

JOINT RESOLUTION 11-13**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:

That part of the North One-Half of Sections 31, 32 and 33, all in Township 107 North, Range 15 West, Olmsted County, Minnesota:

A strip of land being a 100 feet wide comprising the DM&E Railroad, the centerline of said 100-foot wide strip being described as follows:

Commencing at the Southwest corner of Block 1, COUNTRY LANE WEST SUBDIVISION; thence Southerly along the Southerly extension of the West line of said Block 1, a distance of 50.00 feet to the centerline of said DM&E Railroad and to the POINT OF BEGINNING of the centerline of said 100-foot strip of property; thence Easterly along the centerline of said DM&E Railroad, to the Easterly right of way line of 10th Avenue NE, said Easterly right of way line is 50.00 feet Easterly of the West line of the Northeast Quarter of said Section 33, and the centerline of said 100-foot strip there terminating.

and,

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:

That part of the North One-Half of Sections 31, 32 and 33, all in Township 107 North, Range 15 West, Olmsted County, Minnesota:

A strip of land being a 100 feet wide comprising the DM&E Railroad, the centerline of said 100-foot wide strip being described as follows:

Commencing at the Southwest corner of Block 1, COUNTRY LANE WEST SUBDIVISION; thence Southerly along the Southerly extension of the West line of said Block 1, a distance of 50.00 feet to the centerline of said DM&E Railroad and to the POINT OF BEGINNING of the centerline of said 100-foot strip of property; thence Easterly along the centerline of said DM&E Railroad, to the Easterly right of way line of 10th Avenue NE, said Easterly right of way line is 50.00 feet Easterly of the West line of the Northeast Quarter of said Section 33, and the centerline of said 100-foot strip there terminating.

It is therefore agreed that the following property be immediately annexed to the City of Byron, to wit:

That part of the North One-Half of Sections 31, 32 and 33, all in Township 107 North, Range 15 West, Olmsted County, Minnesota:

A strip of land being a 100 feet wide comprising the DM&E Railroad, the centerline of said 100-foot wide strip being described as follows:

Commencing at the Southwest corner of Block 1, COUNTRY LANE WEST SUBDIVISION; thence Southerly along the Southerly extension of the West line of said Block 1, a distance of 50.00 feet to the centerline of said DM&E Railroad and to the POINT OF BEGINNING of the centerline of said 100-foot strip of property; thence Easterly along the centerline of said DM&E Railroad, to the Easterly right of way line of 10th Avenue NE, said Easterly right of way line is 50.00 feet Easterly of the West line of the Northeast Quarter of said Section 33, and the centerline of said 100-foot strip there terminating.

2. **Acreage/Population/Usage.** That the designated area consists of approximately 22.5 acres, the population in the subject area is zero, and the land use type is railroad 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 22nd day of February 2011.

KALMAR TOWNSHIP

By: *Glenn Quan*
Chairperson
Board of Supervisor

ATTEST:

By: *Terrence L. Behrens*
Township Clerk
 **TERRENCE L. BEHRENS**
Clerk, Kalmar Twp., Olmsted Co., Minnesota
Notarial Officer (ex-officio notary public)
My term is indeterminate

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

CITY OF BYRON

By: *Ann M. Diercks*
Ann M. Diercks Mayor

ATTEST:

By: *Mary K. Blair-Hoeft*
Mary K. Blair-Hoeft City Administrator

Approved this ^{9th} 22 day of ^{March} February 2011

Res 11-13

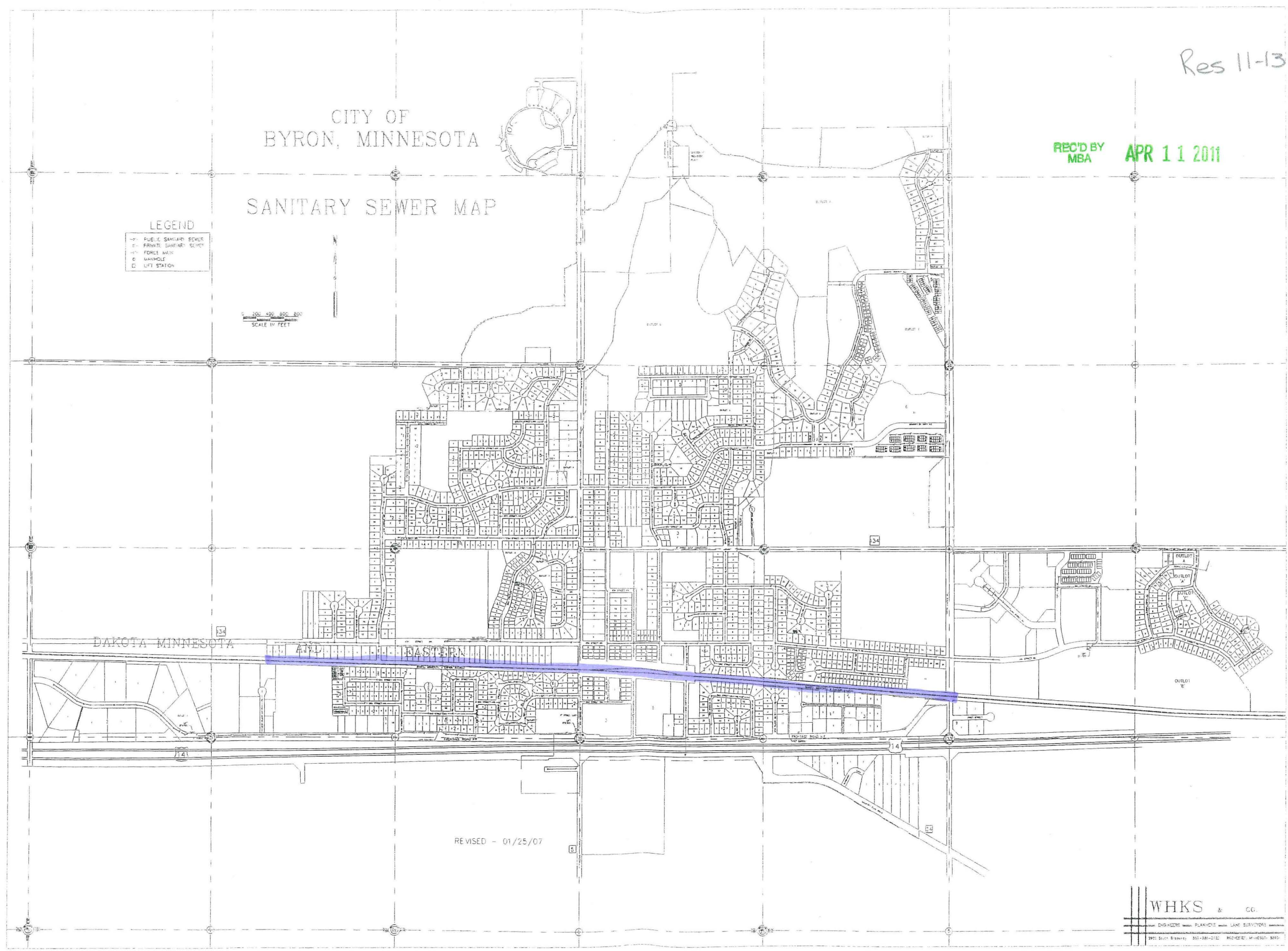
REC'D BY
MBA APR 11 2011

CITY OF BYRON, MINNESOTA

SANITARY SEWER MAP

- LEGEND
- P— PUBLIC SANITARY SEWER
 - S— PRIVATE SANITARY SEWER
 - M— FORCE MAIN
 - MANHOLE
 - LIFT STATION

0 200 400 600 800
SCALE IN FEET



DAKOTA MINNESOTA

AND EASTERN

REVISED - 01/25/07

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