

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Orderly Annexation
of Certain Real Property to the City of
Byron from Kalmar Township
(MBAU Docket OA-1871-1)

**ORDER APPROVING
ANNEXATION**

Byron Resolution 23-28/Kalmar Resolution 23-09 for orderly annexation (Joint Resolution), adopted by the City of Byron (City) on October 10, 2023, and the Kalmar Town Board (Township) on October 16, 2023, requests the designation and immediate annexation of certain real property (Property) legally described as follows:

Beginning at the NE corner of the S $\frac{1}{2}$ NW $\frac{1}{4}$ 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 $\frac{1}{2}$ NW $\frac{1}{4}$, thence North to the place of beginning, Olmsted County, Minnesota;

AND

Beginning at the Northwest corner of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$), 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 $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$), 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.

AND

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.


Based upon a review of the Joint Resolution, the Administrative Law Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 414.0325 (2022), the Joint Resolution is deemed adequate in all legal respects and properly supports this Order.
2. Pursuant to the terms of the Joint Resolution and this Order, the Property is **ANNEXED** to the City.

3. Pursuant to the agreement of the parties and as allowed by Minn. Stat. § 414.036 (2022), the City will reimburse the Township in accordance with the terms of the Joint Resolution.

Dated: October 26, 2023


JESSICA A. PALMER-DENIG
Administrative Law Judge

NOTICE

This Order is the final administrative order in this case under Minn. Stat. §§ 414.0325, .07, .09, .12 (2022). Pursuant to Minn. Stat. § 414.07, subd. 2, any person aggrieved by this Order may appeal to Olmsted County District Court by filing an Application for Review with the Court Administrator within 30 days of this Order. An appeal does not stay the effect of this Order.

Any party may submit a written request for an amendment of this Order within seven days from the date of the mailing of the Order pursuant to Minn. R. 6000.3100 (2023). However, no request for amendment shall extend the time of appeal from this Order.