

OA-724-12 Byron
City Resolution No. 2003-14
Town Resolution No. 2003-02

DEPARTMENT OF ADMINISTRATION
STATE OF MINNESOTA
BEFORE THE DIRECTOR OF
STRATEGIC AND LONG RANGE PLANNING

IN THE MATTER OF THE ORDERLY ANNEXATION)
AGREEMENT BETWEEN THE CITY OF BYRON AND) ORDER
THE TOWN OF KALMAR PURSUANT TO MINNESOTA)
STATUTES 414)

WHEREAS, a joint resolution for orderly annexation was adopted by the City of Byron
and the Town of Kalmar; and

WHEREAS, a resolution was received from the City of Byron requesting that certain
property be annexed to the City of Byron pursuant to M.S. 414.0325; and

WHEREAS, M.S. 414.0325 states that in certain circumstances the Director of Strategic
and Long Range Planning may review and comment, but shall within 30 days order the
annexation of land pursuant to said subdivisions; and

WHEREAS, on July 8, 2004, the Director has reviewed and accepted the resolution for
orderly annexation;

IT IS HEREBY ORDERED: That the following described property is hereby annexed in
accordance with the terms of the joint resolution to the City of Byron, Minnesota, the same as if
it had originally been made a part thereof:

The northerly 50 feet of the North Half of the Southwest Quarter of Section 31,
Township 107 North, Range 15 West;

The southerly 50 feet of the South Half of the Northwest Quarter of Section 31,
Township 107 North, Range 15 West.

Together with all of Tract A described below:

Tract A. That part of the Southwest Quarter of the Northwest Quarter of Section 31, Township 107 North, Range 15 West, shown as Parcel 1 on the plat designated as State Highway Right of Way Plat Numbered 55-8 on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota;

Together with that part of Tract B described below:

Tract B. That part of the North Half of the Southwest Quarter of Section 31, Township 107 North Range 15 West, shown as Parcel 1 on the plat designated as State Highway Right of Way Plat Numbered 55-8 on file and of record in the office of the County Recorder in and for Olmsted County, Minnesota.

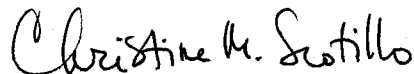
Which lies northerly of Line 1 described below:

Line 1. From the west quarter corner of said Section 31, run southerly along the west line of said Section 31 on an azimuth of 178 degrees 57 minutes 39 seconds (azimuth oriented to Minnesota State Plane Coordinate System, South Zone) for 52.96 feet to the point of beginning of Line 1 to be described; thence on an azimuth of 88 degrees 54 minutes 31 seconds, 3000 feet and there terminating.

The above described parcel contains 7.14 acres.

Dated this 8th day of July, 2004.

For the Director
658 Cedar Street - Room 300
St. Paul, Minnesota 55155



Christine M. Scotillo
Executive Director
Municipal Boundary Adjustments

MEMORANDUM

In ordering the annexation contained in Docket No. OA-724-12 Byron, the Director finds and makes the following comment:

Planning in the area designated for orderly annexation must be provided for by one of three provisions set forth in Minnesota Statutes Section 414.0325, Subd. 5. The joint resolution does not make reference to which of the three statutory provisions the parties have agreed on to govern planning in the designated area.

Paragraph XII of the agreement provides for a division of tax revenue from an annexed area, based upon a ten year schedule. By making this order, no determination is made as to the effectiveness of such a schedule. Minnesota Statutes Section 414.036 allows for a reimbursement to the township of property taxes of substantially equal payments over a period of not less than two nor more than six years. Including such a provision in an order under Minnesota Statutes Section 414.0325 is discretionary with the Director.

Additionally, paragraph XVII states the agreement shall automatically expire on June 1, 2020. End dates or ending mechanisms are problematic in that they appear to run afoul of the act of conferring jurisdiction to the Director. (Paragraph VIII). Once jurisdiction is conferred, it cannot be taken away by written consent of the parties. Jurisdiction ends when all the designated area is annexed. The issue whether jurisdiction could be "given back" by the Director upon written request of the parties to the agreement to mutually end their agreement has not been addressed.

The parties are encouraged to consider these comments in light of any further amendments that may be otherwise necessary to this agreement for orderly annexation.

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