

**TOWN OF COTTAGE GROVE
RESOLUTION 2023-10-16**

**CONDITIONAL APPROVAL OF A PRELIMINARY PLAT FOR
SWALHEIM BUSINESS PARK**

WHEREAS, Duane Swalheim (the “Developer”), on behalf Swalheim 2011 Revocable Trust, which owns the property described as Lot 4, Certified Survey Map No. 15140 (the “Subject Property”) has requested approval of a preliminary plat for the Subject Property; and,

WHEREAS, the Developer submitted an application for preliminary plat approval and the preliminary plat review fee to the Town of Cottage Grove (the “Town”); and,

WHEREAS, the proposed preliminary plat, Swalheim Business Park, consists of Lots 1-10 for commercial business development, Outlot 1, and a new street, and is located in the SW ¼ of the SW ¼ of Section 27, T7N, R11E, in the Town; and,

WHEREAS, the Plan Commission recommended approval of the Preliminary Plat to the Town Board subject to conditions, as stated in Plan Commission Resolution 2023-10-16; and,

WHEREAS, following a review of information presented at the Plan Commission meeting and receiving recommendations of staff, the Town Board approves the Preliminary Plat for Swalheim Business Park, subject to certain conditions;

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

The Town of Cottage Grove Board hereby approves the Swalheim Business Park Preliminary Plat subject to the following conditions:

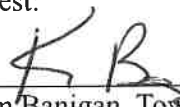
1. The Developer is required to develop the Preliminary Plat in compliance with all applicable State statutes and Town ordinances and in accordance with generally acceptable engineering standards in the Town, as determined by the Town Engineer.
2. The Developer shall obtain from County Land and Water Resources Department (“LWRD”) all reviews and permits 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.
3. The Developer shall provide the Town written certification from the Developer’s engineer, in the same format as required by County LWRD, that the stormwater management facilities as-built are in compliance with all applicable permits and are operating in accordance with the approved design.

4. The Developer's engineer shall work with the Town Engineer to establish design requirements and construction standards for the street improvements within the Plat and the improvements to North Star Road related to this Preliminary Plat.
5. The Developer shall enter a Development Agreement with the Town regarding the development of the Preliminary Plat. The Development Agreement shall be drafted by the Town Attorney and reviewed by the Town Engineer and Town Board. 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.
6. The Developer shall obtain written confirmation from the Town Engineer of "no objection" to the Construction Plans and Specifications for all public improvements prior to construction.
7. The Developer shall obtain approval of the Preliminary Plat from the Cottage Grove Fire Department and the Deer-Grove EMS District and present such approval to the Town.
8. The Developer shall obtain written confirmation of appropriate rezoning of the Preliminary Plat from Dane County and present such confirmation to the Town.
9. Developer shall satisfy all conditions articulated in the Town Engineer's letter reviewing the preliminary plat, dated August 23, 2023.
10. In addition to those outlined above, the Developer shall obtain all required approvals from other approving authorities, as required by law.
11. The Developer shall promptly reimburse the Town 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 costs of professional services incurred by the Town for the review and preparation of required documents, attendance at meetings, or other related professional services.
12. The Town Board's approval of the Preliminary Plat expires one hundred eighty (180) days from the date of adoption of this Resolution unless the Developer has satisfied all conditions of approval stated herein. Time is of the essence. If the Developer encounters an unforeseen development delay, it shall immediately advise the Town Clerk and may request an extension, which is subject to the approval of the Town Board.

The above and foregoing Resolution was adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 16th day of October, 2023, by a vote of 5 in favor and 0 opposed.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Board Chair

Attest:

Kim Banigan, Town Clerk

Incorporated by Reference:
Developer's Preliminary Plat Application
Plan Commission Resolution 2023-10-16