

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

IN THE MATTER OF THE ORDERLY ANNEXATION)	
AGREEMENT BETWEEN THE CITY OF BYRON)	<u>FINDINGS OF FACT</u>
AND KALMAR TOWNSHIP PURSUANT TO)	<u>CONCLUSIONS OF LAW</u>
MINNESOTA STATUTES 414)	<u>AND ORDER</u>

The joint resolution for orderly annexation submitted by the City of Byron and Kalmar Township was reviewed for conformity with applicable law. By delegation, the Chief Administrative Law Judge hereby makes and files the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On May 10, 2011, the Chief Administrative Law Judge or authorized designee reviewed and accepted the joint resolution which was adopted by the City on March 9, 2011 and Township on March 21, 2011, and duly filed with the Office of Administrative Hearings-Municipal Boundary Adjustment Unit on April 11, 2011.

2. The joint resolution requests the designation and immediate annexation of certain property to the City of Byron described as follows:

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 $\frac{1}{4}$ 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 (SW $\frac{1}{4}$) of Section 29, Township 107 North, Range 15 West, described as follows: Commencing at the Southeast corner of the SW $\frac{1}{4}$ of said Sec. 29, thence North along East line of said SW $\frac{1}{4}$ 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 $\frac{1}{4}$ 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 $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 33, Township 107 North, Range 15 West, Olmsted County Minnesota, described as follows:

Commencing at the Southwest Corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$, 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 $\frac{1}{2}$ SW $\frac{1}{4}$, 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, 335.0 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 $\frac{1}{2}$ SW $\frac{1}{4}$) of Section 33, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Southwest Corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$, 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 $\frac{1}{2}$ SW $\frac{1}{4}$, 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 County 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.

3. Minnesota Statutes §414.0325, subd. 1(h) states that in certain circumstances the Chief Administrative Law Judge may review and comment, but shall within 30 days order the annexation pursuant to the terms of a joint resolution for orderly annexation.

4. The joint resolution contains all the information required by Minnesota Statutes §414.0325, subd. 1(h), including a provision that the Chief Administrative Law Judge may review and comment but shall order the annexation within 30 days in accordance with the terms of the joint resolution.

CONCLUSIONS OF LAW

1. The Office of Administrative Hearings has duly acquired and now has jurisdiction of the within proceeding.

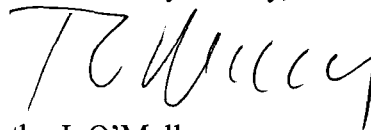
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

ORDER

1. The property described in Findings of Fact 2 is annexed to the City of Byron, the same as if it had originally been made a part thereof.

2. Pursuant to Minnesota Statutes §414.036, Kalmar Township will be reimbursed by the City of Byron in accordance with the terms of Joint Resolution No. 11-14.

Dated this 10th day of May, 2011.



Timothy J. O'Malley
Assistant Chief Administrative Law Judge
Municipal Boundary Adjustment Unit