

**TOWN OF COTTAGE GROVE
BOARD RESOLUTION 2016-10**

**APPROVALS RELATED TO
PLAT OF VINEY'S ADDITION TO SKYHIGH**

WHEREAS, on June 29, 2016, Donald Viney ("Subdivider") submitted a preliminary plat for Viney's Addition to Skyhigh (the "preliminary plat"), which is located in the Town of Cottage Grove, Dane County, WI; and

WHEREAS, on July 18, 2016, the Town Board conditionally approved the preliminary plat subject to the conditions set forth in Town Board Resolution 2016-04, which is incorporated herein by reference; and

WHEREAS, the Subdivider has submitted for approval the final plat for Viney's Addition to Skyhigh (the "final plat") as well as certain additional documents intended to satisfy the conditions of approval, and has also requested an early start permit; and

WHEREAS, the Town Planner and Town Engineer have reviewed the request, and prepared separate reports to the Town Clerk for consideration by the Town Board (collectively hereafter, the "Reports"), which Reports are incorporated herein by reference; and

WHEREAS, the Plan Commission considered the request for approval of the final plat and has made its recommendations to the Town Board; and

WHEREAS, the Town Board has considered the foregoing and shall take action as set forth herein.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Cottage Grove as follows:

The Town of Cottage Grove Town Board has completed its review of the final plat for Viney's Addition to Skyhigh (Subdivider: Viney Acres, LLC) located in Lot 1, CSM No. 3894, and in the SE ¼ of the SW ¼, Section 21, T7N, R11E, Town of Cottage Grove, Dane County, Wisconsin, and hereby resolves as follows:

1. **Approvals Obtained from Dane County and Wisconsin Department of Natural Resources (DNR).** The approvals listed below have been obtained from Dane County and DNR are hereby acknowledged by the Town. Subdivider's compliance with Dane County's and DNR's requirements are a continuing obligation of the Subdivider and a condition of approval, which may be enforced by Dane County, DNR and/or the Town. The approvals obtained as of the date of this resolution include:
 - a. Dane County Permit to Work in Right of Way Number 16U156 dated 10/28/2016
 - b. Dane County Erosion Control Permit EC2016-0352 with start date of 10/21/2016 and stabilization/expiration date of 5/31/2017
 - c. Dane County Stormwater Permit (as reviewed by Town Engineer and to be issued upon execution of Stormwater Maintenance Agreement)
 - d. DNR WPDES General Permit No. WI-S067831-04 Construction Site Storm Water Runoff with start date of September 8, 2016 and expiration September 8, 2019
 - e. Dane County Rezone to R-2 Residence District: Petition 10992
 - f. Dane County Final Plat Approval (with conditions) dated November 8, 2016, which includes the following conditions, which are incorporated as requirements of the Town:

- i. Compliance with the Dane County Comprehensive Plan is to be established.
 - *See memo from Planner Pam Andros that verifies that this plat is consistent with the land use plan for the Town of Cottage Grove.*
- ii. Rezone Petition #10992 is to become effective and all conditions established are to be satisfied no later than September 7, 2018.
 - *An approved Plat Map shall be recorded with the Dane County Register of Deeds Office.*
 - *The zoning is conditioned upon a maximum 15-lot/1-outlot subdivision plat being approved and recorded.*
 - *A transfer of development right document shall be recorded on the Dahl Farm, Section 26, and the Wood Farm, Section 35, identifying that 2 housing density rights have been used for the creation of the residential subdivision.*
- iii. The public park land appropriation requirement is to be satisfied (private park land does not satisfy this requirement).
 - *The developer will be paying park fees to the Town of Cottage Grove.*
- iv. All public land dedications are to be clearly designated “dedicated to the public.”
 - *Outlot 1 will be dedicated to the public for storm waterpond/management.*
- v. All streets shall be noted as dedicated to the public.
 - *Bass Road is being extended to the east and Vineys Trail is a new road to the north serving lot 1*
 - *The Town further adopts the Town Engineer’s recommendation that a permanent Type 3 barricade be installed at the end of Vineys Trail*
- vi. A suitable turn around shall be installed at the end of VINEYS TRAIL that meets the specifications or requirements of the Town of Cottage Grove.
- vii. All streets shall be graded and surfaced in accordance with plans, specifications and requirements of the Dane County Highway Commission and the Town of Cottage Grove.
- viii. Comments from the Dane County Highway department are to be satisfied:
 - *CTH N is a controlled access highway.*
 - *Access to remain to serve outlot maintenance only.*
 - *Access to be gated at all times.*
 - *Right of way appears to be correct.*
- ix. Utility easements are to be provided.
- x. Street names with respect to Ch. 76 of the Dane County Code of Ordinances are to be assigned.
 - *Dane County Surveyor approval has been obtained for Vineys Trail.*
- xi. The required approval certificates are to be satisfied.
 - *Town of Cottage Grove*
 - *Village of Cottage Grove*

- xii. Compliance with Ch. 14.45 DCCO, Erosion Control Plans is to be established prior to the start of construction.
 - xiii. Compliance with Ch. 14.46 DCCO, Stormwater Control Permits is to be established prior to the start of construction.
2. **Town Approval of Erosion Control Permit and Storm Water Permit.** As indicated above, the Subdivider has obtained Dane County Erosion Control Permit EC2016-0352 with start date of 10/21/2016 and stabilization/expiration date of 5/31/2017 (“Erosion Control Permit”), Dane County Stormwater Permit (reviewed by Town Engineer and to be issued when Developer executes Stormwater Maintenance Agreement referenced in paragraph 3 below), and DNR WPDES General Permit No. WI-S067831-04 Construction Site Storm Water Runoff with start date of September 8, 2016 and expiration September 8, 2019 (“DNR Construction Site Permit”). By this Resolution, the Town Board acknowledges and accepts the standards set forth therein, which standards supersede any prior approvals as to the subject matter contained therein.
 3. **Town Documents Approved.** The documents listed below have been reviewed and approved by the Town Board at the Town Board meeting on November 10, 2016, and the Subdivider shall provide executed and notarized originals of same to the Town Clerk, along with appropriate recording fees, for review by the Town Attorney for consistency with these approvals and for final signature by the Town and recording at the Dane County Register of Deeds office:
 - a. Development Agreement
 - b. Construction Plans dated 11/8/2016, as reviewed and approved by the Town Engineer
 - c. Covenants, Restrictions, Conditions and Easements for Plat
 - d. Declaration of Covenants and Restrictions for Maintenance of Stormwater Management Measures
 - e. TDR Notices and Easements as prepared by Dane County on July 27, 2016 (Approved as to form prepared by Dane County; Developer to provide final information and complete documents; completed documents require Town Attorney review/approval, as appropriate.)
 4. **Monitoring by Town Engineer.** The Town Board requires that the Town Engineer monitor the Subdivider and construction site for compliance with the Erosion Control Permit, the Storm Water Permit and the Development Agreement.
 5. **Plat Approval Conditioned on Compliance.** The Final Plat is approved subject to Developer’s satisfaction of the following remaining conditions to the satisfaction of the Town Engineer:
 - a. Correct spelling error(s).
 - b. Letter of credit requirement allocated to survey monumentation to remain in place until survey monumentation is complete. Town Board will allow completion of survey monumentation as required in the Development Agreement.
 - c. Concurrence from electric and communications utilities as to location of easements and no pedestals in public drainage easement areas.
 6. **Payment of Fees in Lieu of Parkland.** The Subdivider shall pay the Town the required fees in lieu of parkland prior to issuance of an early start variance permit or the Town’s execution of the Plat.
 7. **Letter of Credit.** The Letter of Credit shall be in the form recommended by the Town Attorney. The total amount of the letter of credit shall be \$297,743.00. Of this total amount, \$55,743 shall be held jointly by and between Dane County and the Town as required for the erosion control and stormwater

management permit requirements (either may draw on this part of the LOC), and \$242,000.00 shall be solely for the Town for other required improvements for the development (only the Town may draw on this part of the LOC).

8. **Plat and Document Execution and Recording.** The Subdivider shall obtain approval for the plat from all other approving authorities, as required by law. The Subdivider shall provide fully executed and notarized originals of the Plat and all approved Town Documents identified in paragraph 3 above. Recording shall be coordinated with the Town Clerk and Town Attorney so that documents are fully completed and recorded in the proper sequence to assure priority of the obligations set forth in the required Town documents. If an early start permit is allowed, all requirements except final approval and recording of the Plat must be met, as confirmed by the Town Clerk in consultation with the Town Attorney, as necessary, prior to issuance of the early start variance permit.
9. **Reimbursement from Subdivider.** The Subdivider shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by the Town in connection with the review and approval of the preliminary and final plat, including, but not limited to, the cost of professional services incurred by the Town of Cottage Grove for the review and preparation of required documents, attendance at meetings or other related professional services. The Subdivider shall pay the Town accrued Town consultant fees prior to issuance of an early start variance permit or the Town's execution of the Plat.
10. **Expiration.** This conditional approval by the Town Board shall expire at termination of the Village of Cottage Grove's Waiver of its ETJ over the area included in the preliminary plat. If the final plat has not been recorded prior to such termination, the Subdivider shall be required to obtain approval from the Village of Cottage Grove and the Town of Cottage Grove shall have an opportunity to reconsider and adjust the terms and conditions set forth herein.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 10th day of November, 2016, by a vote of 5 in favor and 0 opposed.

TOWN OF COTTAGE GROVE



Kris Hampton, Town Chairperson

Attested by:


Kim Banigan, Town Clerk

Reports from Town Consultants Incorporated by Reference:

Town Engineer Reports dated July 14, 2016, July 21, 2016 and November 4, 2016
Town Planner Reports dated July 14, 2016, July 22, 2016 and October 31, 2016