



REC'D BY  
MMB

JAN 20 2004

**RESOLUTION 2003-40**  
**Tompkins 3.56 Acres Annexation**

Section 1. The City of Byron has received a petition from all of the owners of record of the property described in Schedule A attached hereto and made a part hereof, requisition the annexation of said lands into 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 3.56 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 13<sup>th</sup> day of October, 2003 at 6:35PM at which time the 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. 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.

By: Gregory H. Brandt  
Gregory H. Brandt  
Mayor

Attest: Mary K. Blair-Hoeft  
Mary K. Blair-Hoeft  
City Clerk/Treasurer

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Resolution # 2003-03  
Town of Kalmar  
County of Olmsted

WHEREAS, 3.56 acres in Kalmar Township is owned by Farr Development and has been presented by the City of Byron to the Kalmar Town Board for review on October 20, 2003 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 Bound 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, that the Kalmar Town Board requests the Department of Administration, Minnesota Planning, Municipal Boundary Adjustment, order the annexation.

PASSED, ADOPTED AND APPROVED BY THE KALMAR TOWN BOARD OF SUPERVISIORS THIS 20<sup>TH</sup> DAY OF OCTOBER 2003.

Attest:

  
Peter Elam, Clerk

  
John Meyer, Chairman



## SCHEDULE A

## RESIDUAL DESCRIPTION FOR RICHARD &amp; JACKIE TOMPKINS RESIDENCE

All that part of the Northeast Quarter (NE ¼) of Section 33, Township 107 North, Range 15 West, lying north of the right-of-way of the Winona and St. Peter Railway Company, Olmsted County, Minnesota;

EXCEPTING the following three described parcels:

That part of the Northeast Quarter of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Beginning at the northwest corner of said Northeast Quarter of Section 33; thence on an assumed bearing of South 00°24'20" East a distance of 966.16 feet along the west line of said Northeast Quarter; thence North 89°18'35" East a distance of 570.00 feet; thence South 00°24'20" East a distance of 1086.36 feet along a line parallel to said west line to the northerly line of the existing railroad right-of-way; thence South 85°43'10" East a distance of 2065.26 feet along said railroad right-of-way to the east line of said Northeast Quarter; thence North 00°14'40" West a distance of 2204.27 feet along said east line to the northeast corner of said Northeast Quarter; thence South 89°54'07" West a distance of 2634.58 feet to the northwest corner of said Northeast Quarter and the point of beginning; containing 113.20 acres.

Subject to a road right-of-way along the north line and a part of the west line of the above described parcel and any other easements of record.

## ALSO

That part of the West Half of the Northeast Quarter of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of said West Half of the Northeast Quarter of Section 33; thence on an assumed bearing of South 00°24'20" East a distance of 966.16 feet along the west line of said West Half of the Northeast Quarter to the point of beginning; thence North 89°18'35" East a distance of 570.00 feet; thence South 00°24'20" East a distance of 382.11 feet along a line parallel to said west line; thence South 89°18'35" West a distance of 570.00 feet to said west line; thence North 00°24'20" West a distance of 382.11 feet along said west line to the point of beginning; containing 5.00 acres.

Subject to a road right-of-way along the west line of the above described parcel and any other easements of record.

ALSO

That part of the Southwest Quarter of the Northeast Quarter of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

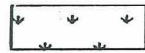
Commencing at the northwest corner of said Northeast Quarter; thence on an assumed bearing of South 00°24'20" East along the west line of said Northeast Quarter 966.16 feet; thence North 89°18'35" East 570.00 feet; thence South 00°24'20" East 580.19 feet to the point of beginning; thence continuing South 00°24'20" East 506.17 feet; thence North 85°43'10" West 521.74 feet; thence North 00°24'20" West 403.55 feet; thence North 89°35'40" East 301.69 feet; thence North 44°35'40" East 84.85 feet; thence North 89°35'40" East 158.30 feet to the point of beginning, containing 5.33 acres.

Subject to a road right-of-way along the west line of the above described parcel and any other easements of record.

The above described parcel contains 3.56 acres.

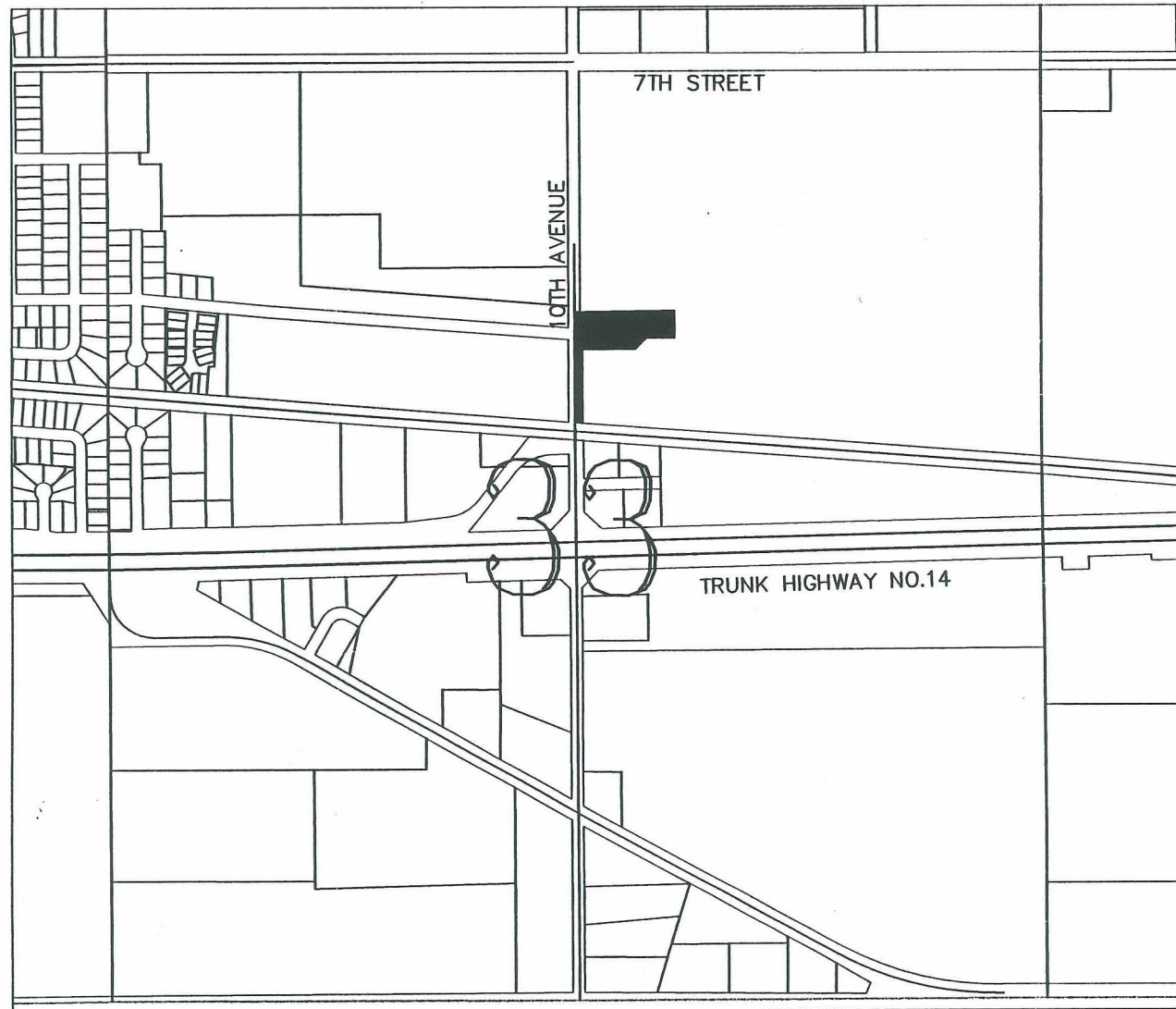


REC'D BY  
J.M.B. JAN 20 2004



DELINEATED WETLAND

# VICINITY MAP



1" = 1000'

# PRELIMINARY PLAT FOR BYRON TOWNE SQUARE SECOND ADDIT.

