

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City
of Byron from Kalmar Township
(MBAU Docket OA-1073-10)

**ORDER APPROVING
ANNEXATION**

Resolution No. 2004-09 (Joint Resolution to Designate) was adopted by the City of Byron (City) and Kalmar Township (Township) on July 29, 2004, pursuant to Minn. Stat. § 414.0325, designating certain real property for annexation.

Byron Resolution 2021-41 (City Resolution) adopted by the City on December 14, 2021, requests annexation of certain real property (Property) legally described as follows:

That part of the North Half of the Southeast Quarter of Section 20, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The South 50 feet of the following described parcel; Conveying the North Half of the Southeast Quarter, Sec. 20, Township 107 North, Range 15 West, less the following parcel; Commencing at the southeast corner of said North Half of the Southeast Quarter; thence South 89°49'11.13" West, along the south line of said North Half of the Southeast Quarter a distance of 1991.33 feet to the point of beginning of the tract to be described; thence continue South 89°49'11.13" West, along said south line, 280.00 feet; thence North 0°11'00.84" West, at right angles to said south line, 777.86 feet; thence North 89°48'59.16" West, parallel with said south line, 280.00 feet; thence South 00°11'00.84" East, 777.86 feet to the point of beginning; subject to township road right-of-way over the southerly side thereof; containing 5.00 acres, more or less including said roadway right-of-way.

Containing 2.58 acres, more or less and subject to any easement and restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet and the east 60 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the North Half of the South Half of said Southwest

Quarter of said section 21 a distance of 137.10 rods to the point of beginning; thence continuing on the same bearing to the east line of the North Half of the South Half of the Southwest Quarter of said section 21; thence southerly along the east line of said Southwest Quarter to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21; thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 137.10 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easements record, containing approximately 5.7 acres, more or less;

Containing 1.27 acres, more or less and subject to any easements and restrictions of record.

AND

The South 50 feet of the Northwest Quarter of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 1.47 acres, more or less and subject to any easements and restrictions of record.

AND

The South 50' of the Northeast Quarter of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 1.51 acres, more or less and subject to any easements and restrictions of record.

AND

The South 50 feet of the west 60 feet of the Northwest Quarter of the Southeast Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 0.07 acres, more or less and subject to any easements and restrictions of record.

AND

The North 50 feet of the Southwest Quarter of the Southeast Quarter of Section 20, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 1.44 acres, more or less and subject to any easements or restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Beginning at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the North Half of the South Half of the Southwest Quarter of said section 21 a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 22.85 rods east of the west line of said section 21; thence westerly along a line parallel to the south line of said section 21 to the west line of said section 21; thence north along the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easements of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the North Half of the South Half of said Southwest Quarter of said section 21 a distance of 22.85 rods to the point of beginning; thence continuing on the same bearing a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 45.70 rods east of the west line of said section 21; thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 22.85 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in section 21, Township 107 North of Range 15 West, and subject to public highway easements of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the North Half of the South Half of said Southwest Quarter of said section 21 a distance of 45.70 rods to the point of beginning; thence continuing on the same bearing a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 68.55 rods east of the west line of said section 21; thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Quarter of the Southwest Quarter of said section 21, which is 45.70 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easement of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restriction of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the North Half of the South Half of said Southwest Quarter of said section 21 a distance of 68.55 rods to the point of beginning; thence continuing on the same bearing a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21 which is 91.40 rods east of the west line of said section 21, thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21, which is 68.55 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easements of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, thence east along the north line of the North Half of the South Half of said Southwest Quarter of said section 21 a distance of 91.40 rods to the point of beginning; thence continuing on the same bearing a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21, which is 114.25 rods east of the west line of said section 21, thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21, which is 91.40 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easement of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restrictions of record.

AND

That part of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The North 50 feet of the following described parcel; Commencing at the northwest corner of the North Half of the South Half of the Southwest Quarter of Section 21, Township 107 North, Range 15 West; thence east along the north line of the South Quarter of the South Half of said Southwest Quarter of said section 21 a distance of 114.25 rods to the point of beginning; thence continuing on the same bearing a distance of 22.85 rods; thence southerly along a line parallel to the west line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21, which is 137.10 rods east of the west line of said section 21, thence westerly along a line parallel to the south line of said section 21 to a point on the south line of the North Half of the South Half of the Southwest Quarter of said section 21, which is 114.25 rods east of the west line of said section 21; thence north along a line parallel to the west line of said section 21 to the point of beginning, all in Section 21, Township 107 North of Range 15 West, and subject to public highway easements of record, containing approximately 5.7 acres, more or less.

Containing 0.43 acres, more or less and subject to any easements and restrictions of record.

AND

That part of the North Half of the Southeast Quarter of Section 20, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

The South 50 feet of the following described parcel; Commencing at the southeast corner of said North Half of the Southeast Quarter; thence South 89°49'11.13" West, along the south line of said North Half of the Southeast Quarter a distance of 1991.33 feet to the point of beginning of the tract to be described; thence continue South 89°49'11.13" West, along said south line, 280.00 feet; thence North 0°11'00.84" West, at right angles to said south line, 777.86 feet; thence North 89°48'59.16" West, parallel with said south line, 280.00 feet; thence South 00°11'00.84" East, 777.86 feet to the point of beginning; subject to township road right-of-way over the southerly side thereof; containing 5.00 acres, more or less including said roadway right-of-way.

Containing 0.32 acres, more or less and subject to any easements and restrictions of record.

AND

The West 60 feet of the North 40 acres of the West 100 acres of the Southeast Quarter of Section 28, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 1.45 acres, more or less and subject to any easements and restrictions of record.

AND

The West 60 feet of the West Half of the Northeast Quarter of Section 28, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 3.63 acres, more or less and subject to any easements and restrictions of record.

AND

The West 60 feet of the Southwest Quarter of the Southeast Quarter of Section 21, Township 107 North, Range 15 West, Olmsted County, Minnesota.

Containing 1.81 acres, more or less and subject to any easements and restrictions of record.

AND

The East 60 feet of the South Half of the Southwest Quarter of Section 28, Township 107 North, Range 15 West, Olmsted County, Minnesota.


Containing 1.75 acres, more or less and subject to any easements and restrictions of record.

Based upon a review of the Joint Resolution to Designate and the City Resolution, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2020), the City Resolution is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution to Designate, the City Resolution, and this Order, the Property is **ANNEXED** to the City.
3. As there is no taxable property within the Property, the provisions of Minn. Stat. § 414.036 (2020), are not applicable.

Dated: December 23, 2021


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2020). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Olmsted County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2021). However, no request for amendment shall extend the time of appeal from this Order.