

**TOWN OF COTTAGE GROVE
TOWN BOARD
RESOLUTION 2026-09-08a**

**A RESOLUTION CONDITIONALLY ACCEPTING THE PUBLIC IMPROVEMENTS
AT SWALHEIM BUSINESS PARK AND AUTHORIZING THE REDUCTION OF THE
SURETY REQUIRED BY THE DEVELOPMENT AGREEMENT FOR SWALHEIM
BUSINESS PARK**

WHEREAS, on August 20, 2024, the Town of Cottage Grove (the "Town") and Duane Swalheim (the "Developer") entered a Development Agreement for the plat of Swalheim Business Park (the "Plat");

WHEREAS, under the Development Agreement, the Developer is required to complete certain public improvements to serve the Plat;

WHEREAS, under the Development Agreement, the Developer provided the Town an irrevocable letter of credit as a surety for the completion of the public improvements in an amount of \$1,482,285.60;

WHEREAS, the public improvements for most of the public improvements serving the Plat were substantially completed on January 22, 2026, but the public improvements for North Star Road were substantially completed on July 24, 2026;

WHEREAS, in accordance with Section 5.1 of the Development Agreement, the Developer now seeks to dedicate the public improvements serving the Plat to the Town;

WHEREAS, the Town Engineer has advised the Town that the Developer has completed the public improvements required by the Development Agreement and recommends the Town accept said public improvements on the condition the Developer provide as-built plans for the public improvements and maintain a surety for the 14-month warranty period for the North Star Road public improvements, in an amount of 10 percent of the costs of the North Star Road public improvements, in accordance with Section 10.3 of the Development Agreement;

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

1. The Town Board accepts dedication of the public improvements for the Plat on the following conditions:

a. The Developer shall provide final as-built plans for all public improvements to the Town and Town Engineer;

b. The Developer provide a surety, in accordance with Section 10.1 of the Development Agreement and in a form acceptable to the Town Attorney, in an amount of \$41,181.12, which is 10 percent of the total costs of the public improvements for North Star Road,

for the duration of the 14-month warranty period, which ends on September 24, 2027. The warranty period for the other public improvements serving the Plat ends on March 22, 2027. The Town Board does not require any surety for the other public improvements.

2. The Town shall not release the irrevocable letter of credit provided by the Developer until the Town is in receipt of a new surety described herein. Upon receipt of the new surety, the Town Board Chair and Town Clerk-Treasurer are authorized to execute any documents necessary to release the irrevocable letter of credit previously provided by the Developer.

This Resolution was duly adopted by the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, at a meeting on September 8 2026, by a vote of 5 in favor and 0 opposed and 0 abstaining.

TOWN OF COTTAGE GROVE


Steven Anders, Town Board Chair

Attest:


Kim Banigan, Town Clerk-Treasurer