

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Robert W. Johnson	Vice Chairman
Kenneth F. Sette	Member
Palmer Brelie	Ex-Officio Member
Corwin Iverson	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)	<u>FINDINGS OF FACT,</u>
THE ANNEXATION OF CERTAIN LAND TO)	<u>CONCLUSIONS OF LAW,</u>
THE CITY OF OLIVIA PURSUANT TO)	<u>AND ORDER</u>
MINNESOTA STATUTES 414)	

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 12, 1982 and August 27, 1982, at Olivia, Minnesota. The hearings were conducted by Robert J. Ferderer, Chairman, and Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subd. 12. Also in attendance were Kenneth Sette, member of the Municipal Board, and County Commissioners Corwin Iverson and Palmer Brelie, ex-officio members of the board. The City of Olivia appeared by and through Mayor Page and City Administrator Richard Carlson, the Town of Bird Island appeared by and through Lowell Lauer, Town Board Chairman and petitioners appeared by and through Ronald Selander. Testimony was heard, and records and exhibits were received.

After due and careful consideration of all evidence, together with all records, files and proceedings, the Minnesota Municipal Board hereby makes and files the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

I. On March 15, 1982 a copy of a petition for annexation by all of the property owners was filed with the Minnesota Municipal Board. The petition contained all the information required by statute including a description of the territory subject to annexation which is as follows:

That part of the Northwest Quarter of the Southwest Quarter (NW¼ of SW¼) of Section 18, Township 115, Range 34, described as follows:

Commencing at the Southwest corner of said Section 18 and thence northerly 2,135 feet along the West boundary line of said section 18 to the point of beginning; thence at a right angle East 717.80 feet, thence at a right angle North 340 feet; thence at a right angle West 716.80 feet, thence North 174 feet on a line parallel to the West boundary line of said Section 18; thence West 1 foot to the Northwest corner of the Southwest Quarter of said Section 18; thence South 514 feet along the West boundary line of said Section 18 to the point of beginning.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Bird Island Township on March 15, 1982. The Municipal Board upon receipt of this objection conducted further proceedings in accordance with M.S. 414.031, as required by M.S. 414.033, Subd. 5.

II. Due, timely and adequate legal notice of the hearing was published, served and filed.

III. On August 4, 1982, the Minnesota Municipal Board moved to expand the area under consideration before it to include the following described property:

The North 514 feet of the West 717.8 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 18, Township 115 North, Range 34 West. The East 75 feet of the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 13, Township 115 North, Range 35 West, the East 75 feet of the North 514 feet of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 13, Township 115 North, Range 35 West.

The remaining Findings of Fact, Conclusions of Law and Order are based upon the expanded area above-referenced.

IV. The area subject to annexation is unincorporated, approximately 9.45 acres in size, and abuts the City of Olivia by approximately 35% of its border. The City of Olivia is approximately 1,286 acres in size.

V. The total acreage of the town of Bird Island is approximately 22,000 acres.

VI. The area proposed for annexation is made up of TH 71 Right of Way or generally high ground sloping North and South, with the area closest to the city located within the Flood Plain and low-lying.

Approximately 2.2 acres has been designated by Jodie Vivinger of the Renville Soil Conservation Service as prime agricultural land.

VII. The City of Olivia had a population 2,553 in 1970, and 2,802 in 1980.

VIII. The Town of Bird Island had a population of 412 in 1970, and a population of 345 in 1980.

IX. In the area proposed for annexation the population was estimated 2 in 1970, it was estimated there were 4 people in 1980, its current population is 0 and it is projected in 5 years to have a population of 20.

X. The City of Olivia has approximately 35 acres in residential use, approximately 10 acres in institutional use, 15 acres in commercial use, 15 acres in industrial use, 20 acres in agricultural use, and 5 acres possibly vacant land.

The City of Olivia has remaining undeveloped land zoned for residential use at approximately 120 acres; institutional use, approximately 1 acre; commercial use at approximately 40 acres; industrial use, 150 acres; agricultural use, 45 acres; and vacant land use, 30 acres.

XI. The Town of Bird Island has 87.998% of its land in agricultural use, .002% of its land in vacant acres and approximately 12% of its land in residential acres (which includes the cities of Bird Island and Olivia).

XII. In the area proposed for annexation approximately 1.88 acres is in use as Right of Way for TH 71, approximately 4.07 acres in agricultural use and approximately 3.5 acres in residential use.

It is anticipated that all but approximately 1 acre of the 4.07 acres presently in use for agriculture can be developed for residential use.

XIII. In the past 5 years the City of Olivia has issued building permits for 40 1 or 2 family residential units, 1 multi-family residential unit, 4 commercial units and 82 remodeling permits.

XIV. The Town of Bird Island has issued building permits the past 5 years for 7, 1 or 2 family residential units, 35 commercial units, and 7 remodeling permits.

XV. The City of Olivia has a zoning ordinance, subdivision regulation, an official map, a Minnesota Plumbing Code, a Flood Plain Ordinance, and an Energy Conservation Program. The city's comprehensive plan was adopted in 1971 and for the past 3 years has been in the process of being updated.

XVI. The Town of Bird Island has no zoning or subdivision regulations nor any comprehensive plan.

XVII. The County of Renville has a zoning ordinance, subdivision regulations, capital improvement program in budgets, shoreland ordinance, flood plain ordinance, wild and scenic rivers ordinance, and sanitary ordinance. The county's comprehensive plan was adopted in 1973 and is in the process of being updated.

XVIII. The area is presently zoned agricultural.

XIX. If annexed, it is anticipated it would be zoned single family residential which is consistent with the zoning and land use in the area.

XX. The City of Olivia presently provides its residents with water, sanitary, sewer, storm sewer, solid waste collection, fire protection, police protection, street and road improvements and maintenance, administrative services, recreational opportunities, health inspection, and library.

XXI. The Town of Bird Island provides the township with fire protection, street and road improvements and maintenance, administrative services, and health inspection.

XXII. The City of Olivia presently provides the area proposed for annexation with water, fire protection and library services.

XXIII. If the area proposed for annexation were annexed the City is willing and able to extend to it all the municipal services it presently provides residents of the City of Olivia.

XXIV. Within the City of Olivia there are 5 miles of highways, 13 miles of streets and 2 miles of roads.

XXV. In the Town of Bird Island there are 7.5 miles of highways and 53.5 miles of roads.

XXVI. In the area proposed for annexation there are approximately .12 miles of highways.

XXVII. There was no evidence indicating any existing or potential environmental problems relative to the land included within the area subject to annexation.

XXVIII. In 1982 the City of Olivia had an assessed valuation of \$9,614,332. Its mill rate was 29.01. It's fire insurance rating was 7-8, and its total bonded indebtedness was \$120,000.

XXIX. In 1982 the Town of Bird Island had an assessed valuation of \$6,825,991 with a mill levy of 4.40 and no bonded indebtedness.

XXX. In the area proposed for annexation the assessed valuation was approximately \$6,500.

XXXI. The mill levy for the County of Renville in 1982 is 13, for the school district it is 43.15 and for the special taxing district it is .14.

XXXII. Bird Island Township can continue to function without the area subject to annexation.

XXXIII. The City of Olivia is the only municipality adjacent to the area subject to annexation.

XXXIV. All necessary governmental services can best be provided to the area subject to annexation by its annexation to the City of Olivia.

XXXV. There is no evidence that the annexation of the area subject to annexation to the City of Olivia will have any adverse effect on the school district in the area.

CONCLUSIONS OF LAW

I. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.

II. The area subject to annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.

III. Municipal government is required to protect the public health, safety, and welfare in the area subject to annexation.

IV. The best interest of the area subject to annexation will be furthered by annexation.

V. The remainder of the Town of Bird Island can carry on the functions of government without undue hardship.

VI. There is a reasonable relationship between the increase in the values of the City of Olivia and the value of benefits conferred upon the area subject to annexation.

VII. Two years will be required to effectively provide full municipal services to the annexed area.

VIII. This annexation proceeding has been initiated by a petition of the majority of property owners and therefore this Minnesota Municipal Board order is not subject to an annexation election.

IX. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

O R D E R

I. IT IS HEREBY ORDERED: That the property described in Findings of Fact III and the same is hereby annexed to the City of Olivia, Minnesota, the same as if it had been originally made a part thereof.

II. IT IS FURTHER ORDERED: That the mill levy of the City of Olivia on the property herein ordered annexed shall be increased in substantially equal proportions over a period of two years to equality with the mill levy of the property already within the city.

III. IT IS FURTHER ORDERED: That the effective date of this order is September 21, 1982.

Dated this 21st day of September, 1982.

MINNESOTA MUNICIPAL BOARD
165 Metro Square Building
St. Paul, Minnesota 55101


Terrence A. Merritt
Executive Director

MEMORANDUM

In approving the annexation of the expanded area in A-3909, the Municipal Board wishes to commend the parties for their cooperation in resolving their disagreements related to this matter. The board encourages them to continue to work together.