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Resolution 2004-28
Annexing 18.38 Acres
Strangler Property

Section 1. The City of Byron has received a petition from all of the owners of record of property described in Schedule A attached hereto and made a part hereof, requisition the annexation of said lands in to the corporate limits of the City of Byron, which land is located in Kalmar Township, Olmsted County, Minnesota.

Section 2. The City having reviewed the petition and lands involved has made the following findings and determinations:

- A. The land is urban or suburban in nature;
- B. The land abuts the corporate limits of the City of Byron;
- C. The land is 18.38 acres or less in size;

Section 3. The City of Byron has notified the supervisors of Kalmar Township, all owners of record of the property described in Schedule A attached hereto, and all land owners within and contiguous to the area to be annexed, of said annexation petition was reviewed at the regularly scheduled meeting of the Planning Commission on 11th day of October, 2004 at 6:35PM at which time the Byron Planning Commission took testimony for and against said annexation.

Section 4. The City of Byron is empowering pursuant to Minnesota statute 414.3050 to annex the subject property by Orderly Annexation and by the execution of this resolution directs that said property be annexed into the City of Byron.

Section 5. As a result of this annexation the population of the City of Byron will not increase.

Section 6. The City of Byron hereby requests that the Minnesota Planning, Municipal Boundary Adjustments, immediately order and approve said annexation upon receipt of this resolution. The City further requests that no further consideration of said Board is necessary and that no alteration of the stated boundaries of the annexation be made by said Board.

Section 7. The City hereby directs that the zoning map described in Section 1.03 of the City of Byron's City Zoning Ordinance be amended to include property described in Schedule A. and further that the City amend its land use plan to conform to the City's Zoning and Land Use Ordinance as a result of this annexation.

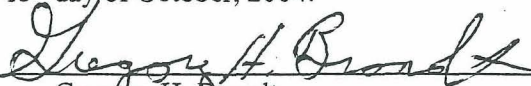
Section 8. No consideration by the Department of Administration is necessary, the Department of Administration may review and comment, but shall within 30 days order the annexation in accordance with the terms of this resolution.

Section 9. The City hereby annexes the land noted in Schedule A according to provisions set forth in Resolution 2004-09 Paragraph 3 (Ai).


Section 9. That Byron's City Clerk is directed to file a certified copy of this resolution with the following boards and agencies: Minnesota Planning, Kalmar Township, Olmsted County Auditor and the Minnesota Secretary of State.

Passed and adopted by the City Council this 13th day of October, 2004.

By:


Gregory H. Brandt
Mayor

Attest:


Mary K. Blair-Hoeft
City Clerk/Treasurer

Schedule A

That part of the Southwest Quarter of Section 29, Township 107 North, Range 15 West, Olmsted County, described as follows:

Commencing at the northwest corner of said Southwest Quarter; Thence North 89 degrees 55 minutes 45 seconds East (Note: All Bearings are in relationship with the Olmsted County Coordinate System NAD 83, Adjusted 1996) along the north line of said Southwest Quarter 647.93 feet to the POINT OF BEGINNING; thence continue North 89 degrees 55 minutes 45 seconds East along said north line, 1133.14 feet to the northwest corner of WYNNSONG FIRST; thence South 00 degrees 04 minutes 15 seconds East along the west line of said WYNNSONG FIRST, 40.00 feet; thence South 17 degrees 23 minutes 59 seconds West along said west line, 140.90 feet; thence South 29 degrees 55 minutes 45 seconds West along said west line, 214.16 feet; thence South 00 degrees 04 minutes 15 seconds East along said west line 298.39 feet to the southwest corner of said WYNNSONG FIRST and the south line of the North Half of the North Half of said Southwest Quarter; thence South 89 degrees 57 minutes 24 seconds West along said north line, 1305.22 feet; thence North 00 degrees 01 minutes 59 seconds West, 16.81 feet; thence North 86 degrees 17 minutes 59 seconds East, 149.12 feet; thence North 14 degrees 58 minutes 01 seconds East, 72.51 feet; thence North 22 degrees 41 minutes 45 seconds West, 319.24 feet; thence North 31 degrees 44 minutes 50 seconds East, 121.94 feet; thence North 61 degrees 53 minutes 47 seconds East, 240.68 feet to the southern right of way line of 13th Street NW; thence North 00 degrees 04 minutes 15 seconds West, 50.00 feet to the POINT OF BEGINNING.

Said Parcel contains 18.38 acres, more or less.

Said Parcel is Subject to an existing 70 foot gas easement.

Said Parcel is Subject to any other easements or encumbrances of record.

Resolution # 2004-02
Town of Kalmar
County of Olmsted

WHEREAS, 18.38 acres in Kalmar Township is owned by Keith Stangler and has been presented by the City of Byron to the Kalmar Town Board for review on October 18, 2004 and is described in attached "Schedule A".

WHEREAS, the City of Byron is requesting the Township's approval of the annexation per "A Joint Resolution of the City of Byron and the Town of Kalmar Designating an Unincorporated Area as in Need of Orderly Annexation": as entered into by Kalmar Township on July 18, 2000 and the City of Byron on July 27, 2000.

WHEREAS, the property is presently unincorporated; abuts the limits of the City of Byron; is not included within any municipality; and is within an area that has been designated for orderly annexation.

WHEREAS, no consideration by the Department of Administration is necessary, the Department of Administration, Minnesota Planning, Municipal Boundary Adjustment may review and comment, but shall within 30 days order the annexation in accordance with the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, the Kalmar Town Board requests the Department of Administration, Minnesota Planning, Municipal Boundary Adjustment, to order the annexation.

PASSED, ADOPTED AND APPROVED BY THE KALMAR TOWN BOARD OF SUPERVISORS THIS 18TH DAY OF OCTOBER 2004.

Attest:


Peter Elam, Clerk


RAYMOND WEIST, CHAIR

