

**TOWN OF COTTAGE GROVE
TOWN BOARD RESOLUTION NO. 2019-06-17**

CONCEPTUAL APPROVAL OF KENNEDY HILLS DEVELOPMENT PROPOSAL

WHEREAS, in 2018, David C. Riesop and Riesop Farms, LLC, submitted a draft preliminary plat and concept plan for a single family residential development in the Town of Cottage Grove, Dane County, WI (“the Development”) and obtained input from the Town Plan Commission and Town Board on the Development; and

WHEREAS, on April 11, 2019, David C. Riesop (“Petitioner”) on behalf of Kennedy Hills, LLC, a single member limited liability company (“Developer”) paid the preliminary plat review fee and formally submitted a preliminary plat including Lots 1 -16 for single family residential development, Outlot 1 (stormwater) and Outlot 2 (park with trails) identified as the Preliminary Plat of Kennedy Hills (Drawing No. 4241-19; Dated 3/29/2019) (the “Preliminary Plat”), which Preliminary Plat is located in the NW ¼ of the NE ¼, Section 10, T 7 N, R 11 E of the Town of Cottage Grove; and

WHEREAS, the Developer anticipates two additions to Kennedy Hills north of the 16-lot single family residential development set forth in the Preliminary Plat, with the first addition including Lots 17 – 38 and the second addition including Lots 39 – 64, Outlot 3 (park with parking area) and Outlot 4 (stormwater), all as set forth in the concept plan; and

WHEREAS, the Petitioner has requested approval of the Preliminary Plat and rezoning of the lots within the Preliminary Plat; and

WHEREAS, the Town submitted a Town Action Report to Dane County recommending rezoning of the property within the Development consistent with the comprehensive plan and Dane County’s Transfer of Development Rights program; and

WHEREAS, the Plan Commission has confirmed its recommendation for concept approval of the Development proposal and conditional approval of the Preliminary Plat as set forth in Plan Commission Resolution No. 2019-05-17, and the Town Board wishes to support the proposed Development and continue its review of the Preliminary Plat, all as set forth in this resolution.

NOW, THEREFORE, FOLLOWING CONSIDERATION OF THE ABOVE RECITALS, WHICH ARE INCORPORATED BY REFERENCE, IT IS HEREBY RESOLVED by the Town Board of the Town of Cottage Grove as follows:

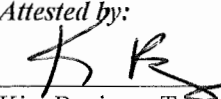
1. The Town Board acknowledges Plan Commission Resolution No. 2019-06-17, and concurs with conceptual approval of the Development proposal presented by David C. Riesop and Kennedy Hills, LLC.
2. Prior to Town Board action on the Preliminary Plat, the Town Board requests that the Town Engineer prepare a report incorporating recommendations that assure that the Preliminary Plat will satisfy Town ordinances and that construction will proceed in accordance with generally acceptable engineering standards in the Town, as determined by the Town Engineer.
3. The Town Board further recommends that the Town Engineer work collaboratively with Dane County Land and Water Resources Department (LWRD) to review and establish by County permit those requirements necessary for: (a) soil and erosion control within the Preliminary Plat; and, (b) stormwater management facilities that fully satisfy County requirements and address stormwater runoff issues related to the Preliminary Plat.
4. The Town Board concurs with the Plan Commission recommendation that the Town Engineer work collaboratively with Dane County Highway and the Developer’s Engineer regarding the design requirements for the County Highway BB and Kennedy Road intersection related to this Preliminary Plat and the anticipated first and second additions, and the stormwater discharge to the County Highway BB right-of-way, and report back to the Town Board regarding the status.

5. The Town Board concurs with the Plan Commission recommendation that the Town require written certification by the Developer's engineer, in the same format as required by Dane County LWRD, that the stormwater management facilities as-built are in compliance with the permit and operating in accordance with the approved design.
6. Prior to further action by the Town Board, the Town Board requests that Attorney Connie Anderson, as Special Counsel for the Town, negotiate a Development Agreement with the Developer/Owner that is consistent with Town ordinances and addresses issues unique to the Preliminary Plat. The Development Agreement shall be reviewed by the Town Clerk and Town Engineer, and then referred to the Town Board for consideration. When approved by the Town Board, the Development Agreement shall be executed by and between the Developer and Town. The Final Plat shall not be signed by the Town until the Development Agreement is fully executed.
7. The Town Board recommends that the Developer obtain and present to the Town confirmation of approval or waiver from the Village of Cottage Grove with respect to its extraterritorial plat review authority.
8. The Town Board recommends that the Developer obtain written confirmation from the Town Engineer of "no objection" to the Construction Plans and Specifications for all public improvements prior to construction.
9. The Town Board recommends that the Developer obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS District.
10. The Town Board requests that the Petitioner/Owner satisfy the requirements of the Dane County Transfer of Development Rights ("TDR") Programs, as opted-in to by the Town of Cottage Grove, and shall require confirmation of same prior to the Town signing the Final Plat.
11. The Town Board requests written confirmation of appropriate rezoning of the Preliminary Plat from Dane County.
12. The above recommendations are in addition to requiring that the Petitioner obtain approval from all other approving authorities, as required by law.
13. The Town acknowledges receipt of the Predevelopment Agreement and the \$5000.00 deposit from the Petitioner/Developer. As set forth therein, the Petitioner/Developer shall promptly reimburse the Town of Cottage Grove for all costs and expenses incurred by 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.
14. The Town Board requests that the Town Clerk and Special Counsel work with the Petitioner/Developer to obtain up to a 60 day extension of the statutory approval deadlines so that the Town and Petitioner/Developer can proceed with necessary review, and that a report back to the Town Board be provided at the July 1, 2019 Town Board meeting.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 17th day of June, 2019, by a vote of 4 in favor and 0 opposed.

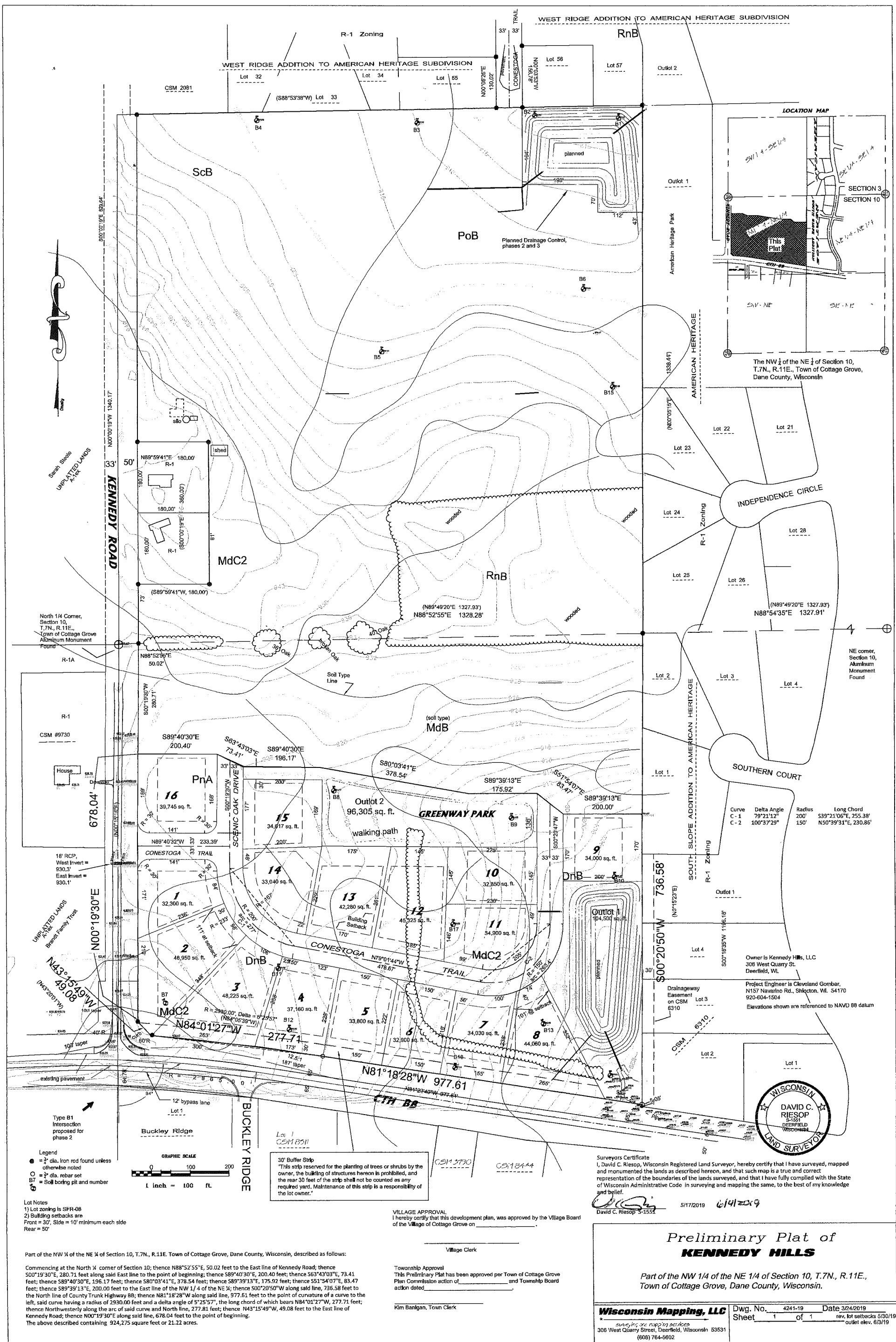
TOWN OF COTTAGE GROVE

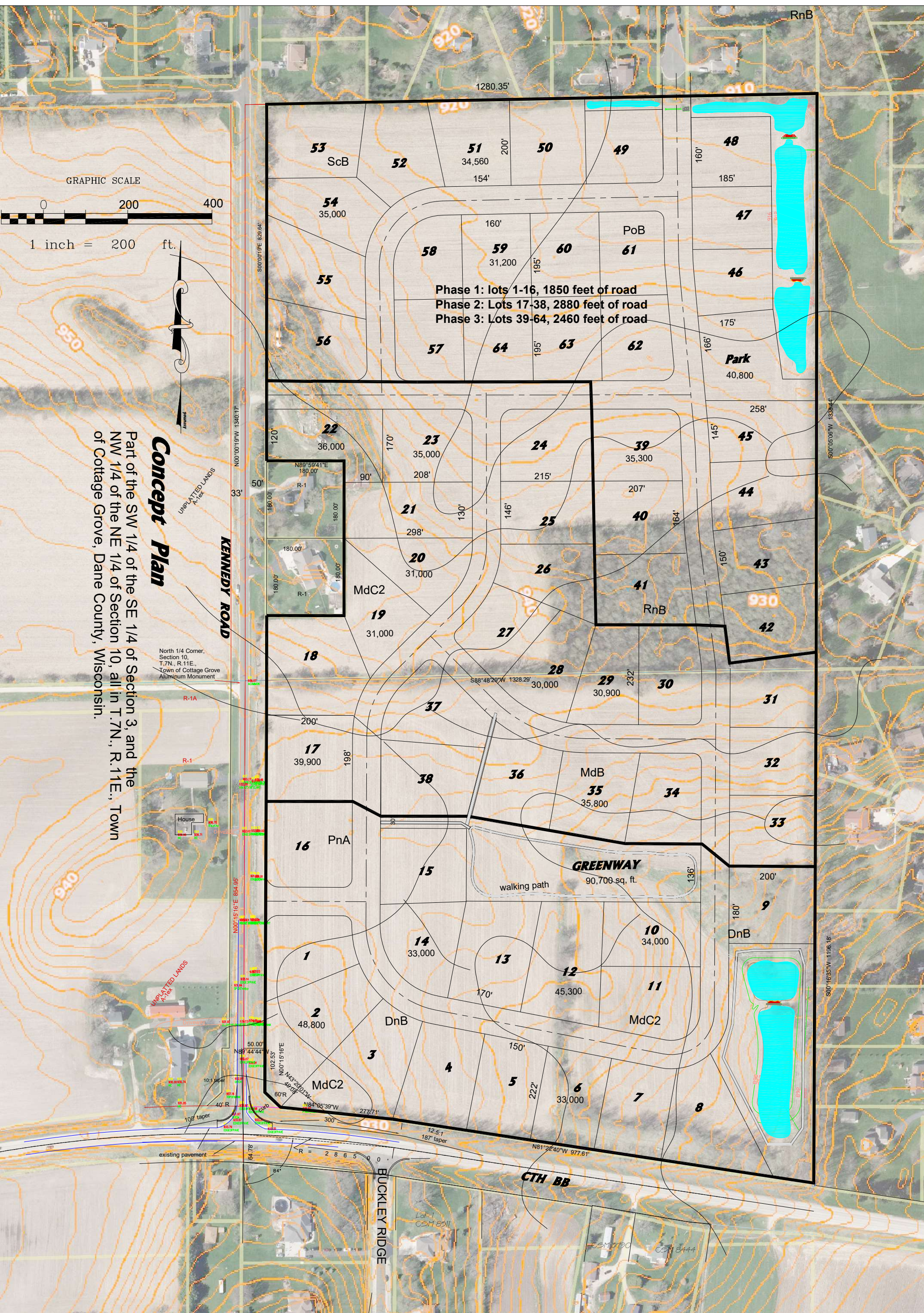

Kris Hampton, Town Chair

Attested by:

Kim Banigan, Town Clerk

Incorporated by Reference:

Exhibit A Preliminary Plat for Kennedy Hills
Exhibit B Concept Plan for Development





AFFIDAVIT OF POSTING OF
TOWN OF COTTAGE GROVE RESOLUTION

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

I, Kim Banigan, Cottage Grove Town Clerk, being first duly sworn, on oath, state as follows:

On June 20, 2019 the following was duly posted on the Town of Cottage Grove's internet site and on the Cottage Grove Town Hall Bulletin board, all in accordance with TCG 25.01(4) and Wis. Stats., §60.80.

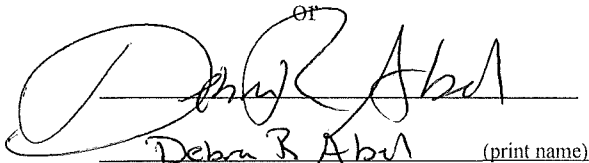
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Kim Banigan, Town Clerk

Subscribed to and sworn before me
this 20th day of June, 2019.

Signature of Town Chair person

or


Debra R. Abel (print name)

Notary Public, State of Wisconsin

My Commission expires: 3/7/2023

