

**SALEM TOWNSHIP RESOLUTION
DISSOLVING AN AGREEMENT OF UNDERSTANDING
RESOLUTION 2018-10**

WHEREAS, on January 16, 2013 the Salem Township Planning Commission entered into an agreement of understanding with Chris DeCook representing himself and Barbara Kurth representing R. E. Ross Farm Properties LLC to allow for the operation of an excavating business at 10920 10th St. SW, Byron MN as a home occupation under Salem Township Conditional Use Permit CUP-06-02 within an Agricultural Protection District (A-2).

WHEREAS, Conditional Use Permit CUP-06-02 was issued for a property located at 11332 15th St. SW, Byron, MN 55920 and the agreement of understanding allowed for the use to expand to both the original location and 10920 10th Street SW, Byron, MN location.

WHEREAS, since the adoption of the agreement, Chris DeCook has purchased the property from R.E. Ross Farm Properties LLC.

WHEREAS, Chris DeCook obtained the necessary permits and has moved the landscaping business to 6262 Salem Road SW, Rochester, MN

WHEREAS, Chris DeCook has moved the excavating business to 821 Country Club Road SE, Byron, MN

WHEREAS, since Chris DeCook has relocated, the Salem Township Board wishes to dissolve the agreement of understanding, and

WHEREAS, under the terms of the agreement of understanding the Salem Township Board was granted the authority to terminate the agreement at the Board's discretion, and;

WHEREAS, Chris DeCook was provided a copy of this resolution at least ten days prior to adoption.

NOW, THEREFORE, be it resolved by the Salem Township Board as follows:

Since Conditional Use Permit CUP-06-02 was granted to Chris DeCook as a home occupation, it may continue as a home occupation business located at 11332 15th Street SW, Byron, MN as long as the conditions are met, and;

Since Chris DeCook does not live at the 10920 10th St. SW, Byron, MN, only

those types of activities which are permitted within an A-2 Agricultural Protection District in the Salem Township Zoning Ordinance may take place at this location, and;

Any landscaping and excavating business activities at 10920 10th Street SW, Byron, MN must cease immediately.

The area must be returned to its original conditions with the removal of all tanks, equipment, supplies and waste.

Conclusion:

Motion by Draw Moessner, second by Brian Connelly to approve. Motion carried with 3 yes votes 0 no votes and 0 abstentions.

Passed and adopted by the Salem Town Board this 7th day of November 2018.

Brian Connelly
Brian Connelly, Chairman

Attest:

Sharon Petersen

Sharon Petersen, Clerk

DISTRIBUTION:

Township Clerk
Zoning Administrator
Chris DeCook

TCPA
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