

JOINT RESOLUTION 11-14

IN THE MATTER OF THE ORDERLY ANNEXATION BETWEEN
THE CITY OF BYRON AND KALMAR TOWNSHIP
PURSUANT TO MINNESOTA STATUTES § 414.0325

WHEREAS, the City of Byron and Kalmar Township designate for orderly annexation, the following described lands located within Kalmar Township, County of Olmsted, Minnesota:

A tract of land out of the SW ¼ of Section 29, T107N-R15W, described as follows: Commencing at the SE Corner of said SW ¼ of Section 29; thence North on and along the East line of said SW ¼ a distance of 2059.1 feet; thence West at right angles 33.0 feet to the West Right-of-Way line of County Road No. 5 and the point of beginning; thence North on and along said Right-of-Way line a distance of 20.0 feet; thence West at right angles a distance of 100.0 feet; thence South and parallel to the East line of said SW ¼ a distance of 20.0 feet; thence East 100.0 feet to the point of beginning, containing 0.034 acres, more or less.

And

A tract of land in the Southwest Quarter (SW1/4) of Section 29, Township 107 North, Range 15 West, described as follows: Commencing at the Southeast corner of the SW ¼ of said Sec. 29, thence North along East line of said SW ¼ 2079.1 feet, thence West at right angles 33.0 feet to a point on the West right-of-way line of a TWP road, said point being the point of beginning; thence North along said right-of-way line 75.0 feet; thence West at right angles 100.0 feet; thence South and parallel to East line of said SW ¼ 75.0 feet; thence East 100.0 feet to the point of beginning, containing 0.17 acres more or less.

And

That part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section 33, Township 107 North, Range 15 West, Olmsted County Minnesota, described as follows:

Commencing at the Southwest Corner of said N ½ SW ¼, thence North 89 degrees 49' 25" East, (Note: all bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said N ½ SW ¼, a distance of 784.06 feet to the point of Beginning; thence North 00 degrees 10' 35" West, at right angles to said South line, 435.00 feet; thence North 89 degrees 49' 25" East, parallel with said South line, 335.00 feet; thence South 00 degrees 10' 35" East, 435.00 feet to a point on said South line; thence South 89 degrees 49' 25" West, 335.00 feet along said South line to the Point of Beginning, subject to easements and restrictions of record. Containing 3.35 acres more or less.

And

That part of the North Half of the Southwest Quarter (N ½ SW ¼) of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest Corner of said N ½ SW ¼, thence North 89 degrees 49' 25" East, (Note: All bearings are in relationship with Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said N ½ SW ¼, a distance of 1119.06 feet; thence North 00 degrees 10' 35" West, at right angles to said South line, 435.00 feet to the Point of Beginning; thence South 89 degrees 49' 25" West, parallel with said South line 39.37 feet; thence North 32 degrees 52' 37" East, 125.62 feet to a point on the Southwesterly Right-of-Way line of Country Club Road; thence South 60 degrees 48' 21" East, 33.07 feet along said South Right-of-Way line; thence South 32 degrees 52' 37" West, 106.27 feet to the Point of Beginning.

WHEREAS, the City of Byron and Kalmar Township are in agreement as to the orderly annexation of the unincorporated land described; that both believe it will be to their benefit and to the benefit of their respective residents; and

WHEREAS, Minnesota Statutes § 414.0325 provides a procedure whereby the City of Byron and Kalmar Township may agree on a process of orderly annexation of a designated area; and

WHEREAS, on February 8, 2011 a Notice of Intent to include property in an orderly annexation area was published pursuant to the requirements of Minnesota Statutes § 414.0325 Subd. 1b; and

WHEREAS, the City of Byron and Kalmar Township have agreed to all the terms and conditions for the annexation of the above-described lands within this document and the signatories hereto agree that no alteration of the designated area is appropriate and no consideration by the Chief Administrative Law Judge is necessary. The Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

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

1. **Property.** That the following described lands in Kalmar Township are subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate those areas for orderly annexation, to wit:

2. **Acreage/Population/Usage.** That the designated area consists of approximately 4.32 acres, the population in the subject area is zero, and the land use type is to be used as storm pond and for utility purposes property.

3. **Jurisdiction.** That Kalmar Township and the City of Byron, by submission of this joint resolution to the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings, confers jurisdiction upon the Chief Administrative Law Judge so as to accomplish said orderly annexation in accordance with the terms of this resolution.

4. **Need.** That the above-described property is urban or suburban or about to become so, and since the City of Byron is capable of providing services to this area within a reasonable time, the annexation would be in the best interest of the area.

5. **Conditions:** None

6. **Planning.** Minnesota Statutes § 414.0325 Subd. 5 (as amended) requires parties to identify which statutory planning option they have agreed will govern the designated area, or if the parties have agreed to some other process within the orderly annexation agreement to accomplish planning and land use control over the designated area.

7. **Municipal Reimbursement.** Minnesota Statutes § 414.036.

a. **Reimbursement to Towns for lost taxes on annexed property.**

Reimbursement of the property taxes to the Township shall be based on the property taxes collected by the Township in the last year it collected taxes on the annexed area, in a total amount equivalent to that payable under the former law (Minnesota Statutes § 414.033 Subd. 12, 2005), but adjusted to be paid in accordance with amendments to Minnesota Statutes § 414.036. Said taxes will be paid by the City of Byron to Kalmar Township for a period of ten years.

8. **Review and Comment.** The City of Byron and Kalmar Township agree that upon receipt of this resolution, passed and adopted by each party, the Chief Administrative Law Judge may review and comment, but shall within thirty (30) days, order the annexation in accordance with the terms of the resolution.

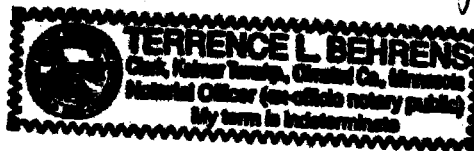
Adopted by affirmative vote of all the members of the Kalmar Township Board of Supervisors this 21 day of March 2011.

KALMAR TOWNSHIP

By: [Signature]
Chairperson
Board of Supervisor

ATTEST:

By: [Signature]
Township Clerk



Adopted by affirmative vote of the City Council of Byron, this 9th day of March 2011.

CITY OF BYRON

By: [Signature]
Ann M. Diercks Mayor

ATTEST:

By: [Signature]
Mary K. Blair-Hoelt City Administrator

Approved this 9 day of March 2011

CERTIFICATE OF SURVEY

Res 11-14

NE COR, SW 1/4
SEC. 33-107-15

REC'D BY
MBA

APR 11 2011

5/8" IRON PIPE
NW COR, SW 1/4
SEC. 33-107-15

CL COUNTRY CLUB RD SE

50

50

PROPOSED 33' ACCESS EASEMENT

S60°48'21"E
33.07'

N32°52'37"E
125.62'

S32°52'37"W
106.27'

SOUTHWESTERLY
RIGHT-OF-WAY LINE
COUNTRY CLUB RD SE

N89°49'25"E 335.00'

S89°49'25"W
39.37'

N 1/2 SW 1/4

SEC. 33-107-15

3.35 ACRES

N00°10'35"W 435.00'

S00°10'35"E 435.00'

P.O.C.

P.O.B.

N89°49'25"E 784.06'

S-LINE N 1/2 SW 1/4

S89°49'25"W 335.00'

N89°49'25"E
1520.53'

SW CORNER
N 1/2 SW 1/4
SEC. 33-107-15

DESCRIPTION:

That part of the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest Corner of said N 1/2 SW 1/4, thence North 89°49'25" East, (Note: All bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said N 1/2 SW 1/4, a distance of 784.06 feet to the Point of Beginning; thence North 00°10'35" West, at right angles to said South line, 435.00 feet; thence North 89°49'25" East, parallel with said South line, 335.00 feet; thence South 00°10'35" East, 435.00 feet to a point on said South line; thence South 89°49'25" West, 335.00 feet along said South line to the Point of Beginning, subject to easements and restrictions of record. Containing 3.35 acres more or less.

SW COR, SW 1/4
SEC. 33-107-15

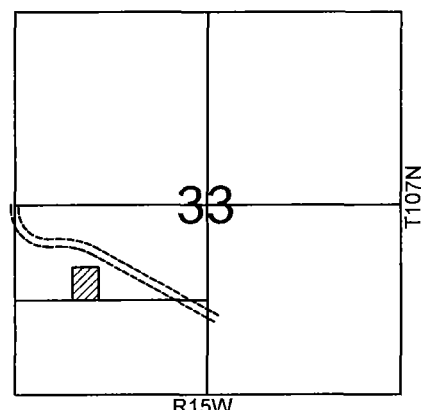
Access Easement Description

That part of the North Half of the Southwest Quarter (N 1/2 SW 1/4) of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest Corner of said N 1/2 SW 1/4, thence North 89°49'25" East, (Note: All bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said N 1/2 SW 1/4, a distance of 1119.06 feet; thence North 00°10'35" West, at right angles to said South line, 435.00 feet to the Point of Beginning; thence South 89°49'25" West, parallel with said South line, 39.37 feet; thence North 32°52'37" East, 125.62 feet to a point on the Southwesterly Right-of-Way line of Country Club Road; thence South 60°48'21" East, 33.07 feet along said South Right-of-Way line; thence South 32°52'37" West, 106.27 feet to the Point of Beginning.

SE COR, SW 1/4
SEC. 33-107-15

LOCATION MAP



0 50 100 200

SCALE 1"=100'

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.

RICHARD J. MASSEY, LIC. NO. 41814

DATE

1-24-11

BEARING SYSTEM USED:

BEARINGS ARE BASED ON NAD '83 (1996)
OLMSTED COUNTY COORDINATES

LEGEND

- FOUND CAST IRON CAP ON TELSPAR PIPE (UNLESS OTHERWISE NOTED)
- SET 1" Ø IRON PIPE WITH CAP # 41814

FOR :

CITY OF BYRON
BYRON, MN 55920

WHKS & CO.

ENGINEERS PLANNERS LAND SURVEYORS

SCALE: 1" = 100'

DRAWN BY: AJM

DATE: 10/18/10, revised 1/24/11

PROJECT NO. 6000.10

CADD NO.: 6000.10-POND F

Notification Area of
PINS 035271 and 035273

Res 11-14

REC'D BY
MBA

APR 11 2011

