



**RESOLUTION No. 2000 - 10**

**TO THE OFFICE OF STRATEGIC AND LONG RANGE PLANNING  
A JOINT RESOLUTION  
OF THE CITY OF BYRON AND THE TOWNSHIP OF KALMAR  
DESIGNATING AN UNINCORPORATED AREA AS IN NEED OF ORDERLY  
ANNEXATION AND CONFERRING JURISDICTION OVER  
SAID AREA UPON THE OFFICE OF  
STRATEGIC AND LONG RANGE PLANNING  
PURSUANT TO MINN. STAT. 414.0325**

REC'D. BY NOV 20 2000  
M M B

**Whereas,** the City of Byron and the Township of Kalmar desire to accommodate growth in the most orderly fashion; and

**Whereas,** a joint orderly annexation agreement between the parties hereto is beneficial to both parties from the standpoint of orderly planning and orderly transition of government within the area proposed to be annexed, and provides the guidelines under which such annexation shall take place; and

**Whereas,** the Parties hereto desire to enter into a binding contract which encompasses the terms of this Joint Resolution;

**NOW THEREFORE BE IT RESOLVED** by the City of Byron (hereinafter referred to as "the City") and the Township of Kalmar (hereinafter referred to as "the Township") that the property described herein is designated for orderly annexation by the City and shall be annexed subject to the following conditions:

- I. The property which is covered by this orderly annexation agreement is legally described as follows:  
See Exhibit "A" and "B" attached hereto and made a part hereof by reference.
- II. The City and the Township hereby agree that the following described property, which is included within the orderly annexation area described above, shall be immediately annexed to the City:  
See Exhibit "A" attached hereto and made a part hereof by reference.
- III. Any General Development Plan presented to the City involving the property described in Exhibits "A" or "B" shall be provided to the Township within fourteen (14) days of the City's receipt of the General Development Plan.
- IV. The parties agree that the property described in Exhibit "C" shall not be annexed to the City during the term of this Agreement unless the owner petitions for annexation.
- V. The City may annex parcels of land contained within the property described in the attached Exhibit "B" if all owners of said parcel or parcels of land request annexation and if said parcel or parcels share a common boundary with the City at not less than one point.
- VI. No part of the Property described in Exhibit "B" may be annexed to the City unless all the landowners owning the land in the area to be annexed request annexation. All land to be annexed shall be reasonably compact in size and, after the annexation, should not isolate other

parcels of land. Notwithstanding any other provisions of this Agreement, however, nothing herein shall prevent the City from annexing any property pursuant to Minnesota Statutes Section 414.033, Subd. 2 (2), which specifically allows the annexation by ordinance of land that is completely surrounded by land within the municipal limits. In addition, nothing herein shall prevent the City from annexing property owned by the State of Minnesota or the United States of America, pursuant to Minnesota Statutes Section 414.033. In addition, any parcels of land that are located within the Township that are owned by the City on or before the date of this Agreement may be annexed to the City pursuant to Minnesota Statutes Section 414.033. Nothing herein shall prevent the City from annexing any property pursuant to Minnesota Statutes Section 414.033, Subd. 3.

- VII. The Township agrees that it will not allow annexation of any part of the land described in Exhibit "B" or within the City's Urban Service District, as defined by the Olmsted County Land Use Plan, to any other jurisdiction.
- VIII. The parties hereby confer jurisdiction on the Office of Strategic and Long Range Planning over annexation of the Property and over the various provisions of this Agreement. The Property is adjacent to the City.
- IX. All annexation within the Property will be consistent with the City's policies concerning the extension of municipal utilities.
- X. The City will construct and provide water, sanitary sewer, storm sewer and street improvements to the Property as requested by the owner, pursuant to state and local law, at the discretion of the City and based on the policies of the City then in effect.
- XI. For each annexation that occurs under this Agreement, the electric utility service notice as required by Minnesota Statutes Section 414.0325, Subd. 1a, will be satisfied.
- XII. The parties agree to the following division of tax revenues and payment of special assessments for local improvements to the property:
- (A) Property Taxes: For a period of ten (10) years after a parcel of property is annexed to the City pursuant to this Agreement, the City shall pay to the Township an annual amount equal to the amount of real estate tax assessed to the property in the year of annexation. There shall be no proration of the amount owed by the City to the Township in the year of annexation.
- (B) Utility and Street Assessments: When properties are located outside the corporate City limits of the City and City sewer, water and street improvements benefit the property, the property owner shall be charged Development Charges and special Connection Charges equal to the cost of the improvements plus interest at a rate equal to the interest rate on the City's bonded indebtedness for the project. If and when the City pays the bonded indebtedness on the project in full, no further interest shall be charged. The Development Charges shall be payable when the property has been annexed to the City and a final plat for the development of any portion of the owner's property is approved.
- XIII. The annexed Property shall be zoned R-I according to normal zoning procedures established in the Byron Zoning Ordinance.
- XIV. This Agreement will go into effect on the date that the Orderly Annexation Agreement is approved by the Office of Strategic and Long Range Planning. Each subsequent annexation within the Property designated by this Agreement must be submitted to the Office of Strategic and Long Range Planning.

- XV The City and the Township agree that no alteration of the stated boundaries of the Property requested to be annexed is appropriate. Furthermore, the parties agree that no consideration by the Office of Strategic and Long Range Planning is necessary. Upon receipt of this resolution, passed and adopted by each party, the Office of Strategic and Long Range Planning may review and comment, but shall, within thirty (30) days, make an order, including the immediate annexation as stated in Section II, in accordance with the terms of this joint resolution.

Future annexations will be accomplished by submission of a joint resolution for orderly annexation to the Office of Strategic and Long Range Planning from the City and the Township. In any case where there is disagreement between the City and the Township as to an area proposed for annexation under the terms of this Agreement, either the City or the Township or both may submit a resolution to the Office of Strategic and Long Range Planning to consider said annexation pursuant to Minnesota Statutes Section 414.0325; and specifically Subdivision 2 of Minnesota Statutes Section 414.0325 shall apply for hearing purposes. The submission of a resolution by either the City or the Township, or both the City and the Township to the Office of Strategic and Long Range Planning to consider an annexation under the terms of this Agreement shall confer jurisdiction to the Office of Strategic and Long Range Planning over said annexation.

- XVI Any tax payments due to the Township pursuant to Section XII of this Agreement will be made within thirty (30) days of receipt by the City of the tax distribution from Olmsted County.
- XVII This Agreement will automatically expire on June 1, 2020; however, nothing herein shall prevent the City and the Township from amending this Agreement during its term.
- XVIII If the City intends to annex a parcel of property described in Exhibit "B", the City shall submit to the Township the following:
- (A) The legal description of the property to be annexed and a map of the property to be annexed.
  - (B) A description of the proposed use of said property.
  - (C) A General Development Plan for the parcel to be annexed.
- XIX If a property owner petitions for the annexation of a parcel of land described in paragraph XVIII above, the City and the Township shall do the following:
- (A) Within ten (10) days of the receipt by the City of a Petition for Annexation, the City shall forward a copy of same to the Township.
  - (B) The City shall schedule a Public Hearing and notify all contiguous property owners and the Township of said Public Hearing.
  - (C) Within forty (40) days of the receipt by the Township of the Petition for Annexation, the Township shall provide its written comments, if any, to the City.
  - (D) If the City adopts a Resolution approving the annexation, the City shall provide a copy of said Resolution to the Township within five (5) business days.
- XX This Resolution shall be a binding contract upon the Parties herein, and may be enforced in either Law or Equity, notwithstanding future amendments in Minnesota Statutes, except as specifically provided otherwise in this Agreement.

REC'D. BY NOV 20 2000  
J.M.R.

Approved by the Township of Kalmar, this 18th day of July 2000.

Township of Kalmar  
By: John A. Meyer  
John A. Meyer, Town Board Chair

By: Joan Till-Born  
Joan Till-Born, Town Board Clerk

Approved by the City of Byron, this 27th day of July 2000.

City of Byron

By: Anita Nelsen  
Anita Nelsen, Mayor

ATTEST:

Gerald A. Henricks  
Gerald A. Henricks, City Administrator



REC'D. BY NOV 20 2000  
M/A

Exhibit "A"  
Orderly Annexation Agreement  
Between Kalmar Township and the City of Byron

<u>Parcel No.</u>	<u>Pin</u>	<u>Taxpayer Name</u>	<u>Address</u>	<u>City/State</u>	<u>Zip Code</u>
1 29800	35251	Robert & Mary Barta	1119 10th Avenue N.E.	Byron, MN	55920
<u>Legal Description</u> S 60 Acres of NW1/4 and N 1/2 of SW 1/4 Section 28 Township 107 Range 15					

REC'D. BY: NOV 20 2000  
M.M.E

Exhibit "B"  
Orderly Annexation Agreement  
Between Kalmar Township and the City of Byron

<u>Parcel No.</u>	<u>Pin</u>	<u>Taxpayer Name</u>	<u>Address</u>	<u>City/State</u>	<u>Zip Code</u>
1	32800 35315	Richard & Jacqueline Tompkins	320 10th Avenue N.E.	Byron, MN	55920
<u>Legal Description</u> NE 1/4 N of RR Section 33 Township 107 Range 15					
2	33003 35319	Keith R. & Marcia W. Garvens	510 7th Street N.E.	Byron, MN	55920
<u>Legal Description</u> N 457.56 Feet W 238 Feet NW1/4 Section 33 Township 107 Range 15					
3	30100 35260	Glen A. Larsen	7604 14th Street NW	Byron, MN	55920
<u>Legal Description</u> S 1/2 SW 1/4 Section 28 Township 107 Range 15					
4	29700 35250	Larry E. & Sandra K. Brooks	1440 10th Avenue NE	Byron, MN	55920
<u>Legal Description</u> N 100 Acres NW 1/4 Section 28 Township 107 Range 15					
5	25200 35180	Larry E. & Sandra K. Brooks	1440 10th Avenue NE	Byron, MN	55920
<u>Legal Description</u> S 40 Acres SW 1/4 Section 21 Township 107 Range 15					
6	25501 35183	Stephan M. Fenske	719 20th Street NE	Byron, MN	55920
<u>Legal Description</u> Commencing at NW corner N1/2 S 1/2 SW 1/4 to Point of Beginning Then E 22.85 Rods Then Southerly along a Line parallel to W. Line to a Point on S. Line 22.85 Rods E. of W. Line Section 21 Then Westerly along a Line parallel to S. Line Section 21 to W. Line of Section Westerly to Point of Beginning Section 21 Township 107 Range 15					

7 25502 35184 Stephan M. Fenske 719 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 Then E. along N. Line 22.85 Rods at Point of Beginning Then continue 22.85 Rods Then Southerly parallel to W. Line 45.70 Rods E. of W. Line Section 21 Then Westerly 22.85 Rods E. of W Line SD Section Then to Point of Beginning Section 21 Township 107 Range 15

8 25503 35185 Stephan M. Fenske 719 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 Then E 45.70 Rods to Point of Beginning Then continue 22.85 Rods Then Southerly along a Line Parallel to W. Line Section 21 68.55 Rods E. of W. Line Section 21 Then Westerly 45.70 Rods E. of W. Line SD Section Then N. to Point of Beginning Section 21 Township 107 Range 15

9 25504 35186 Stephan M. Fenske 719 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 Then E. 68.55 Rods for point of Beginning Then continue 22.85 Rods Then Southerly Along a Line Parallel to W. Line SD Section 21 91.40 Rods E. of W. Line SD Section Then Westerly 68.55 Rods E. of W. Line Section Then N. to Point of Beginning Section 21 Township 107 Range 15

10 25505 35187 Stephan M. Fenske 719 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 Then E. 91.40 Rods to Point of Beginning Then continue 22.85 Rods Then Southerly Along a Line Parrellel to W. Line SD Section 21 114.25 Rods E. of W. Line SD Section Then Westerly 91.40 Rods E. of W. Line Section Then N. to Point of Beginning Section 21 Township 107 Range 15

11 25506 35188 Stephan M. Fenske 719 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 The E. 114.25 Rods to Point of Beginning Then continue 22.85 Rods Then Southerly Along a Line Parallel to W. Line SD Section 21 137.10 Rods E. of W. Line SD Section Then Westerly 114.10 Rods E. of W. Line Section Then N. to Point of Beginning Section 21 Township 107 Range 15

12 25507 35189 Shelley Lee Buchanan 950 20th Street NE Byron, MN 55920

Legal Description

Commencing at NW corner N 1/2 S 1/2 SW 1/4 Then E. 137.10 Rods to Point of Beginning Then continue to E. Line of N 1/2 S 1/2 SW 1/4 Then Southerly to a Point on S. Line N 1/2 S 1/2 SW 1/4 Then Westerly 137.10 Rods E. of W. Line Section Then N. to Point of Beginning Section 21 Township 107 Range 15



13	24502	35163	City of Byron	P.O.Box 1137	Byron, MN	55920
	<u>Legal Description</u>					
	SE 1/4 SE 1/4 Section 20 Township 107 Range 15					
14	24501	35162	Margaret O. Gemelke	101 Civic Center Dr. NE Apartment 408	Rochester, MN	55906
	<u>Legal Description</u>					
	SW 1/4 SE 1/4 Section 20 Township 107 Range 15					
15	30208	51230	Margaret O. Gemelke	101 Civic Center Dr. NE Apartment 408	Rochester, MN	55906
	<u>Legal Description</u>					
	N 1/2 NE 1/4 less commencing at NW corner SD NE 1/4 Then Southerly Along W. Line SD NE 1/4 470 Feet for Point of Beginning Then Northeasterly 900.06 Feet Then N 105 Feet Then E 216 Feet Then S 140.81 Feet Then Northeasterly 198.72 Feet to a point on E. Line NW 1/4 NE 1/4 Then S along SD E. Line 784.89 Feet to a Point 33 Feet N. of S. Line NW 1/4 Then W. 475.11 Feet N. 470.06 Feet W. 840 Feet to W. Line NE 1/4 Then N. along SD W. Line 352.20 Feet to Point of Beginning Section 29 Township 107 Range 15					
16	30206	35263	Robert K. Fellows	P.O.Box 514	Byron, MN	55920
	<u>Legal Description</u>					
	That Part of NW 1/4 NE 1/4 Described as Follows Commencing at NW corner SD NE 1/4 Then S. along W. Line SD NE 1/4 470 Feet for Point of Beginning Then Southeasterly 900.06 Feet Then N. 105 Feet Then E. 216 Feet Then S. 140.81 Feet Then Southwesterly 9.99 Feet Then Southeasterly Parallel to E. Line SD NW 1/4 NE 1/4 417.42 Feet Then W. 266.22 Feet Then N. 111.03 Feet Then W. 840 Feet to W. Line SD NE 1/4 Then N along SD W. Line 352.20 Feet to Point of Beginning Section 29 Township 107 Range 15					
17	30204	35261	Douglas D. Fattig	P.O.Box 212	Byron, MN	55920
	<u>Legal Description</u>					
	Commencing at NE corner NW 1/4 NE 1/4 Then 500 Feet S. for PL of Beginning Then 208.71 Feet W. Then 417.42 Feet S Then 208.71 Feet E. Then N. 417.42 Feet to PL of Beginning Section 29 Township 107 Range 15					
18	30207	51229	Douglas D. Fattig	P.O.Box 212	Byron, MN	55920
	<u>Legal Description</u>					
	That Pt. NW 1/4 NE 1/4 Described as follows Commencing at NW corner NE 1/4 Then S. Along E. Line 822.20 Feet Then E. 804 Feet S. 111.03 Feet for Pt. Of Beginning Then S. 359.03 Feet to a Pt. 33 Feet N. of S. Line NW 1/4 NE 1/4 Then SE parallel W. SD S. Line 475.11 Feet to E. Line NW 1/4 NE 1/4 Then NW along SD E. Line 367.47 Feet to a Pt. 917.42 Feet S. of NE corner NW 1/4 NE 1/4 Then SW 208.71 Feet SE 3.70 Feet W. 266.22 Feet to Pt. Of Beginning Section 29 Township 107 Range 15					

19	30300	35264	Till Partners	5945 60th Avenue NW	Oronoco, MN	55960
	<u>Legal Description</u> S. 1/2 NE 1/4 Section 29 Township 107 Range 15					
20	30501	55804	Scott R. Brooks	1220 2nd Avenue NW	Byron, MN	55920
	<u>Legal Description</u> The W 945.66 Feet N 1/2 N 1/2 SE 1/4 Section 29 Township 107 Range 15					
21	30603	35272	Kieth W. Stangler	322 13th NW	Byron, MN	55920
	<u>Legal Description</u> N. 40 Acres SW 1/4 Less PC to Northern Natural Gas Co. Section 29 Township 107 Range 15					
22	31907	35295	Edward Voll	1645 4th Street NW	Byron, MN	55920
	<u>Legal Description</u> That part of the NW 1/4 of Section 31 Township 107 North Range 15 West Olmsted County, Described as follows: Commencing at the SW corner of SD NW 1/4; then N. 00 degrees 26 minutes 26 seconds W ( note: all bearings are in relationship with the W. Line of SD NW 1/4, which is assumed) along the W. Line of SD NW 1/4 a distance of 187.06 Feet to the northerly Right-of-Way of Trunk Highway No. 14 and the Pt. Of beginning; then continue N 00 degrees 26 minutes 26 seconds W. along SD W. Line a distance of 907.84 Feet to the southerly Right-of-Way of the Chicago and Northwestern Railroad; then S. 88 degrees 41 minutes 50 seconds E. along SD southerly Right-of-Way a distance of 2568.69 Feet to the E line of SD NW 1/4 then S. 00 degrees 30 minutes 32 seconds E. along SD E. Line a distance of 973.65 Feet to SD northerly Right-of-Way Line of Trunk Highway No. 14; Then S. 89 degrees 38 minutes 45 seconds W. along said northerly line a distance of 1935.67 Feet; Then N. 77 degrees 13 minutes 29 seconds W. along SD northerly Line a distance of 616.33 Feet; then S. 89 degrees 46 minutes 43 seconds W. along SD northerly Line a distance of 33.00 Feet to the Pt. Of Beginning. This parcel contains 58.52 acres, more or less.					
23	30602	35271	Northern Natural Gas	P.O.Box 1188	Houston, TX.	77251
	<u>Legal Description</u> Commencing at SE corner SW 1/4 Then N. 2079.1 Feet Then W 33 Feet to Pt. On W. Right-of-Way Line Township Road Then N. 75 Feet Then W 100 Feet The S 75 Feet Then E 100 Feet to beginning Section 29 Township 107 Range 15					
24	30604	35273	Northern Natural Gas	P.O.Box 1188	Houston, TX	77251
	<u>Legal Description</u> Commencing at SE corner SW 1/4 then 2079.1 Feet then W 33 Feet to Point on W Right-of-Way Line Township Road then N 75 Feet then W 100 Feet then S 75 Feet then E 100 Feet to Beginning Section 29 Township 107 Range 15					

- 25 30409 35269 Veronica Ann Stevens 1613 CR 5 NW Byron, MN 55920  
Legal Description  
 That part NW 1/4 Described as follows: commencing at NE corner NW 1/4 Then S. along E. Line SD NW 1/4 649 Feet for Pt. Of beginning Then continue S. along E. line 548 Feet then NW 900.14 Feet Then N. 548 Feet Then SE 900.14 Feet to Pt. Of beginning Section 29 Township 107 Range 15
- 26 30410 54127 Hugh Kuhlman 149 Golf Harbor Path Invernes, Fl. 34450  
Legal Description  
 NW 1/4 less Commencing at SE corner NW 1/4 Then W 433 Feet for Place of Beginning Then N 246 Feet Then W 360 Feet Then S 246 Feet to S. Line NW 1/4 Then E. 360 Feet to Point of Beginning Also Less commencing at SW corner NW 1/4 Then E 60 Feet for Place of Beginning Then continue E 250 Feet Then N 350 Feet Then W 250 Feet Then S 350 Feet to Point of Beginning also less commencing at NE corner NW 1/4 Then S along E. Line 649 Feet Then continue S. along E. line 548 Feet Then W. 900.14 Feet then N. 548 Feet than SE 900.14 Feet to Pt of Beginning Secion 29 Township 107 Rang 15
- 27 30407 35267 Terry J. Bird 717 13th Street NW Byron, MN 55920  
Legal Description  
 Commencing at SW corner NW 1/4 Then E 60 Feet for Place of Beginning then continue E 250 Feet then N 350 Feet then W 250 Feet then S 350 Feet to Point of Beginning Section 29 Township 107 Range 15
- 28 30405 35266 Byron School District 531 501 10th Avenue NE Byron, MN 55920  
Legal Description  
 Commencing at SE corner NW 1/4 then W 433 Feet to Place of Beginning then W 100 Feet then N 246 Feet then E 100 Feet then then S 246 Feet to Beginning Section 29 Township 107 Range 15
- 29 30403 35265 Byron School District 531 501 10th Avenue NE Byron, MN 55920  
Legal Description  
 Commencing at SE corner NW 1/4 then W 533 Feet for Place of Beginning then N 121 Feet W 260 Feet then S 121 Feet then E 260 feet to Beginning Section 29 Township 107 Range 15
- 30 30411 54128 Byron School District 531 501 10th Avenue NE Byron, MN 55920  
Legal Description  
 Commencing at SE corner NW 1/4 then W 533 Feet then N 121 Feet for Place of Beginning then N 125 Feet then W 260 Feet then S 125 Feet then E 260 Feet to Point of Beginning Section 29 Township 107 Range 15
- 31 31608 & 31100 These two parcels of land are a 13 ± acres site which is presently owned by Southeast Minnesota Municipal Power Agency which is negotiating with a developer to construct 9th Avenue NW

REC'D BY NOV 20 2000  
M.D.L.

Exhibit "C"  
Orderly Annexation Agreement  
Between Kalmar Township and the City of Byron

1	31100	35278	Southeast Minnesota Municipal Agency	500 1st Avenue SW	Rochester, MN	55902
	<u>Legal Description</u>					
	SE 1/4 SE 1/4 Section 30 Township 107 Range 15					
2	31608	35286	Southeast Minnesota Municipal Agency	500 1st Avenue SW	Rochester, MN	55902
	<u>Legal Description</u>					
	NE 1/4 NW 1/4 and That Part N 1/2 NE 1/4 Described as follows: Beginning at NE corner SD Section 31 then Southerly along E. Line of SD NE 1/4 525.72 Feet to NE corner of Lorentz est. 2nd Subdivision then Westerly along N Line of SD Subdivision 316 Feet then Southerly along Westerly Line of SD Subdivision 180 Feet then Westerly 386 Feet to NW corner of Block 1 of SD Subdivision Then Northerly 105.02 Feet then Westerly 1130 Feet then 704.57 Feet to S. Line of SD N 1/2 NE 1/4 then Westerly along SD S. Line 802.41 Feet to SW corner of SD N 1/2 then Northerly along W. Line of SD N 1/2 1316.38 Feet to NW corner SD NE 1/4 then Easterly along N. Line of SD NE 1/4 2632.64 Feet to Point of Beginning Section 31 Township 107 Range 15					
3	31904	35293	Southeast Minnesota Municipal Agency	500 1st Avenue SW	Rochester, MN	55902
	<u>Legal Description</u>					
	Commencing at A Point 128 Feet W of NE corner of S 1/2 NW 1/4 then W 128 Feet then S to C NW Railroad Right-of-Way then Southeasterly along SD Right-of Way- to a point Directly S of Beginning then N to Beginning Section 31 Township 107 Range 15					