

**RESOLUTION NO. 2023-21
(3/28/2023)**

**A RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA
APPROVING THE INSTALLATION OF A RETAINING WALL WITH A FENCE IN
AN EXISTING 15' DRAINAGE EASEMENT IN LOT 93 OF THE AUBURN HILLS
SUBDIVISION.**

The Village Board of the Village of Caledonia, Racine County, Wisconsin do resolve as follows:

WHEREAS, the owner of the property at 3268 Bergamot Drive presented to the Village of Caledonia Engineering Department a plan to install a retaining wall in the rear yard to support a pool installation and other rear yard improvements in June of 2022 and again in March of 2023 and;

WHEREAS, the property has fourteen feet of elevation change from the front of the home to the rear lot line that required small retaining walls to be installed as part of the original building permit to achieve 4:1 slopes on the lot and;

WHEREAS, there is a 10' drainage and utility easement along the rear lot line and a 15' drainage easement along the north side lot line and;

WHEREAS, the owners of 3268 Bergamot Drive have requested permission to allow a portion of their structural engineer designed and stamped retaining wall with fence to encroach into the 15' drainage easement to maximize the use and functionality of their backyard for the installation of said pool and rear yard improvements and;

WHEREAS, the Owner and the Owner's Contractors will need to acquire all necessary permits from the Village of Caledonia Planning and Zoning Department and;

WHEREAS, Village Staff has concerns regarding the placement and location of the pool in relation to the elevated uncovered deck attached to the primary dwelling and;

WHEREAS, on March 20, 2023, the Village's Board of Public Works reviewed and discussed the encroachment with the Owner and Village Engineer. At this meeting, a motion to recommend approval of the encroachment was passed and moved to the Village Board for review and action and;


NOW THEREFORE BE IT RESOLVED THAT, the Village Board of the Village of Caledonia adopts the findings of the Village Engineer as set forth in the Village Engineer's Memo dated March 15, 2023, attached hereto and incorporated herein as Exhibit A and approves the encroachment of the retaining wall with fence into the easement subject to the conditions listed below.

BE IT FURTHER RESOLVED, that the Village Board is willing to APPROVE the encroachment of the retaining wall with fence into the 15' drainage easement subject to the following conditions as listed in the Village Engineers Memo attached hereto as **Exhibit A** dated March 15, 2023 and presented to the Board of Public Works on March 20, 2023:

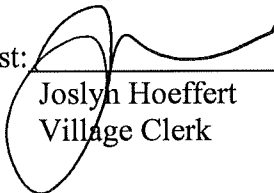
- The encroachment does not exceed 5' into the 15' Drainage Easement.
- An alternate location is found for pool equipment outside of said Drainage Easement.
- The owner enters into a Hold Harmless Agreement with the Village.
- The owner acquires waivers from the utility companies that may have right to install their utilities within this easement.
- The Contractor working on behalf of the owner maintains 4:1 slopes outside of the retaining wall within the easement.

Adopted by the Board of Trustees of the Village of Caledonia, Racine County, Wisconsin, this 08 day of March, 2023.

VILLAGE OF CALEDONIA

By: 

Lee Wishau
Village Acting President

Attest: 

Joslyn Hoeffert
Village Clerk