

**RESOLUTION NO. 2024-060  
VILLAGE OF CALEDONIA**

**A RESOLUTION AUTHORIZING THE PARCEL OF LAND WITH PARCEL NO. 104-04-23-18-300-230, LOCATED AT THE CORNER OF FIVE MILE ROAD AND DOUGLAS AVENUE TO BE LISTED FOR SALE, TO HAVE THE STAFF APPLY FOR REZONING AND TO IMPOSE A DECLARATION OF DEED RESTRICTION AGAINST THE PROPERTY**

The Village Board for the Village of Caledonia, Racine County, Wisconsin resolves as follows:

**WHEREAS**, the Village Board has authorized the Administrator to move forward to sell a Village owned parcel of land located at the corner of Five Mile Road and Douglas Avenue known as the former Fire Station #12 (Parcel No. 104-04-23-18-300-230 consisting of approximately 1.23 acres) (the “Property”);

**WHEREAS** the Village Board believes that the Property is no longer needed because a new fire and police station was constructed that better serves the Village and its residents;

**WHEREAS** Village staff has recommended to the Village Board that prior to the sale of the Property, the property be rezoned to B-2 Community Business District and that a deed restriction be placed over the Property to restrict certain uses in the important Douglas Avenue Corridor and a copy of the proposed deed restriction is attached hereto as **Exhibit A**;

**WHEREAS** the Village Plan Commission in accordance with Sec. 2-5-3(f)(5) of the Village’s Code of Ordinances and Wis. Stat. Section 62.23(5) adopted Resolution No. PC 2024-02 on April 29, 2024, finding that the proposed sale of the property is not inconsistent with Village plans and recommended the sale to the Village Board; and

**WHEREAS** the Plan Commission further recommended that prior to the sale of the Property, the Village initiate proceedings to rezone the Property to B-2 Community Business District and impose a deed restriction that runs over the whole of the Property as set forth on **Exhibit A** attached hereto and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that Village Administrator is authorized to list the Property for sale and to proceed with the application to rezone the property to B-2 Community Business District prior to the sale of the Property.

**BE IT FURTHER RESOLVED**, that certain uses be restricted on the Property by a deed restriction that runs over the whole of the Property as set forth in the Declaration of Deed Restriction attached hereto as **Exhibit A** and incorporated herein.

**BE IT FURTHER RESOLVED**, that the Village President, Village Clerk, Village Administrator and other necessary Village officials are authorized to take all actions on behalf of the Village to execute documents, undertake, direct and complete required activities in accordance

with the terms of this Resolution including authorizing the Village Administer to enter into a listing contract with Shorewest Realtors to market the Property for sale.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 14 day of May, 2024.

**VILLAGE OF CALEDONIA**

By: Thomas R Weatherston  
Thomas Weatherston  
Village President

Attest: Jennifer Olsen  
Jennifer Olsen  
Village Clerk

*Karie Pope*  
KARIE POPE  
RACINE COUNTY  
REGISTER OF DEEDS  
Fee Amount: \$30.00

Pages: 7

**DECLARATION OF  
DEED RESTRICTION**

This Declaration of Deed Restriction (this "Restriction") is made as of this 14<sup>th</sup> day of May, 2024, by Village of Caledonia, a Wisconsin municipal corporation ("Declarant").

**RECITALS:**

A. Declarant owns certain real property located at the corner of Douglas Avenue and Five Mile Road in the Village of Caledonia, Racine County, Wisconsin, as more particularly described on Exhibit A attached hereto and made a part hereof (the "Property").

B. Declarant desires to place a certain restriction on the Property, to bind those who may use the Property or acquire title to the Property in the future.

**DECLARATION:**

NOW, THEREFORE, Declarant hereby declares a restriction on the Property as follows:

1. The Property shall not be used or occupied for any of the following:
  - Vehicles sales, service, and repair
  - Fueling Station
  - Self-Storage facility
  - Recycling (including for drop-off) facility
  - Landfills or Fill Site
  - Adult Establishments / Adult Entertainment Uses
  - Landscape Contractors Yard
  - Outdoor Display/Sale/Storage of Materials or Outdoor Merchandise for Sale

**Recording Area**

**Name and Return Address:**

Elaine S. Ekes  
Pruitt, Ekes & Geary, S.C.  
245 Main St. Suite 404  
Racine, WI 53403

**PIN:**

104-04-23-18-300-230

*30-7*

2. The Property may be used or occupied for any other lawful uses not prohibited under Section 1.

3. This Restriction shall constitute a covenant that runs with the land and shall be binding upon Declarant, its successors and assigns, and all successor owners of the Property, and all parties holding under them.

4. The Restriction shall inure to the benefit of and be enforceable by the Village of Caledonia, a Wisconsin municipal corporation (the "Village"), and any successor entity of the Village. If the Village is dissolved or is otherwise no longer in existence and has no successor entity, then such right shall inure to Racine County, Wisconsin, a Wisconsin municipal corporation (the "County").

5. This Restriction was approved by the Village of Caledonia by Resolution No.: 2024-060, adopted by the Village Board on May 14, 2024. A copy is attached here to as **Exhibit B**.

6. This Restriction shall not be amended, revised or terminated except by an instrument in writing duly executed by Declarant or its respective successors or assigns and duly recorded with the Racine County Register of Deeds.

7. This Restriction is not a conveyance per Wis. Stat. § 77.21(1).

8. This Restriction shall be governed by, interpreted and construed in accordance with the laws of the State of Wisconsin.

9. If any provisions, or portions hereof, or the application to any person or circumstances shall, to any extent, be held invalid or unenforceable, the remainder of this Restriction, or the application of such provisions, or portion thereof, to any persons or circumstances shall not be affected thereby, and each provision of this Restriction shall be valid and enforceable to the fullest extent provided by law.

10. The terms and conditions of this Restriction may be enforced by any party with rights under this Restriction through proceedings at law or in equity against any person or persons violating or attempting to violate any term or condition in this Restriction either to restrain or prevent the violation. If any suit or action is brought to enforce the provisions of this Restriction, the party who prevails in such action or suit shall be entitled to recover its court costs and reasonable attorneys' fees from the other party.

[Signature Page Follows]



**EXHIBIT A**

**Legal Description of the Property**

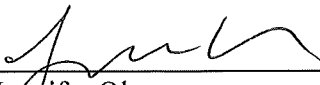
Lot 23, Caledonia Assessor's Plat No. 2, according to the recorded plat thereof, more particularly described as that part of the Southeast 1/4 of Section 18, Township 4 North, Range 23 East, bounded as follows: Begin on the North and South 1/4 line of said Section 18, at a point 520 feet North from the South 1/4 corner of said Section; thence North 84°57' East 606.7 feet to the center line of Wisconsin State Trunk Highway #32 and the place of beginning of this description; thence South 27°16' East to the center line of the 5 Mile Road; thence West along the center line of said highway to a point that is 273 feet East of the West line of said Southeast 1/4; thence North to a point that bears South 84°57' West of the place of beginning; thence North 84°57' East to the place of beginning. Said land being in the Village of Caledonia. County of Racine. State of Wisconsin.

**TAX KEY NO.:** 104-04-23-18-300-230

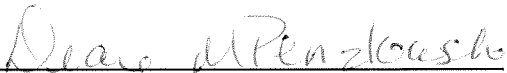
EXHIBIT B

CERTIFICATION

I, Jennifer Olsen, Village Clerk of the Village of Caledonia, Racine County, Wisconsin, do certify that the attached document is a true and correct copy of Resolution 2024-060, "Resolution of the Village Board of the Village of Caledonia Authorizing the Parcel of Land with Parcel No. 104-04-23-18-300-230, Located at the Corner of Five Mile Road and Douglas Avenue to be Listed for Sale, to Have the Staff Apply for Rezoning and to Impose a Declaration of Deed Restriction Against the Property" adopted by the Village Board on the 14<sup>th</sup> day of May, 2024.

  
\_\_\_\_\_  
Jennifer Olsen  
Village Clerk  
Village of Caledonia

Subscribed and sworn to before me  
this 17 day of May, 2024.

  
\_\_\_\_\_  
Notary Public, Racine County, Wisconsin  
My Commission Expires: 5-14-2028

