

BEFORE THE MUNICIPAL BOARD
OF THE STATE OF MINNESOTA

Robert J. Ferderer	Chairman
Kenneth F. Sette	Vice Chairman
Richard A. Sand	Commissioner
Corwin Iverson	Ex-Officio Member
Gale Dahlager	Ex-Officio Member

IN THE MATTER OF THE PETITION FOR)
THE ANNEXATION OF CERTAIN LAND TO)
THE CITY OF OLIVIA PURSUANT TO)
MINNESOTA STATUTES 414)

FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER

The above-entitled matter came on for hearing before the Minnesota Municipal Board pursuant to Minnesota Statutes 414, as amended, on May 30, 1985 at Olivia, Minnesota. The hearing was conducted by Terrence A. Merritt, Executive Director, pursuant to Minnesota Statutes 414.01, Subdivision 12. Also in attendance were Kenneth F. Sette, Vice Chairman, Richard A. Sand, Commissioner, and County Commissioners Corwin Iverson and Gale Dahlager, Ex-Officio Members of the Board. The City of Olivia appeared by and through Rich Carlson, City Administrator, the Town of Bird Island appeared by and through Ray Volz, Town Supervisor, and the petitioners appeared by and through DePaul Willette. 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

1. On January 30, 1985, a copy of a petition for the 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 area proposed for annexation which is as follows:

That part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, described as follows: Beginning at the Southwest corner of Lot 14, Primrose Lane Addition to the City of Olivia, thence South 400 feet along the West boundary line of said Southeast Quarter of the Northeast Quarter, thence at a right angle East 375 feet, thence at a right angle North 400 feet, and thence at a right angle West 375 feet to the point of beginning; being approximately 3.44 acres.

An objection to the proposed annexation was received by the Minnesota Municipal Board from Bird Island Township on March 18, 1985. 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, Subdivision 3.

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

3. The area proposed for annexation is unincorporated, approximately 3.45 acres in size, and abuts the City of Olivia for approximately 50% of its total border. The City of Olivia is approximately 1,425 acres in size.

4. The area proposed for annexation is presently an agricultural field.

5. The City of Olivia had a population of 2,553 in 1970, 2,802 in 1980, and its current population is 2,774.

6. The Town of Bird Island had a population of 345 in 1980 and its current population is 302.

7. The area proposed for annexation has no present population. The developer estimates that in five years the area will have a population of approximately 26.

8. The City of Olivia has approximately 35% of its land in residential acres, approximately 10% of its land in institutional acres, approximately 15% of its land in commercial acres, approximately 15% of its land in industrial acres, approximately 20% of its land in agricultural acres, and approximately 5% of its land in vacant acres.

The City of Olivia has land undeveloped and zoned for the following uses: approximately 200 acres for residential use, approximately 1 acre for institutional use, approximately 40 acres for commercial use, approximately 150 acres for industrial use, approximately 45 acres for agricultural use, and approximately 30 acres for vacant use.

9. Approximately 98% of the Town of Bird Island is agricultural land and the remaining 2% is primarily residential use with a little commercial development.

10. The area proposed for annexation presently has 3.45 acres in agricultural use.

11. The area proposed for annexation is totally proposed for residential development. Approximately one-half of the area will be used for townhouses and the remaining area for single-family residential development. Presently there is no multi-family development within the City of Olivia.

12. In the past five years, the city has issued 17 building permits for one- and two-family residential structures, 2 building permits for multi-family residential, 8 commercial building permits, and 1 industrial building permit.

13. The City of Olivia has 6.5 miles in highways, 30 miles in streets and 12 miles in roads.

14. The Town of Bird Island has 28 3/4 miles in gravel roads.

15. The area proposed for annexation presently has no roads in it.

It is anticipated that if the area is annexed, Golf Drive would be extended south from the City of Olivia to the area proposed for annexation.

16. The City of Olivia has a zoning ordinance, subdivision regulations, an official map, capital improvements program and budget program, Minnesota Plumbing Code, Energy Conservation Program, a Planning Commission, and a

comprehensive plan.

17. The Town of Bird Island has no independent land use zoning document.

18. The County of Renville does the planning and zoning for the Town of Bird Island.

19. The County of Renville has a zoning ordinance, subdivision regulations, a capital improvements program, a shoreland ordinance, a floodplain ordinance, a wild and scenic rivers ordinance, a sanitation ordinance, and a comprehensive plan.

20. The County of Renville has designated a one mile zone out from the City of Olivia as under the zoning control of the City of Olivia. The county has done such zoning throughout the county so as to encourage development immediately adjacent to the cities rather than in the agricultural areas.

21. Land within the City of Olivia immediately north of the annexation area is residential in nature. Land in the City of Olivia immediately west of the annexation area is the Olivia Golf Course.

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

23. The City of Olivia presently provides the area proposed for annexation with fire protection through a contract with the Town of Bird Island and library service for a non-resident fee.

24. The Town of Bird Island presently provides the annexation area with fire protection through a contract with the City of Olivia.

25. The City of Olivia is willing to provide the annexation area with all of the services it presently provides the residents of the City of Olivia.

26. The City of Olivia has sufficient capacity in both its sanitary sewer

plant, which was recently updated, and its water system to provide service to the annexation area.

The developers of the annexation area have committed to covering the cost of the extension of municipal services to the annexation area. The developer's engineer has indicated preliminarily that extension of service to the annexation area is feasible.

27. The petitioners have an agreement with the owners of the surface water drain tile for its use in removing surface water runoff from the annexation area should the area be developed.

28. The mill levy for the Town of Bird Island is 3.23 for 1985.

29. The Renville County mill levy is 12.35 for 1985.

30. The school district mill levy for the annexation area and the City of Olivia, which is School District #653, is 38.83 for 1985. There is a portion of the Town of Bird Island that is not located within School District #653, and is located in School District #646, and its mill levy is 30.08 for 1985.

31. The mill levy in 1985 for the Special Taxing District is .154.

32. The mill levy for the City of Olivia in 1985 is 35.07.

33. The present total bonded indebtedness for the City of Olivia is \$2,471,000.

34. The City of Olivia has a fire insurance rating of 7 to 8 for 1985.

35. The petitioners have an agreement that allows the extension of city sewer through land located within the township from the owner of the land.

36. The City of Olivia is the only municipality adjacent to the area proposed for annexation.

37. The Town of Bird Island can continue to function without the area proposed for annexation.

CONCLUSIONS OF LAW

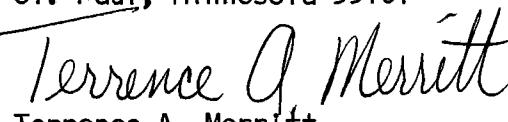
1. The Minnesota Municipal Board duly acquired and now has jurisdiction of the within proceeding.
2. The area proposed for annexation is now or is about to become urban or suburban in nature and the annexing municipality is capable of providing the services required by the area within a reasonable time.
3. Municipal government is required to protect the public health, safety, and welfare in the area proposed for annexation.
4. The best interests of the area proposed for annexation will be furthered by annexation.
5. The remainder of the Town of Bird Island can carry on the functions of government without undue hardship.
6. There is a reasonable relationship between the increase in values to the City of Olivia and the value of benefits conferred upon the area subject to annexation.
7. An order should be issued by the Minnesota Municipal Board annexing the area described herein.

ORDER

1. IT IS HEREBY ORDERED: That the property described in Findings of Fact 1 herein, be and the same is hereby annexed to the City of Olivia, Minnesota the same as if it had been originally a part thereof.
2. IT IS FURTHER ORDERED: That the effective date of this order is July 11, 1985.

Dated this 11th day of July, 1985.

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


Terrence A. Merritt
Executive Director