

**RESOLUTION NO. PC 2024-02**

**RESOLUTION OF THE PLAN COMMISSION FOR THE VILLAGE OF CALEDONIA  
RECOMMENDING THE SALE BY THE VILLAGE OF A PARCEL OF LAND WITH  
PARCEL NO. 104-04-23-18-300-230, LOCATED AT THE CORNER OF FIVE MILE  
ROAD AND DOUGLAS AVENUE KNOWN AS THE FORMER FIRE STATION #12**

The Plan Commission 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**, Sec. 2-5-3(f)(5) of the Village's Code of Ordinances and Wis. Stat. Sec. 62.23(5) requires that this matter be referred to the Plan Commission for its consideration and report prior to the sale occurring and Village staff believes that the sale of the Property is not inconsistent with Village plans.

**NOW, THEREFORE, BE IT RESOLVED** that pursuant to Wis. Stat. Sec. 62.23(5), and Village ordinance, the Plan Commission hereby finds that the sale of the Property is not inconsistent with Village plans and recommends the sale of the Property with the terms of the sale to be determined by the Village Board.

**BE IT FURTHER RESOLVED**, that the Plan Commission recommends 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.

Adopted this 29 day of April, 2024.

**VILLAGE OF CALEDONIA PLAN COMMISSION**

BY: Thomas R Weatherston  
Thomas Weatherston, Chairperson of Commission

Attest: RCB  
\_\_\_\_\_, Secretary

**DECLARATION OF DEED RESTRICTION**

This Declaration of Deed Restriction (this "Restriction") is made as of this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by Village of Caledonia, a Wisconsin municipal corporation ("Declarant").

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

**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 as 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 Merchandise for Sale

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.: \_\_\_\_\_, adopted by the Village Board on \_\_\_\_\_, 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]

IN WITNESS WHEREOF, the Declarant has caused this Restriction to be executed as of the date first written above.

**DECLARANT:**

**VILLAGE OF CALEDONIA**

By: Thomas R Weatherston  
Thomas Weatherston  
Village President

Attest: Jennifer Olsen  
Jennifer Olsen  
Village Clerk

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
                                                          ) SS.  
COUNTY OF RACINE )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2024, the above-named Thomas Weatherston and Jennifer Olsen, President and Clerk of the Village of Caledonia, to me known to be the person who executed the foregoing instrument in such capacity and acknowledged the same.

\_\_\_\_\_  
Name: \_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
My Commission: \_\_\_\_\_

This instrument was drafted by:  
Elaine Sutton Ekes, State Bar. No. 1028252  
Pruitt, Ekes & Geary, S.C.  
770272.001 (951)

**EXHIBIT A**

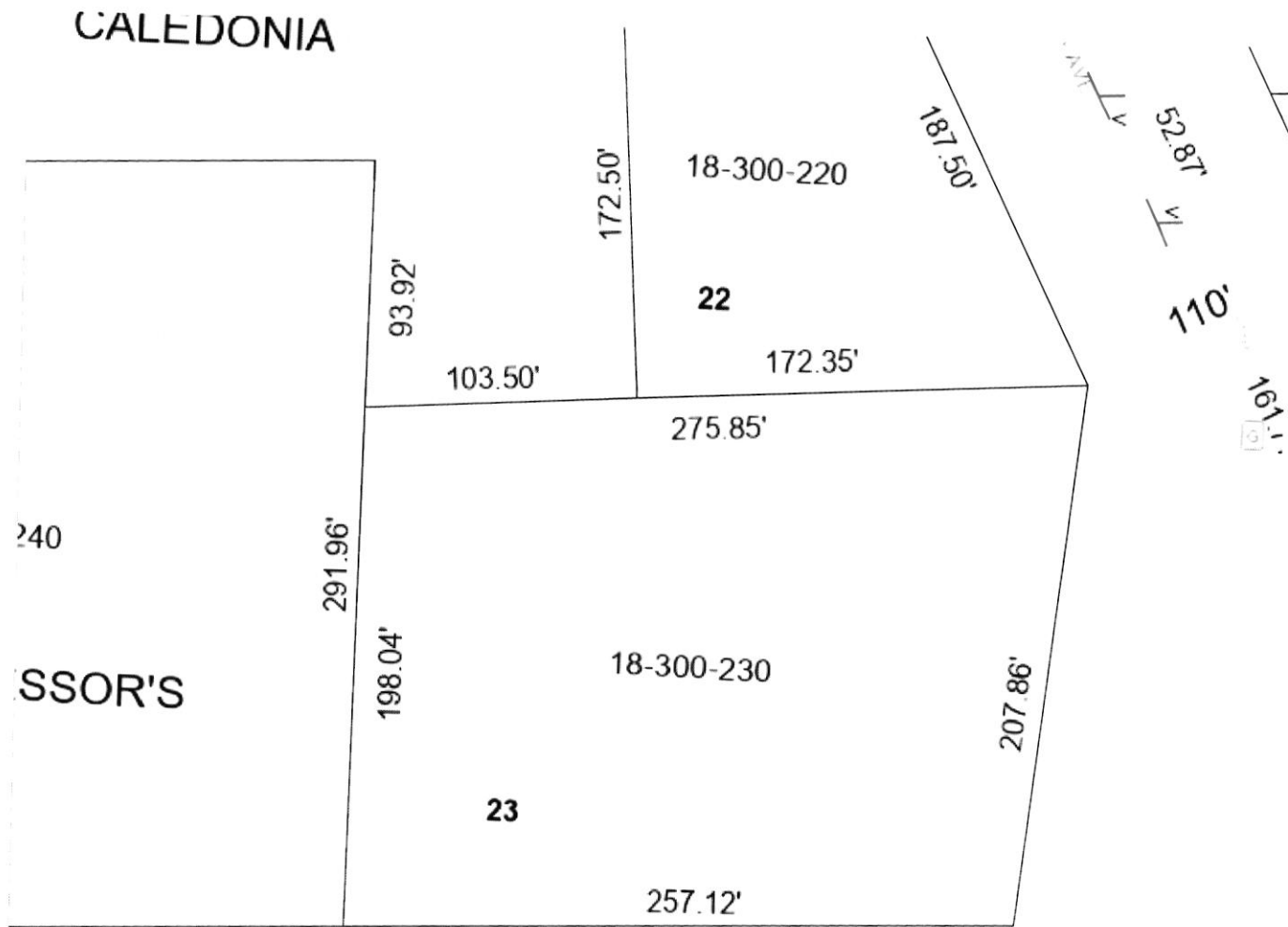
**Legal Description of the Property**

**EXHIBIT B**

**Resolution No.:** \_\_\_\_\_



Racine County, SEWRPC, Est. Canada, Est. HERE, Garmin, INCREMENT, USGS, EPA, USDA



Racine County, SEWRPC, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA



**Racine County RealEstate Tax Record Detail**

Property Record for Parcel Number: 104-04-23-18-300-230

**Location Information**



Municipality: VILLAGE OF CALEDONIA

Site Address: DOUGLAS AVE

Owner Name(s): CALEDONIA VILLAGE OF

Mailing Address: 5043 CHESTER LANE

City State Zip: RACINE WI 53402

**Property Description:**

(As of last tax bill issued)

**Legal Description:**

PT SE 1/4 CALEDONIA ASSESSOR'S PLAT #2 LOT 23 \*\*TAX EXEMPT\*\* FROM 004042318166000 IN 88 FOR 89 ROLL  
 \*\*TOTAL ACRES\*\* 1.23

(Please refer to the source document for actual legal description>)

(The last line of the legal description contains the volume & page numbers recorded documents in the Register of Deeds Office)

Section Town Range: Sec. 18, T4N, R23E Volume: 1291 Document Number: 966448

Total Acres: 1.2300 Page: 321 [View all documents](#)

Note: Fair market value is not shown for agricultural land because of Use Value Assessment per state law

	Assessment Information		Real Estate Tax Information		
	<u>2023</u>	2022		2023	2022
Land Value:	\$0.00	\$0.00	Original Tax:	\$0.00	\$0.00
Improvement Value:	\$0.00	\$0.00	Lottery Credit:	\$0.00	\$0.00
Total Value:	\$0.00	\$0.00	First Dollar Credit:	\$0.00	\$0.00
Fair Market Value:	\$0.00	\$0.00	Net Tax:	\$0.00	\$0.00

## Racine County RealEstate Tax Record Detail

Property Record for Parcel Number: 104-04-23-18-300-230

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Fair Market Ratio:	0.9770004600	1.0082403870	Special Assessments:	\$335.39	\$335.39
			Total Taxes:	\$335.39	\$335.39

[2023 assessment detail](#)

[2022 assessment detail](#)

[View all tax information](#)

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### Taxint District Information

School District: UNIFIED SCHOOL DISTRICT

Vocational School District: GATEWAY TECHNICAL COLLEGE

TID District:

Fire District:

Utility District: CAL UTILITY WATER; LAKE MICHIGAN STORM (INACTIVE)

Drainage District:

Lake District:

Sanitary District:

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Meeting Date: April 29, 2024

Item No. 6c

## PLAN COMMISSION REPORT

**Proposal:** Election of Plan Commission Vice President and Secretary

**Description:** Per Village Ordinance the Plan Commission will annually elect a vice president and secretary.

**Applicant(s):** Village of Caledonia

**Address(es):** 5043 Chester Lane

**Suggested Motion:** No motion is required.

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**Background:** Per Village Ordinance the Plan Commission will annually elect from its membership a person to be vice president and secretary. The last members who held these positions no longer are on the Plan Commission.

The role for each position is not explicitly stated in the ordinance. However, the expectation of the vice president is to conduct a Plan Commission meeting when the Plan Commission President is not present. The secretary's role is to review the Plan Commission minutes, which are taken and prepared by the Village Clerk, and approve them for review by the Plan Commission at the next meeting.

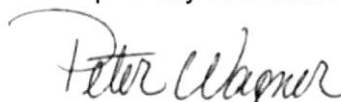
The process to elect these positions is as follows:

1. The Plan Commission President opens the nomination process.
2. Any member can nominate another to a specific position.
3. A nominated member must accept the nomination. (There can be more than one person nominated for the same position.)
4. When all nominations have been made, the President closes the nomination process.
5. If more than one person is nominated for a position, the Plan Commission will vote for their preferred candidate.
6. The President will count the votes for each candidate.
7. The member with the most votes will be elected for the specific position of vice president or secretary.
8. Election Process is complete.

No motion following the election is required.

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Respectfully submitted:

  
Peter Wagner, AICP  
Development Director