

**ORDINANCE NO. 2025-13**

**AN ORDINANCE OF THE CITY OF BYRON, MINNESOTA ANNEXING  
LAND LOCATED IN KALMAR TOWNSHIP, OLMSTED COUNTY, MINNESOTA  
PURSUANT TO MINN. STAT. § 414.033 SUBD. 2(2),  
PERMITTING ANNEXATION BY ORDINANCE**

**WHEREAS**, the City of Byron desires to annex property pursuant to Minn. Stat. §414.033, subd. 2(2).

**WHEREAS**, the following described property is not presently within the corporate limits of any incorporated city and is completely surrounded by land within the municipal limits of the City of Byron, Minnesota:

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

**WHEREAS**, the Property consists of 5 acres; and is currently residential. Annexation is requested because the owner would like to develop the site to commercial development.

**WHEREAS**, provisions of Minn. Stat. § 414.033, subd. 13 are not applicable in that there will be no change in the electric utility service provider resulting from the annexation of the territory to the municipality.

**WHEREAS**, the City of Byron held a public hearing pursuant to Minn. Stat. §414.033, subd. 2b, on the 5th day of November, 2025, following thirty (30) days written notice by certified mail to the Township of Kalmar and to all landowners within and contiguous to the area legally described in Exhibit A, to be annexed.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BYRON HEREBY ORDAINS AS FOLLOWS:**

1. The City Council hereby determines that the property described above is completely surrounded by land within its municipal limits and is or is about to become urban or suburban in nature in that its current use is residential. Annexation is requested because the owner would like to develop the site to commercial development.

*"To provide valued public service and guide the City with innovative thinking towards smart growth"*

2. None of the property is now included within the corporate limits of any city.
3. Pursuant to Minn. Stat. §414.033, subd. 2(2), the corporate limits of the City of Byron are hereby extended by annexation of the property described above
4. The above described property consists of a total of 5 acres, more or less.
5. The City of Byron, pursuant to Minn. Stat. §414.036, that with respect to the property taxes payable on the area legally described herein, hereby annexed, shall make a cash payment to the Township of Kalmar in accordance with the following schedule:
  - a. An amount equal to 10 year's worth of the Township taxes at the time of annexation.
6. That pursuant to Minn. Stat. § 414.036 with respect to any special assessments assigned by the Township to the annexed property and any portion of debt incurred by the Township prior to the annexation and attributable to the property to be annexed, but for which no special assessments are outstanding, for the area legally described in Exhibit A there are no special assessments or debt incurred by the Township on the subject for which reimbursement is required.
7. That the City Administrator is hereby authorized and directed to file a copy of this Ordinance with the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, the Minnesota Secretary of State, the Olmsted County Auditor, and Kalmar Township Chair.
8. That this Ordinance shall be in full force and effect and final upon the date this Ordinance is approved by the Office of Administrative Hearings.

PASSED AND ADOPTED by the City Council of the City of Byron, Minnesota, this 12th day of November 2025.

  
\_\_\_\_\_  
Daryl Glassmaker, Mayor

  
\_\_\_\_\_  
Al Roder, City Administrator



**BYRON RESOLUTION 2025-48**

**KALMAR RESOLUTION 004-2025**

**IN THE MATTER OF THE ANNEXATION OF LAND LOCATED IN KALMAR TOWNSHIP TO THE CITY OF BYRON PURSUANT TO MINNESOTA STATUTES §414.033, SUBD. 2(2)**

**WHEREAS**, the City of Byron and Kalmar Township agreed in 2022 that the property referenced below could be annexed into the City of Byron as if it were included in the parties' existing Orderly Annexation Agreement, provided that the City of Byron pay to Kalmar Township compensation for lost tax revenue using the formula specified in Byron Ordinance No. 2025-13.

**WHEREAS**, the Owner of the property referenced below has submitted to the City a request to annex the property to the City of Byron:

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

**WHEREAS**, the property proposed for annexation consists of 5.00 acres and is currently zoned residential. The owner is seeking to develop the site commercially.

**WHEREAS**, the proposed annexation complies with the terms and conditions of the above-referenced Byron Ordinance No. 2025-13.

**WHEREAS**, the City of Byron held a public hearing pursuant to Minn. Stat. §414.033, subd. 2b, on the 5th day of November, 2025, following thirty (30) days written notice by certified mail to the Township of Kalmar and to all landowners within and contiguous to the area legally described above to be annexed.

**WHEREAS**, the City of Byron and Kalmar Township jointly request the Chief Administrative Law Judge to order the annexation of the above described lands to the City of Byron.

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

*"To provide valued public service and guide the City with innovative thinking towards smart growth"*

1. The parties jointly submit this request to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, by submission of this joint resolution, that the corporate limits of the City of Byron, Minnesota, be extended to include the 5.00 acre parcel described above.

2. Pursuant to Minnesota Statute §414.036, and in accordance with the existing orderly annexation agreement, the City will reimburse the Township for the taxable property annexed into the City.

Adopted by affirmative vote of the City Council of Byron this 12th day of November, 2025.

CITY OF BYRON

By:   
Mayor

ATTEST:

By:   
City Administrator

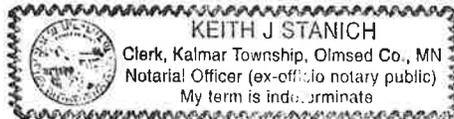
Adopted by affirmative vote of all the members of the Kalmar Township Board of Supervisors this 17<sup>th</sup> day of November 2025.

KALMAR TOWNSHIP

By:   
Chairperson  
Board of Supervisor

ATTEST:

By:   
Township Clerk





# Exhibit A



VINCE FANGMAN  
Licensed Land Surveyor  
11724 County Road 113 NW  
Pine Island, Minnesota 55963  
www.fangmanls.com  
(507)356-8694

December 2, 2009

Property Description as described in Document No. A-1121207

For: Jacquelyne Thompkins

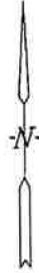
That part of the West Half of the Northeast Quarter of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the northwest corner of said West Half of the Northeast Quarter of Section 33; thence on an assumed bearing of South  $00^{\circ}24'20''$  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  $89^{\circ}18'35''$  East a distance of 570.00 feet; thence South  $00^{\circ}24'20''$  East a distance of 382.11 feet along a line parallel to said west line; thence South  $89^{\circ}18'35''$  West a distance of 570.00 feet to said west line; thence North  $00^{\circ}24'20''$  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 other easements of record.

1" TELSPAR ALM. CAP AT THE NW CORNER NE 1/4 SECTION 33 T107N R15W

PROPERTY DESCRIPTION: SEE ATTACHED



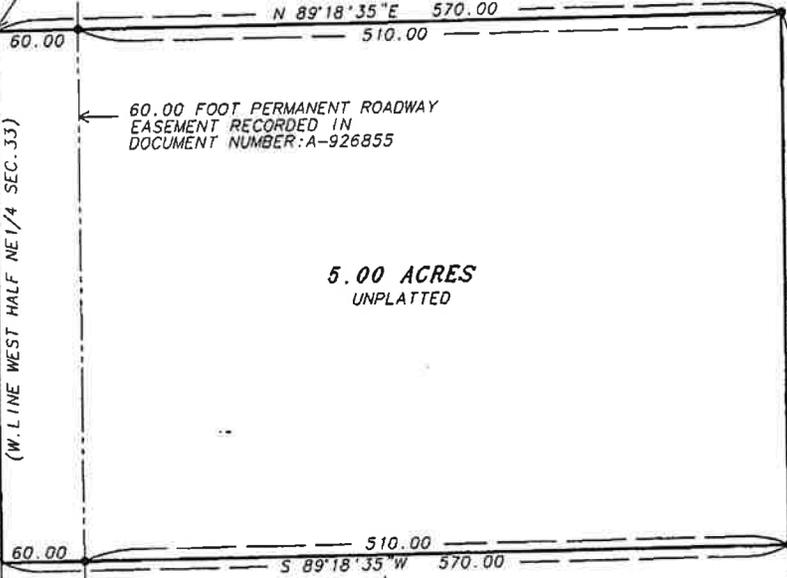
LOT 1 BLOCK 2 BYRON TOWNE SQUARE

SCALE: 1" = 100'  
BEARING SYSTEM IS ASSUMED DATA

POINT OF BEGINNING

10TH AVENUE N.E.

S 00°24'20"E 966.16  
S 00°24'20"E 5265.70  
N 00°24'20"W 382.11  
N 00°24'20"W 382.11  
(W.L. LINE WEST HALF NE 1/4 SEC. 33)



60.00 FOOT PERMANENT ROADWAY EASEMENT RECORDED IN DOCUMENT NUMBER: A-926855

5.00 ACRES  
UNPLATTED

S 00°24'20"E 382.11

LOT 1 BLOCK 2 BYRON TOWNE SQUARE

LOT 1

LOT 2

BLOCK 2

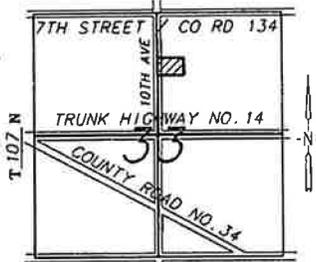
BYRON TOWNE SQUARE SECOND ADDITION

TELSPAR W/C. I.C. AT THE SW CORNER SE 1/4 SECTION 33 T107N R15W

● = FOUND 1/2" PIPES

● = FOUND MONUMENT ○ = SET 1/2" PIPE WITH LS NO. 14888

VICINITY MAP SCALE 1" = 3000'



R 15 W OLSTED COUNTY

SURVEY FOR: JACQUELYNE THOMPKINS

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA



Vincent A. Fangman DATE 12/2/2009  
VINCENT A. FANGMAN LS. NO. 14888 PINE ISLAND, MN

DRAWN BY: M. FANGMAN DATE: 12/02/09 JOB NO. 09-107

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:

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