

**Byron – RESOLUTION 16-21** 

Kalmar - RESOLUTION 0620/609

RECEIVED

by OAH on July 26, 2016

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

*WHEREAS,* on June 14, 2016 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 jointly agree to designate and request the immediate annexation of the following described land located within Kalmar Township to the City of Byron, County of Olmsted, Minnesota;

That part of the Northwest Quarter of Section 29, Township 107 North, Range 15 West, Olmsted County, Minnesota, more particularly described as follows:

Commencing at the Southeast Corner of the Northwest Quarter of said Section 29; thence South 89 degrees 55 minutes 47 seconds West, (Note: All bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said Northwest Quarter, 60.00 feet to a point on the West Right-of-Way of County Road 5 and point of beginning; thence continuing along said South line South 89 degrees 55 minutes 47 seconds West, 1905.00 feet; thence North 00 degrees 04 minutes 13 seconds West, 40.00 feet; thence North 89 degrees 55 minutes 47 seconds East, 1904.58 feet to a Point on the West Right-of-Way line of County Road 5; thence South 00 degrees 40 minutes 25 seconds East, along said West Right-of-Way line, 40.00 feet to the Point of Beginning.

and

WHEREAS, the City of Byron and Kalmar Township are in agreement as to the orderly annexation of the unincorporated land described; 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, the City of Byron and Kalmar Township have agreed to all the terms and conditions for the annexation of the above-described lands; 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, 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 land is subject to orderly annexation pursuant to Minnesota Statutes § 414.0325, and that the parties hereto designate the area for orderly annexation; and agree that the land be immediately annexed:

680 BYRON MAIN COURT N.E. • BYRON, MN 55920 • (507) 775-3400 • FAX (507) 775-3401 www.byronmn.com That part of the Northwest Quarter of Section 29, Township 107 North, Range 15 West, Olmsted County, Minnesota, more particularly described as follows:

Commencing at the Southeast Corner of the Northwest Quarter of said Section 29; thence South 89 degrees 55 minutes 47 seconds West, (Note: All bearings are in relationship with the Olmsted County Coordinate System NAD '83, Adjusted 1996), along the South line of said Northwest Quarter, 60.00 feet to a point on the West Right-of-Way of County Road 5 and point of beginning; thence continuing along said South line South 89 degrees 55 minutes 47 seconds West, 1905.00 feet; thence North 00 degrees 04 minutes 13 seconds West, 40.00 feet; thence North 89 degrees 55 minutes 47 seconds East, 1904.58 feet to a Point on the West Right-of-Way line of County Road 5; thence South 00 degrees 40 minutes 25 seconds East, along said West Right-of-Way line, 40.00 feet to the Point of Beginning.

2. Acreage/Population/Usage. That the orderly annexation area consists of approximately 1.75 acres, the population in the area is 0, and the land use type is as a roadway.

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. **Municipal Reimbursement.** Minnesota Statutes § 414.036. Parties agree that no reimbursement arrangements will be made as the property generates no tax dollars.

5. **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, 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 18th day of July 2016.

KALMAR TOWNSHIP

By: Lem Velow

Chairperson Board of Supervisor

ATTEST: By:

Township Clerk

etanimetebni si met vM Notarial Officer (ex-officio notary public) at Twinshp, Olinsted Co, Minnesota

Adopted by affirmative vote of the City Council of Byron this 28th day

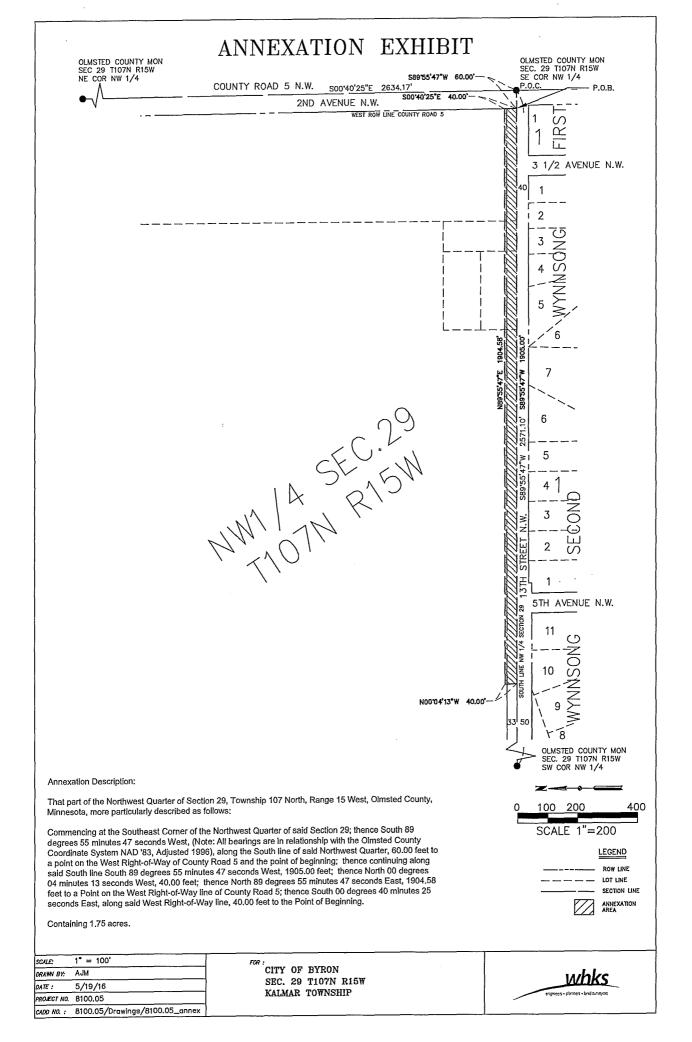
CITY OF BYRON By: UNA OLOCAS

Ann Diercks, Mayor

Approved this 28th day of June 2016

ATTEST:

By: fr Mary K. Blair-Hoeft, City Administrator



13th Street NW



## July 13, 2016

4 E911 Addresses



0.04

0.05

0

0.08

0.1

Rochester-Olmsted County Planning Department GIS Division

0.16 mi

0.2 km