

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 February 22, 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:

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.

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.

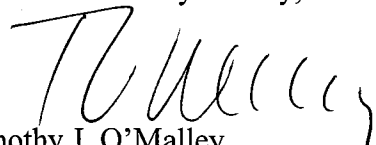
2. An order should be issued by the Chief Administrative Law Judge or authorized designee annexing the area described herein.

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. 11-13.

Dated this 10th day of May, 2011.


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