

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF OLIVIA) FINDINGS OF FACT
AND BIRD ISLAND TOWNSHIP PURSUANT TO) CONCLUSIONS OF LAW
MINNESOTA STATUTES 414) 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. The undersigned Assistant Chief Administrative Law Judge, acting under a delegation from the Chief Administrative Law Judge, hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On October 23, 2008, the Chief Administrative Law Judge reviewed and accepted Joint Resolution No. 08-43 which was adopted by the City on August 18, 2008, and by the Township on August 11, 2008, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustments on September 26, 2008.

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

PROPOSED TRACT 2 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Beginning at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 150.00 feet; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence North 00 degrees 12 minutes 21 seconds West 150.00 feet to the South line of the plat of PRIMROSE LANE ADDITION, said plat being of record and on file at the Renville

County Recorder's Office; thence North 89 degrees 01 minutes 50 seconds West along said South line 20.00 feet to the point of beginning. This tract contains 0.070 acres of land and is subject to any and all easements of record.

PROPOSED TRACT 3 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 150.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence South 00 degrees 12 minutes 21 seconds East 150.00 feet; thence North 89 degrees 01 minutes 50 seconds West 20.00 feet to the East line of said plat of GOLF VIEW ESTATES; thence North 00 degrees 12 minutes 21 seconds West along said East line 150.00 feet to the point of beginning. This tract contains 0.070 acres of land and is subject to any and all easements of record.

PROPOSED TRACT 4 DESCRIPTION

Part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 115, Range 34, Renville County, Minnesota, described as follows: Commencing at the northeast corner of Lot 1 of Block Two of the plat of GOLF VIEW ESTATES, said plat being of record and on file at the Renville County Recorder's Office; thence on an assumed bearing of South 00 degrees 12 minutes 21 seconds East along the East line of said plat 300.00 feet to the point of beginning of the tract to be described; thence South 89 degrees 01 minutes 50 seconds East 20.00 feet; thence South 00 degrees 12 minutes 21 seconds East 9.59 feet to the North line of the plat of BAUMGARTNER FIRST ADDITION, said plat being of record and on file at the Renville County Recorder's Office; thence North 89 degrees 00 minutes 45 seconds West along said North line 20.00 feet to the East line of said plat of GOLF VIEW ESTATES; thence North 00 degrees 12 minutes 21 seconds West along said East line 9.59 feet to the point of beginning. This tract contains 0.004 acres of land and is subject to any and all easements of record.

3. Minnesota Statutes §414.0325, subd. 1 (g) 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 (g), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

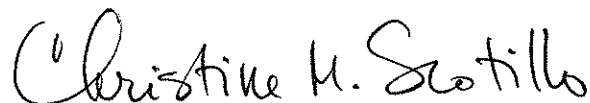
1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.
2. An order should be issued by the Assistant Chief Administrative Law Judge annexing the area described herein.

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, no reimbursement shall be made to the Township of Bird Island by the City of Olivia in accordance with the terms of the Joint Resolution No. 08-43.

Dated this 23rd day of October, 2008.

For the Assistant Chief Administrative Law Judge
P. O. Box 64620
St. Paul, Minnesota 55164-0620



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments