § 414.0325, subd. 1(h) states that in certain

circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes § 414.0325, subd. 1(h).

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

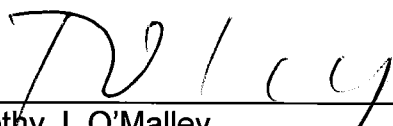
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Olivia, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes § 414.036, Bird Island Township will be reimbursed by the City of Olivia in accordance with the terms of the joint resolution signed by the City on December 16, 2013 and the Township on December 2, 2013.

Dated: January 14, 2014



Timothy J. O'Malley
Deputy Chief Administrative Law Judge
Municipal Boundary Adjustment Unit