

**RESOLUTION NO. 2024-130
VILLAGE OF CALEDONIA**

**A RESOLUTION AUTHORIZING THE VILLAGE OF CALEDONIA TO COMMENCE
PROCEEDINGS TO VACATE A PORTION OF THE UNIMPROVED PUBLIC
RIGHT-OF-WAY FOR NORTH ST. CLAIR STREET**

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

WHEREAS, the property owners located at 713 Royal Park Road and 631 Royal Park Road have asked the Village to consider vacating a portion of unimproved right-of-way that is known as North St. Clair Street and was platted as part of the Royal Park Subdivision plat in 1964. The area of the unimproved public right-of-way requested to be vacated is depicted on **Exhibits A** included hereto; and

WHEREAS, the North St. Clair Street was platted in this manner to align with a another segment of St. Clair Street as part of the Beacon View Terrace Subdivision which was recorded in 1957. However, this right of way has never been extended entirely between these two Subdivisions due to multiple factors including a Storm Water Management Pond and private landowner acquisition in-between. This resulted in the Village having public right-of-way interests that are not necessary for public safety or convenience outside of access for the two abutting property owners; and

WHEREAS, §66.1003(4), Wisconsin Statutes requires that when right-of-way to be vacated is located between the lands of different owners, it shall be annexed to the lots to which it originally belonged if that can be ascertained and in this case the right-of-way originally belonged to the lands platted in Royal Park Subdivision. As a result, this would go back to the two abutting property owners; and

WHEREAS, the Village has no need or plans to improve the North St. Clair Street Right-of-Way in the future and will retain any necessary easements to access to any utilities that may be located therein;

WHEREAS, the public interest now requires the vacation of the areas as described above, because they are no longer needed for public right-of-way purposes;

WHEREAS, the Committee of the Whole and Plan Commission recommended the Village Board proceed with the setting of a public hearing on November 10, 2024 and November 25, 2024, respectively; and

NOW, THEREFORE, BE IT RESOLVED: That the Village Board will commence proceedings pursuant to § 66.1003(4), Wisconsin Statutes, to do the following:

1. Vacate the Unimproved North St. Clair Street Right-of-Way as shown on Exhibit A attached hereto.
2. The Unimproved North St. Clair Street Right-of-Way when vacated shall be attached to the Lot 4 on Block 2 and Lot 1 on Block 3 as depicted in Exhibit A.

BE IT FURTHER RESOLVED: That the Village Clerk shall schedule a public hearing with respect to such vacation on a date not less than 40 days from today's date, shall publish a Class 3 notice of the same as provided in § 66.1003(8), Wisconsin Statutes, and shall serve a copy of the notice on the owners of all of the frontage of the lots and lands abutting on the portions of the road rights-of-way to be vacated; and,

BE IT FURTHER RESOLVED: That the Village Clerk shall deliver a copy of this Resolution to the Secretary of the Wisconsin Department of Transportation and shall also arrange for the filing of a Lis Pendens incorporating this Resolution in the Racine County Register of Deeds Office, pursuant to Wisconsin Statutes §§ 66.1003(8)(a) and 840.11, respectively.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 10 day of December, 2024.

VILLAGE OF CALEDONIA

By: Thomas R Weatherston
Thomas Weatherston
Village President

Attest: Jennifer Bass
Jennifer Bass
Village Clerk

MEMORANDUM

Date: November 12, 2024

To: Committee of the Whole
Planning Commission
Village Board



From: Ryan Schmidt, P.E.
Village Engineer

A handwritten signature in black ink, appearing to read "Ryan Schmidt".

Re: N. St. Clair Street – Request to Vacate Unimproved Road Right-of-Way

RECOMMENDATION:

Move to recommend to the Village Board that the Right-of-Way of N. St. Clair Street be Vacated and the Village Board schedule a Public Hearing.

The Engineering Department has received requests from two property owners to vacate a portion of Village Owned and unimproved Road Right-of-Way adjacent to Royal Park Road as provided in **Exhibit A**. The Right-of-Way is considered North St. Clair Street and is a 66' wide Road Right-of-Way that was platted with the Royal Park Subdivision in 1964 and is included hereto as **Exhibit B**. The property owners are Glenn Stritchko of 713 Royal Park Road and Shane and Dawn Willison of 631 Royal Park Road which directly abut the Right-of-Way to the West and East, respectively.

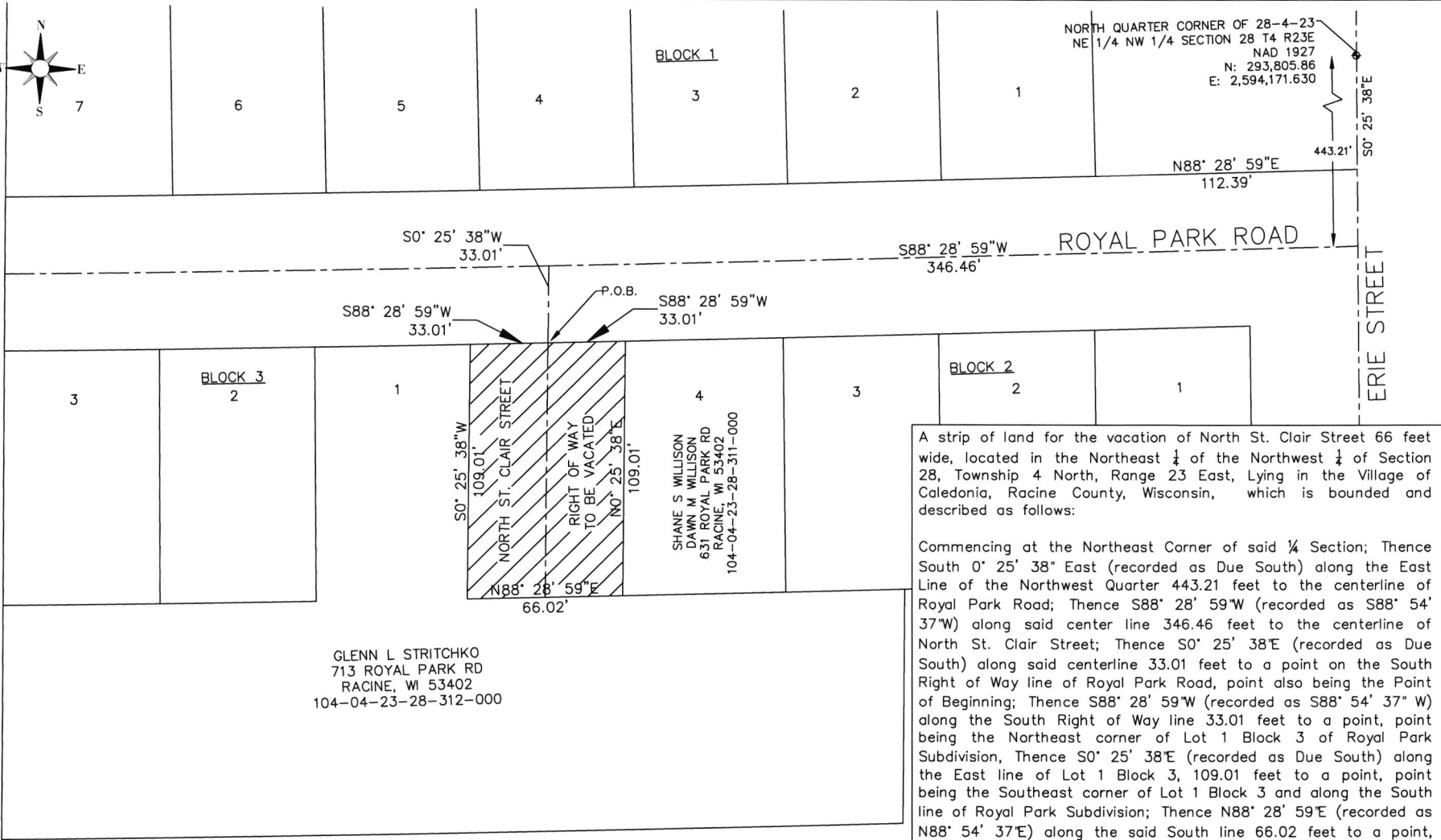
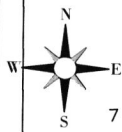
The Road Right of Way lines up with an existing section of St. Clair Street which is located further south and is part of the Beacon View Terrace Subdivision which was recorded in 1957 and the Beacon View Terrace No. 2 Subdivision in 1964. However, there is a large gap in which the "Mark-Kay Pond" was installed and no future development along this corridor has occurred since the platting of these subdivisions. The only exception is the properties south of Johnson Avenue (formerly Mar-Kay Drive). In addition, the property owner of 713 Royal Park Road purchased a portion of the lot to the south which created a dead end to the Road Right-of-Way and further restricted any possibility of a road extension.

Currently, the Right-of-Way is partially wooded and contains two separate gravel access points for each of the abutting lot owners. Their properties were built with garages facing this future road which has never been built. As a result, Staff believes this property is no longer of interest to the Village and has effectively become a private access for the two owners. To formalize this, the property would be vacated and divided in half, where half of the 109' long Right-of-Way to be vacated, as included in **Exhibit A**, would go to each abutting lot owner per Wisconsin State Statutes 66.1003 and 66.1005. Each half added to the abutting lots would provide ample space for access to each of the existing property owner's garages and

allow the owners to improve the space as needed. Staff recommends proceeding with the process of Vacating this Right-of-Way and scheduling a public hearing as laid out below.

Staff has been working with the Village Attorney to follow the appropriate procedures and schedules as laid out by State Statutes. Village Staff have also created a legal exhibit and descriptions for the portion of Right-of-Way to be vacated as included hereto as **Exhibit A**. Staff recommends the following schedule based on the information above:

- November 12th, 2024 – Committee of the Whole recommends approval of the Vacation of the Road Right-of-Way and Recommend to the Village Board to Schedule a Public Hearing.
- November 25th, 2024 – Plan Commission to recommends approval of the Vacation of the Road Right-of-Way.
- November 26th, 2024 – Village Board Recommends approval and sets a public hearing date.
- January 28th, 2024 – Recommended Public Hearing before the Village Board Meeting.
- January 28th, 2024 – Village Board Resolution on the Public Hearing and Final Vacation of Right-of-Way.



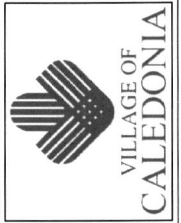
GLENN L STRITCHKO
713 ROYAL PARK RD
RACINE, WI 53402
104-04-23-28-312-000

SHANE S WILLISON
DAWN M WILLISON
651 ROYAL PARK RD
RACINE, WI 53402
104-04-23-28-311-000

A strip of land for the vacation of North St. Clair Street 66 feet wide, located in the Northeast 1/4 of the Northwest 1/4 of Section 28, Township 4 North, Range 23 East, Lying in the Village of Caledonia, Racine County, Wisconsin, which is bounded and described as follows:

Commencing at the Northeast Corner of said 1/4 Section; Thence South 0° 25' 38" East (recorded as Due South) along the East Line of the Northwest Quarter 443.21 feet to the centerline of Royal Park Road; Thence S88° 28' 59" W (recorded as S88° 54' 37" W) along said center line 346.46 feet to the centerline of North St. Clair Street; Thence S0° 25' 38" E (recorded as Due South) along said centerline 33.01 feet to a point on the South Right of Way line of Royal Park Road, point also being the Point of Beginning; Thence S88° 28' 59" W (recorded as S88° 54' 37" W) along the South Right of Way line 33.01 feet to a point, point being the Northeast corner of Lot 1 Block 3 of Royal Park Subdivision, Thence S0° 25' 38" E (recorded as Due South) along the East line of Lot 1 Block 3, 109.01 feet to a point, point being the Southeast corner of Lot 1 Block 3 and along the South line of Royal Park Subdivision; Thence N88° 28' 59" E (recorded as N88° 54' 37" E) along the said South line 66.02 feet to a point, point being the Southwest corner of Lot 4, Block 2 Royal Park Subdivision; Thence N0° 25' 38" W (recorded as Due North) along the West line of Lot 4 Block 2, 109.01 feet to a point, point being the Northwest corner of Lot 4 Block 2 and also along the South Right of Way of Royal Park Road; Thence S88° 28' 59" W (recorded as S88° 54' 37" W) along the South Right of Way line 33.01 feet to the point of beginning.

Containing 7,195.54 square feet or 0.1652 acres.



DRAWN BY: RMS
SCALE: 1:40
DATE: 11/5/2024

North St. Clair Street Right-of-Way Vacation Exhibit A

ROYAL = PARK

PART OF THE NORTHWEST QUARTER OF SECTION 28 TOWNSHIP 4 NORTH OF RANGE 23 EAST OF THE FOURTH PRINCIPAL MERIDIAN TOWN OF CALEDONIA RACINE COUNTY WISCONSIN



I, Harold M. Schneider, registered land surveyor, hereby certify that I have surveyed, divided and mapped ROYAL PARK, in the Town of Caledonia, Racine County, Wisconsin. This lot and acreage survey, made division and plat by the direction of the owner of said land. Said subdivision is described as follows: Part of the Northwest Quarter of the Northwest Quarter of Section 28, Township 4 North of Range 23 East of the Fourth Principal Meridian, lying and being the 1/4 of 1/4 of Section 28, Racine County, Wisconsin, and being more particularly described as follows: The South Quarter corner of said Section 28 runs north 20 degrees 30 minutes east 200 feet to the East Quarter line of the Northwest Quarter 60.20 feet to the point of beginning of said subdivision to be described: Run thence due South 175.22 feet, thence S. 88° 54' 37" E. 373.15 feet, thence due North 296.35 feet, thence N. 88° 54' 37" E. 464.68 feet, thence S. 01° 05' 23" E. 109.31 feet, thence N. 89° 54' 37" E. 102.39 feet, to the point of beginning.

This plat is a correct representation of all the exterior boundaries of the said survey and the subdivisions thereof made thereon.

I, Harold M. Schneider, registered land surveyor, hereby certify that I have surveyed and mapped the same in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and the requirements of the Town of Caledonia in surveying, dividing and mapping the same.

Harold M. Schneider
 HAROLD M. SCHNEIDER
 RACINE COUNTY SURVEYOR

As owner, I hereby certify that I caused the land on this plat to be surveyed, divided, mapped and dedicated as represented on this plat. I also certify that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

DIRECTOR, PLANNING DIVISION, DEPARTMENT OF RESOURCE AND TOWN BOARD OF THE TOWN OF CALEDONIA VILLAGE OF WIND POINT THE BOARD OF SUPERVISORS OF RACINE COUNTY

Witness the hand and seal of Kingston W. Ehrlich owner this 14 day of February, 1964, in presence of:

William E. Johnson
 witness
Phyllis M. Larsen
 owner Kingston W. Ehrlich

NOTE: All linear measurements have been made to the nearest one-hundredth of a foot. All angular measurements have been made to the nearest ten seconds. 8 1/2" x 30" iron pipe, weighing 2.65 lbs. / linear foot. All other lot corners staked with 1" by 24" iron pipe, weighing 1.13 lbs. / linear foot.



North Quarter corner of Section 28-4-23

STATE OF WISCONSIN RACINE COUNTY

Personally come before me this 14 day of February, 1964, the above named Kingston W. Ehrlich, to me known to be the person who executed the foregoing instrument and acknowledged the same. My commission expires August 6, 1967.

Phyllis M. Larsen
 Notary Public, Racine, Wisconsin

COUNTY TREASURER

John E. Gathner
 County Treasurer

TOWN BOARD OF CALEDONIA

Be it resolved, that the plat of ROYAL PARK, in the Town of Caledonia is hereby approved by the Town Board of Caledonia upon the date that the subdivider enters in to a suitable contract with the town, relative to the grading and surfacing of roads and the installation of culverts, sewer and water mains therein.

I, hereby certify that the foregoing is a copy of a resolution adopted by the Town of Caledonia, Racine County, Wisconsin.

Date: *Feb 14*, 1964

Vignia Healy
 Clerk, Town of Caledonia

VILLAGE OF WIND POINT

Be it resolved, that the plat of Royal Park be approved. I, hereby certify that the foregoing is a copy of a resolution adopted by the Village Board of the Village of Wind Point.

Date: *Feb 14*, 1964

William E. Johnson

RACINE COUNTY BOARD OF SUPERVISORS

Be it resolved, that the plat of Royal Park, in the Town of Caledonia, Racine County, Wisconsin, is hereby approved by the board of supervisors of Racine County.

I, hereby certify that the foregoing is a copy of a resolution adopted by the Board of Supervisors of Racine County.

Date: *Mar 24*, 1964

James A. Foy
 Clerk, Racine County

Not. of Wisconsin Racine County

Racine Savings and Loan Association, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat.

Business entered, Racine Savings and Loan Association has caused these presents to be signed by George J. Janonis, assistant secretary, of Racine, Wisconsin, and presented to me this 14 day of February, 1964.

George J. Janonis
 ASST. SECRETARY

Personally come before me this 14 day of February, 1964, George J. Janonis, assistant secretary of the above named corporation, to me known to be the person who executed the foregoing instrument, and to me known to be such ASST. secretary of said corporation.

My commission expires: *Feb 6, 1964*

William E. Johnson
 NOTARY PUBLIC, RACINE, WISCONSIN

APPROVED AS A FINAL PLAT THIS *27* DAY OF *Feb*, 1964.

Henry W. Meyer
 HENRY W. MEYER
 ZONING ADMINISTRATOR



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Statutes. Certified that *Feb 14*, 1964.

Walter K. Johnson
 Director, Planning Division
 Department of Resource Development