



Byron – RESOLUTION 16-35

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Kalmar – RESOLUTION 09201613

**IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF BYRON AND KALMAR TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325**

WHEREAS, on September 13, 2016 a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

WHEREAS, the City of Byron and Kalmar Township jointly agree to designate and request the immediate annexation of the following described land located within Kalmar Township to the City of Byron, County of Olmsted, Minnesota;

See Exhibit A

and

WHEREAS, the City of Byron and Kalmar Township are in agreement as to the orderly annexation of the unincorporated land described; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Byron and Kalmar Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, the City of Byron and Kalmar Township have agreed to all the terms and conditions for the annexation of the above-described lands; and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the joint resolution.

NOW, THEREFORE, BE IT RESOLVED, jointly by the City Council of the City of Byron and the Township Board of Kalmar Township as follows:

1. **Property.** That the following described land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

See Exhibit A

2. **Acreage/Population/Usage.** That the orderly annexation area consists of approximately 2 miles in length, the population in the area is 0, and the land use type is as a roadway.

3. **Jurisdiction.** That Kalmar Township and the City of Byron, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. **Municipal Reimbursement.** Minnesota Statutes § 414.036. Parties agree that no reimbursement arrangements will be made as the property generates no tax dollars.

5. **Review and Comment.** The City of Byron and Kalmar Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall, within 30 days, order the annexation in accordance with the terms of the joint resolution.

Signed by Kalmar Township Board of Supervisors this 23 day September of 2016.

KALMAR TOWNSHIP

By: *Glen Odean*
Chairperson
Board of Supervisor

ATTEST:

By: *Terrence L. Behrens*
Township Clerk

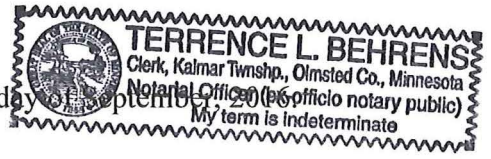
Adopted by affirmative vote of the City Council of Byron this 27th day of September, 2016.

CITY OF BYRON

By: *Ann Diercks*
Ann Diercks, Mayor

ATTEST:

By: *Mary K. Blair-Hoef*
Mary K. Blair-Hoef, City Administrator



Approved this 27th day of September 2016.

Exhibit A

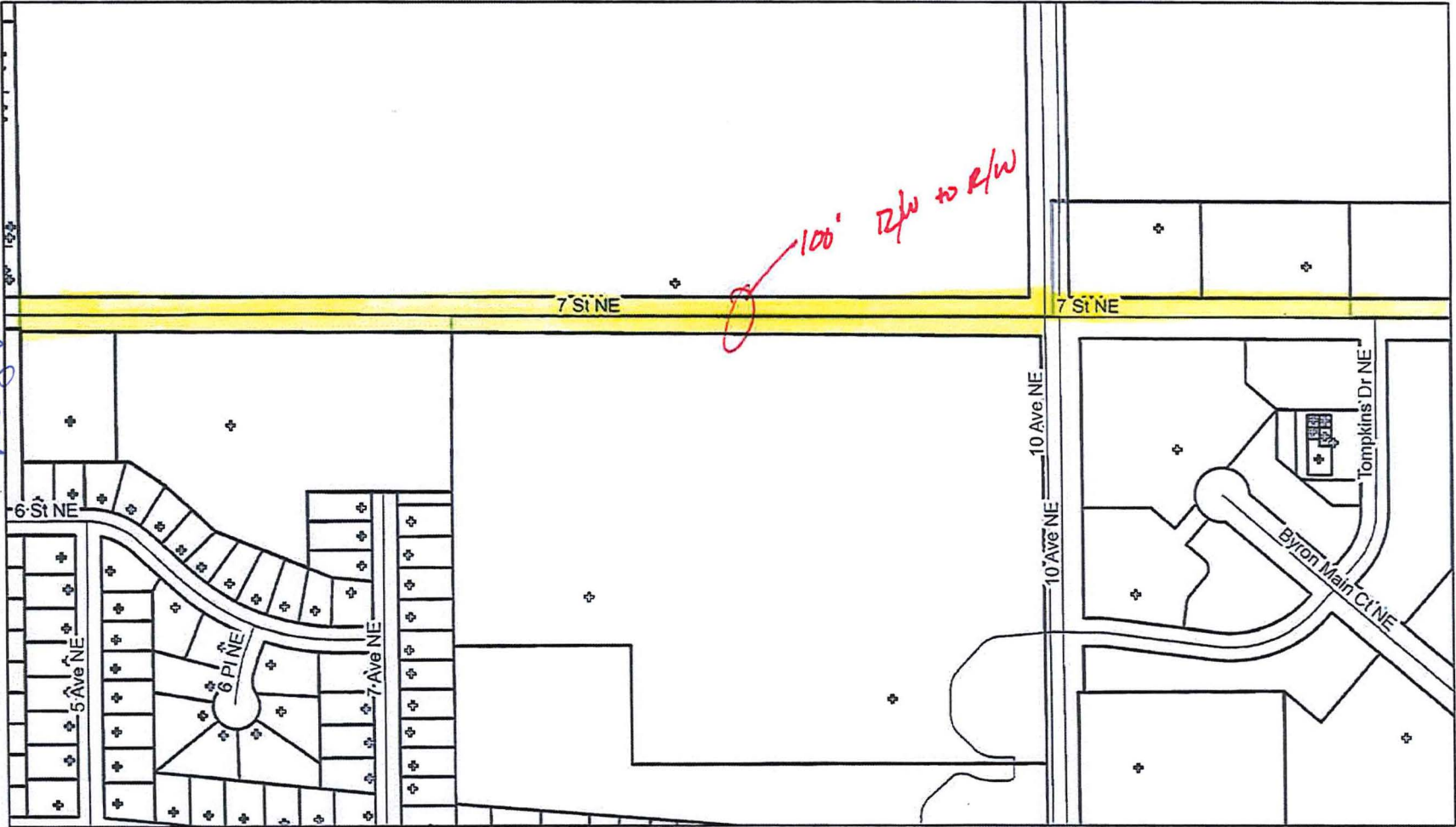
All of the right of way of Olmsted County Road No. 134 which lies east of the easterly right of way line of Olmsted County State Aid Highway No. 5 and west of the westerly right of way line of Olmsted County State Aid Highway No. 3. Said Olmsted County Road No. 134 right of way being part of Sections 27, 28, 29, 32, 33 and 34 all in Township 107 North, Range 15 West, Olmsted County Minnesota.

Right of Way distance has been determined to be 100 feet in width from 10th Avenue NE, west to ValleyView Park.

Right of Way distance has been determined to be 100 feet in width from 10th Avenue NE, east to CSAH 3.

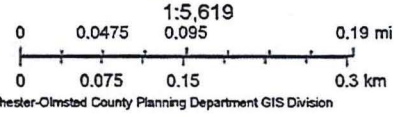
7th Street NE

Valley View Park



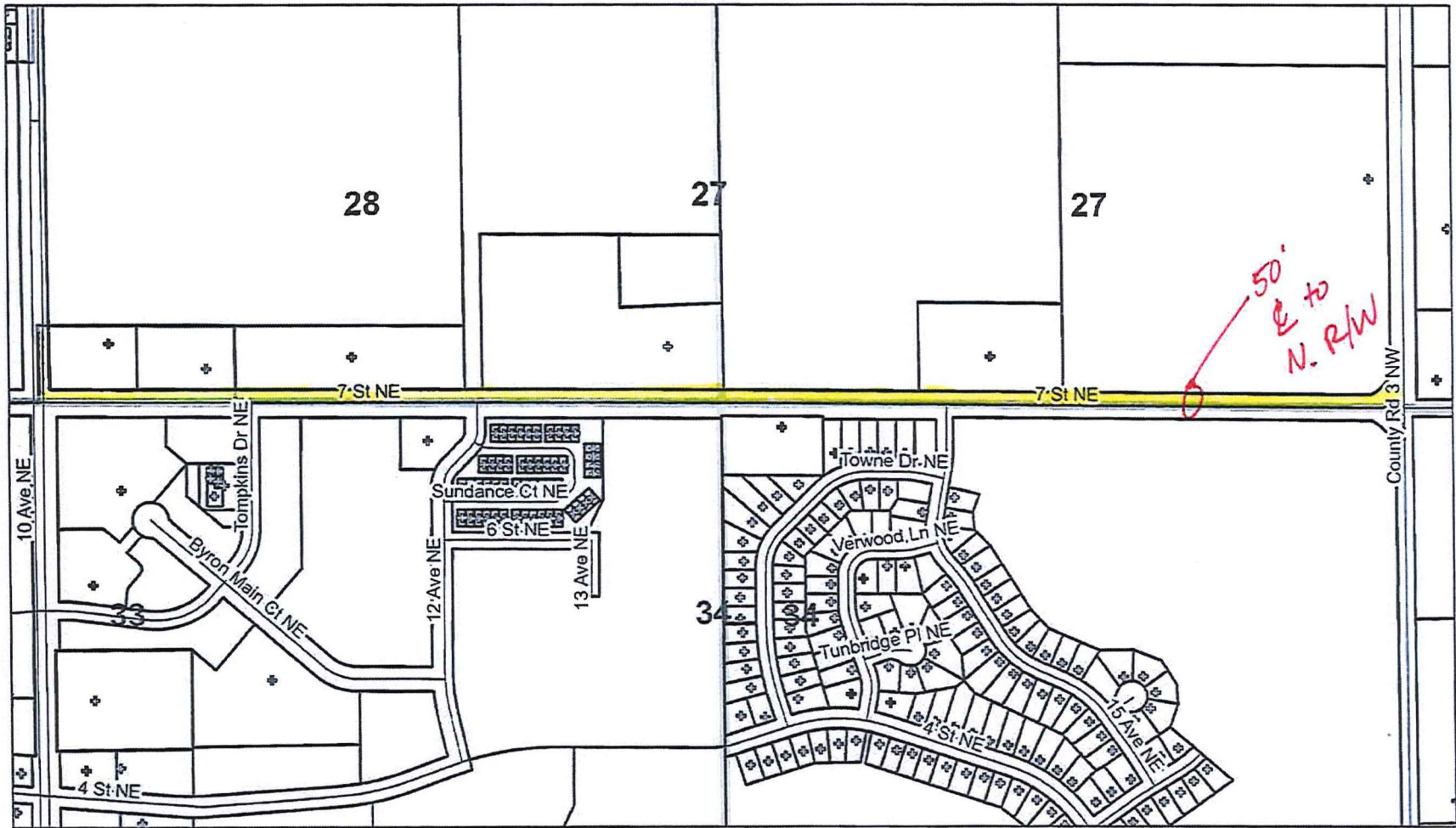
September 15, 2016

✦ E911 Addresses



Olmsted County is not responsible for omissions or errors contained herein. If discrepancies are found, please notify the Rochester-Olmsted Planning Dept. GIS Division, 2122 Campus DR SE, Rochester, MN 55904, (507) 328-7100.

7th Street NE



September 15, 2016

✦ E911 Addresses

