



RECEIVED

By: OAH on October 20, 2023

Byron – RESOLUTION 23-28

Kalmar – RESOLUTION 23-09

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

***WHEREAS**, on September 23, 2023 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;

See Exhibit A and Exhibit B attached hereto

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, within 30 days, order the annexation in accordance with the terms of the joint 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:

See Exhibit A and Exhibit B attached hereto

2. **Acreage/Population/Usage.** That the orderly annexation area consists of approximately 4.69 acres in size (.75 acres of roadway), the population in the area is 0, and the land use type is residential and 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 the City of Byron will pay the equivalent of 10 years of township taxes for 3.94 acres. This payment may occur in one lump sum payment. The remaining acreage will have no reimbursement arrangements as the property generates no tax dollars as a roadway.

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, within 30 days, order the annexation in accordance with the terms of the joint resolution.

Adopted by affirmative vote of the City Council of Byron this 10th day of October, 2023.

CITY OF BYRON

By: _____

Daryl Glassmaker
Mayor

ATTEST:

By: _____

Al Roder
City Administrator

Signed by Kalmar Township Board of Supervisors this 16th day October of 2023.

KALMAR TOWNSHIP

By: _____

Chairperson
Board of Supervisor

ATTEST:

By: _____

Township Clerk

Legal Descriptions for City of Byron Resolution 23-28

Exhibit A

Beginning at the NE corner of the S 1/2 NW 1/4 Section 31, Township 107, Range 15, thence West 128 feet, thence South to the right of way of the Chicago Northwestern Railway Company, thence Southeasterly along said right of way of the Chicago Northwestern Railway to the East line of the aforesaid S 1/2 NW 1/4, thence North to the place of beginning, Olmsted County, Minnesota;

AND

Beginning at the Northwest corner of the South Half (S 1/2) of the Northeast Quarter (NE 1/4), Section Thirty-one (31), Township One Hundred Seven (107) North of Range Fifteen (15) West, thence East 128 feet, thence South to the Right of Way of the Chicago Northwestern Railway Company, thence Westerly along the Right of Way of the Chicago Northwestern Railway to the West line of the aforesaid South Half (S 1/2) of the Northeast Quarter (NE 1/4), thence North to the place of beginning, Olmsted County, Minnesota;

AND

That part of the Southwest Quarter of the Northeast Quarter of Section 31, Township 107 North, Range 15 West, Olmsted County, Minnesota, described as follows:

Commencing at the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from North of 89 degrees 04 minutes 46 seconds, along the north line of said Southwest Quarter of the Northeast Quarter, 128.00 feet to the point of beginning; thence easterly 89 degrees 04 minutes 46 seconds azimuth along said north line 604.46 feet; thence southerly 178 degrees 39 minutes 16 seconds azimuth 210.44 feet; thence westerly 270 degrees 32 minutes 13 seconds azimuth, along the north line of the Chicago and Northwestern Railroad Right of Way, 605.09 feet; thence northerly 358 degrees 44 minutes 56 seconds azimuth parallel with the west line of said Northeast Quarter 195.05 feet to the point of beginning.

Exhibit B

That part of the North Half of Section 31, Township 107 North, Range 15 West, Olmsted County, Minnesota, more particularly described:

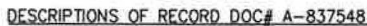
Beginning at the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 31; thence North 89 degrees 50 minutes 29 seconds East (Note: All bearings are based on the Olmsted County Coordinate System, NAD'83, Adjusted 1996) along the south line of said Northeast Quarter, 798.97 feet to the northwest corner of COUNTRY LANE WEST SUBDIVISION, according to the plat thereof on record at the Olmsted County, Minnesota recorder's office; thence North 00 degrees 35 minutes 54 seconds West, 33.00 feet; thence South 89 degrees 50 minutes 29 seconds West, 798.91 feet to the west line of said Northeast Quarter; thence South 89 degrees 50 minutes 17 seconds West, 128.00 feet; thence South 00 degrees 30 minutes 07 seconds East, 33.00 feet; thence North 89 degrees 50 minutes 17 seconds East, 128.00 feet to the Point of Beginning.

AND

The north 33.00 feet of that part of the Southwest Quarter of the Northeast Quarter lying north of the Northerly right-of-way line of the Chicago and North Western Transportation Company, formerly Chicago and North Western Railway Company less the West 732.46 feet, less the East 470 feet of the West 1,268.46 feet, less that part platted as Lorentz Estate Subdivision, in Section 31, Township 107, Range 15, Olmsted County, Minnesota

Containing 0.75 acres, more or less and subject to any easements and restrictions of record.

**ANNEXATION EXHIBIT
PART OF THE NW 1/4 & NE 1/4
SECTION 31, T 107 N, R 15 W
OLMSTED COUNTY, MINNESOTA**



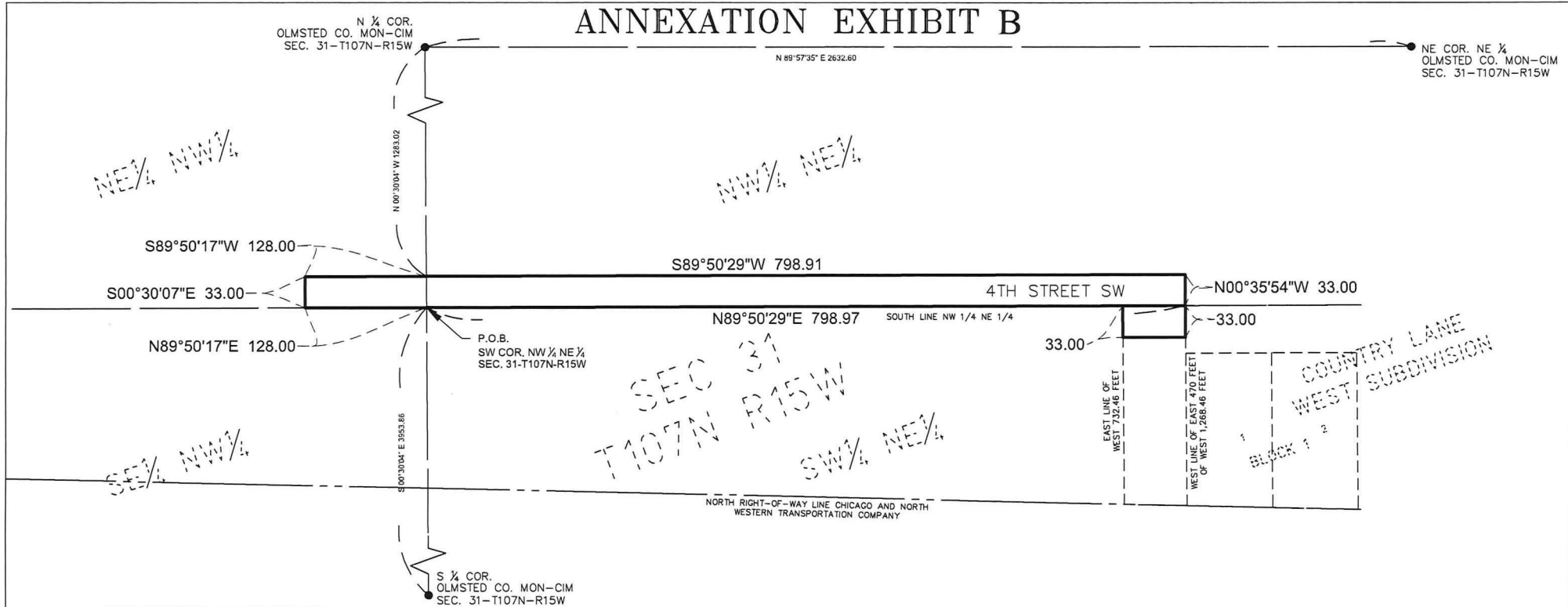
Commencing at the Northwest corner of said Southwest Quarter of the Northeast Quarter; thence easterly on a Minnesota State Plane Grid Azimuth from North of 89 degrees 04 minutes 46 seconds, along the north line of said Southwest Quarter of the Northeast Quarter, 128.00 feet to the point of beginning; thence easterly 89 degrees 04 minutes 46 seconds azimuth along said north line 604.46 feet; thence southerly 178 degrees 39 minutes 16 seconds azimuth 210.44 feet; thence westerly 270 degrees 32 minutes 13 seconds azimuth, along the north line of the Chicago and Northwestern Railroad Right of Way, 605.09 feet; thence northerly 358 degrees 44 minutes 56 seconds azimuth parallel with the west line of said Northeast Quarter 195.05 feet to the point of beginning.



ANNEXATION EXHIBIT

DRAWN BY: G.D.Z. SHEET 1 OF 1

ANNEXATION EXHIBIT B



ANNEXATION DESCRIPTION:

That part of the North Half of Section 31, Township 107 North, Range 15 West, Olmsted County, Minnesota, more particularly described:

Beginning at the southwest corner of the Northwest Quarter of the Northeast Quarter of said Section 31; thence North 89 degrees 50 minutes 29 seconds East (Note: All bearings are based on the Olmsted County Coordinate System, NAD'83, Adjusted 1996) along the south line of said Northeast Quarter, 798.97 feet to the northwest corner of COUNTRY LANE WEST SUBDIVISION, according to the plat there of on record at the Olmsted County, Minnesota recorder's office; thence North 00 degrees 35 minutes 54 seconds West, 33.00 feet; thence South 89 degrees 50 minutes 29 seconds West, 798.91 feet to the west line of said Northeast Quarter; thence South 89 degrees 50 minutes 17 seconds West, 128.00 feet; thence South 00 degrees 30 minutes 07 seconds East, 33.00 feet; thence North 89 degrees 50 minutes 17 seconds East, 128.00 feet to the Point of Beginning.

AND

The north 33.00 feet of that part of the Southwest Quarter of the Northeast Quarter lying north of the Northerly right-of-way line of the Chicago and North Western Transportation Company, formerly Chicago and North Western Railway Company less the West 732.46 feet, less the East 470 feet of the West 1,268.46 feet, less that part platted as Lorentz Estate Subdivision, in Section 31, Township 107, Range 15, Olmsted County, Minnesota

Containing 0.75 acres, more or less and subject to any easements and restrictions of record.

BEARING SYSTEM USED:

OLMSTED COUNTY COORDINATE
SYSTEM NAD 83, ADJUSTMENT- 1996

LEGEND

- ANNEXATION BOUNDARY
- - - EXISTING LOT LINE
- SECTION LINE
- - - RIGHT-OF-WAY LINE



SCALE: 1" = 200'

DRAWN BY: ADM

DATE: 10/02/2023

PROJECT NO: 9476

CADD NO.: 9476_ROCHESTER_ANNEXATION

FOR:

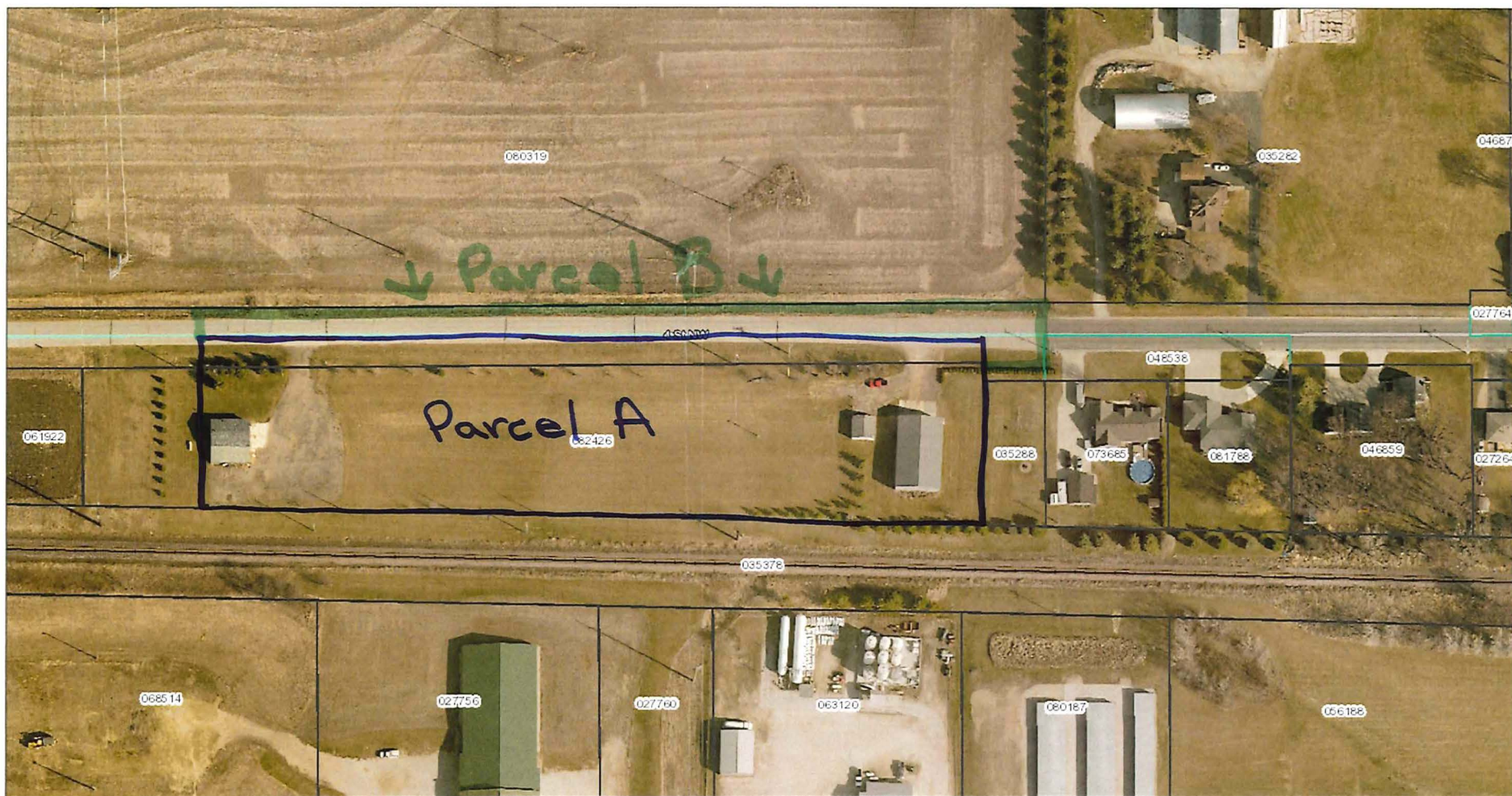
CITY OF BYRON

N 1/2

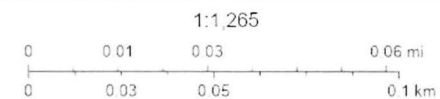
SEC. 31, TOWNSHIP 107N., RNG. 15W

OLMSTED COUNTY, MINNESOTA





October 17, 2023



Olmsted County MN GIS, Olmsted County, MN GIS Division

Olmsted MN Assessment and Tax office

MANTORVILLE

MUNICIPITY OF BYRON

PREPARED BY THE
MINNESOTA DEPARTMENT OF TRANSPORTATION
OFFICE OF TRANSPORTATION SYSTEM MANAGEMENT

IN COOPERATION WITH
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION



2022

Projection:
Transverse Mercator
NAD 1983
UTM Zone 15



North American Datum
of 1983



Population (U.S. Census 2020) 6,512

LAST EDITED ON 1-08-2023

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