#### **RESOLUTION NO. 2018-119**

# RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA RELEASING AND VACATING A PORTION OF A ROAD RESERVATION FOR A FUTURE PUBLIC RIGHT-OF-WAY THAT WOULD HAVE EXTENDED MEADOWDALE LANE

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

WHEREAS, the property owner located at 6611 Meadowdale Lane in the Village, Parcel No. 104042317039000 asked the Village to consider releasing and vacating a portion of a road reservation for future right-of-way that is unimproved that would have extended Meadowdale Lane which was reserved as a part of the approval for Certified Survey Map No. 1084. The area of the road reservation requested that was requested to be released and vacated is depicted on the attached Exhibit A (the "Road Reservation Area").

**WHEREAS**, the Road Reservation Area was reserved in this design to traverse the parcel to the north when it was developed.

WHEREAS, an adjacent property owner has expressed concerns about releasing the entirety of the Road Reservation Area and has requested that only the cul de sac portion of the Road Reservation Area be released and the remaining 33 feet of the Road Reservation Area remain in effect.

WHEREAS, Village staff has reviewed the request from the adjacent neighbor and has determined that the need for a cul de sac portion of the Road Reservation Area as legally described on **Exhibit B** (the "Cul De Sac Area") is not necessary for public safety or convenience and has recommended that it be released and vacated with the rest of the Road Reservation Area to remain in effect.

WHEREAS, §66.1003(4), Wisconsin Statutes requires that when right-of-way is to be vacated is located between the lands of different owners, it shall be annexed to the parcel of land to which it originally belonged if that can be ascertained and in this case the Road Reservation Area, including the Cul De Sac Area belongs to Parcel 2 of Certified Survey Map No. 1084, with the address of 6611 Meadowdale Lane.

WHEREAS, the Village has no need or plans to improve the Cul De Sac in the future and will retain any necessary easements to access any utilities that may be located therein;

WHEREAS, the public interest now requires the release and vacation of the Cul De Sac Area because it is no longer needed for public right-of-way purposes. The Cul De Sac Area when released and vacated shall remain a part of Parcel 2 of Certified Survey Map No. 1084, with the address of 6611 Meadowdale Lane as depicted in Exhibit A;

WHEREAS, the Village Board previously commenced proceedings to consider the proposed release and vacation by adopting Resolution No. 2018-74 and the Village Clerk scheduled a public hearing with respect to such vacation and published a Class 3 notice of the

same as provided in § 66.1003(8), Wis. Stat., and served a copy of the notice on the owners of all of the frontage of the lots and lands abutting on the portions of the reserved road rights-of-way to be released and vacated;

WHEREAS, a copy of the Resolution was provided to the Secretary of the Wisconsin Department of Transportation and a Lis Pendens incorporating the Resolution was recorded in the Office of the Racine County Register of Deeds pursuant to Wisconsin § 66.1003(8)(a) and 840.11, respectively;

**WHEREAS**, the Village's Plan Commission at its meeting on August 27, 2018, recommended the release and vacation of the reserved right-of-way as proposed herein;

**WHEREAS,** a public hearing was held on November 5, 2018 at 6:45 p.m., in accordance with the Class 3 notice and no objections to the vacation were made;

WHEREAS, in conjunction with the release of the Cul De Sac Area, the property owner at 6611 Meadowdale Lane will be dedicating the southerly portion of Meadowdale Lane that is reserved to confirm the public right-of-way from the intersection of Meadowdale Lane and Creek Ridge Drive to the south boundary line of the Parcel at 6611 Meadowdale Lane (Parcel 2 of CSM 1084) as legally described on Exhibit C.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board finds that the public interest requires the release and vacation of said reserved roads in the Cul De Sac Area and said Cul De Sac Area is hereby released and vacated pursuant to the authority vested in the Village Board of the Village of Caledonia by Sec. 66.1003 of the Wisconsin Statutes, except that the Village retains any easements over and through said rights-of-way for any public utilities residing therein and above, including but not limited to for access, maintenance and construction thereof.

- **BE IT FURTHER RESOLVED:** That pursuant to the Village's investigation into property ownership of the abutting properties, the Cul De Sac Area when released and vacated shall remain a part of Parcel 2 of Certified Survey Map No. 1084, with the address of 6611 Meadowdale Lane as depicted in Exhibit A;
- **BE IT FURTHER RESOLVED:** That said release and vacation shall not terminate any easements and rights incidental thereto to any underground or over ground structures, improvements, utilities or services as may be existing and as may or may not be shown in the map and all rights of entrance, maintenance, construction of the same will continue as if the same reserved right-of-way had not been released and vacated.
- **BE IT FURTHER RESOLVED**: That the Village hereby accepts a road dedication in conjunction with the release of the Cul De Sac Area, of the reserved southerly portion of Meadowdale Lane to confirm the public right-of-way from the intersection of Meadowdale Lane and Creek Ridge Drive to the south boundary line of the Parcel at 6611 Meadowdale Lane (Parcel 2 of CSM 1084) and the area to be dedicated is legally described on **Exhibit C**.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this May of Mountain, 2018.

# VILLAGE OF CALEDONIA

James R. Dobbs

Village President

Attest:

Karie Torkilsen Village Clerk

770272.001(691)

### EXHIBIT A

Being part of the SW 1/4 of the NE 1/4 of Section 17, T4N, R23E, in the Village of Caledonia, Racine County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said NE 1/4 Section 17;

Thence N 36°04'09" W 859.60 feet along the centerline of Charles Street to a point;

Thence N 57°45'05" W 89.32 feet to a point;

Thence S 53°55'51" W 67.00 feet to a point;

Thence N 36°04'09" W 94.31 feet to a point;

Thence S 87°45'16"W 180.40 feet to point, point also being the Northwest corner of Lot 1 of Lakeside Estates, and a point along the East lot line of Parcel 2 Certified Survey Map No. 1084;

Thence S 00° 57'32" E 237.19 feet along the East lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Lot 1 of Lakeside Estates, and point also being the Southeast corner of Parcel 2 Certified Survey Map No. 1084;

Thence S 89°19'09" W 332.62 feet along the South lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Parcel 2 Certified Survey Map No. 1084, and point also being along the East Right of Way of Meadowdale Drive;

Thence N 1°53'41"W 149.32 feet along the West lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the point of beginning of the road reservation vacation;

Thence S 88°47'13" W 32.99 feet along the North right of way line of Creek Ridge Drive to a point;

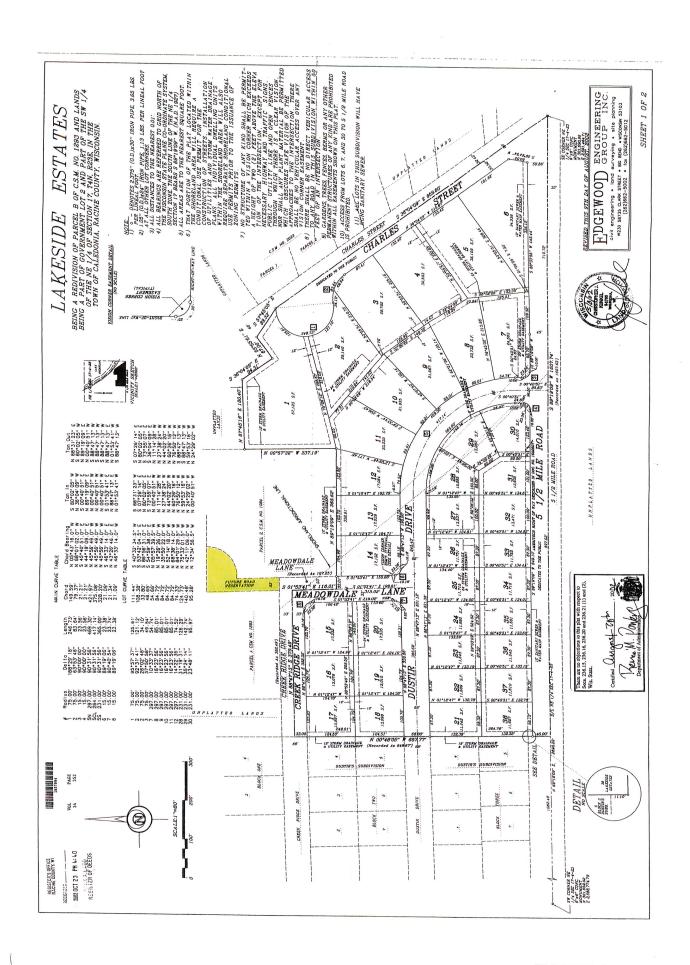
Thence N 1°53'41" W 186.06 feet to a point;

Thence N 89°19'09" E 117.03 feet to a point, point being the Northwest corner of Parcel 2 Certified Survey Map No. 1084;

Thence Southwesterly along an arc of a curve with a length of 127.40 feet, whose radius is 75.00 feet and whose chord is S 46°20'15" W at 112.64 feet to a point.

Thence S 1°53'41" E 108.94 feet to the point of beginning.

Said Road Reservation containing 11,348.69 square feet of land more or less.



## **EXHIBIT B**

Being part of the SW 1/4 of the NE 1/4 of Section 17, T4N, R23E, in the Village of Caledonia, Racine County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said NE 1/4 Section 17;

Thence N 36°04'09" W 859.60 feet along the centerline of Charles Street to a point;

Thence N 57°45'05" W 89.32 feet to a point;

Thence S 53°55'51" W 67.00 feet to a point;

Thence N 36°04'09" W 94.31 feet to a point;

Thence S 87°45'16"W 180.40 feet to point, point also being the Northwest corner of Lot 1 of Lakeside Estates, and a point along the East lot line of Parcel 2 Certified Survey Map No. 1084;

Thence S 00° 57'32" E 237.19 feet along the East lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Lot 1 of Lakeside Estates, and point also being the Southeast corner of Parcel 2 Certified Survey Map No. 1084;

Thence S 89°19'09" W 332.62 feet along the South lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Parcel 2 Certified Survey Map No. 1084, and point also being along the East Right of Way of Meadowdale Drive;

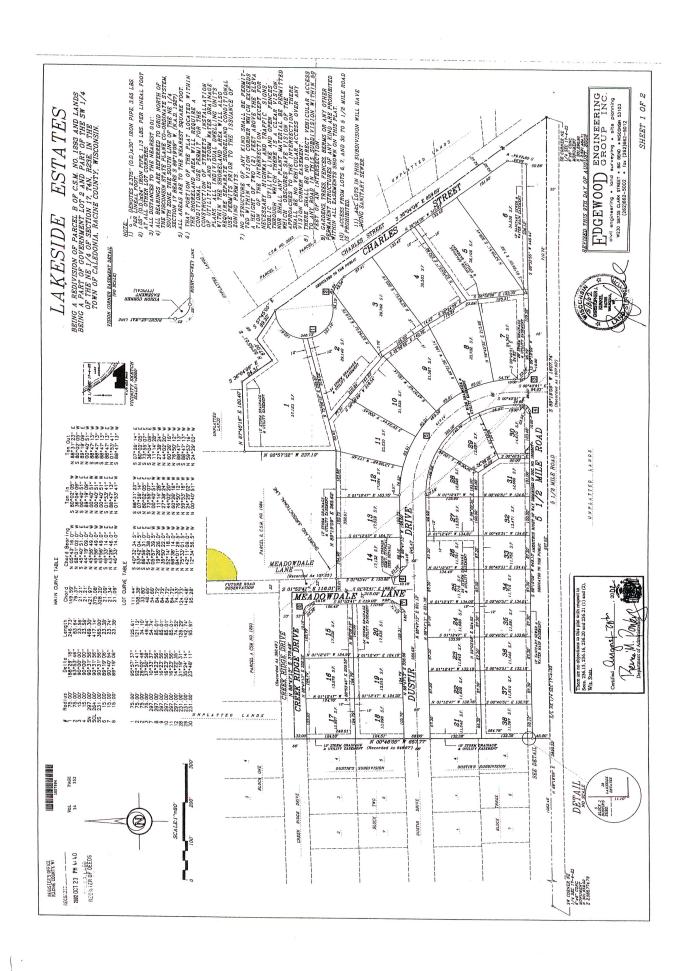
Thence N 1°53'41"W 258.26 feet along the West lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the point of beginning of the road reservation vacation;

Thence N 1°53'41"W 76.81 feet along the to a point along the North boundary of the road reservation;

Thence N 89°19'09" E 84.03 feet to a point, point being the Northwest corner of Parcel 2 Certified Survey Map No. 1084;

Thence Southwesterly along an arc of a curve with a length of 127.40 feet, whose radius is 75.00 feet and whose chord is S 46°20'15" W at 112.64 feet to the point of beginning.

Said Road Reservation Vacation containing 5,215.90 square feet of land more or less.



#### **EXHIBIT C**

Being part of the SW 1/4 of the NE 1/4 of Section 17, T4N, R23E, in the Village of Caledonia, Racine County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said NE 1/4 Section 17;

Thence N 36°04'09" W 859.60 feet along the centerline of Charles Street to a point;

Thence N 57°45'05" W 89.32 feet to a point;

Thence S 53°55'51" W 67.00 feet to a point;

Thence N 36°04'09" W 94.31 feet to a point;

Thence S 87°45'16"W 180.40 feet to point, point also being the Northwest corner of Lot 1 of Lakeside Estates, and a point along the East lot line of Parcel 2 Certified Survey Map No. 1084;

Thence S 00° 57'32" E 237.19 feet along the East lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Lot 1 of Lakeside Estates, and point also being the Southeast corner of Parcel 2 Certified Survey Map No. 1084;

Thence S 89°19'09" W 332.62 feet along the South lot line of Parcel 2 Certified Survey Map No. 1084, to a point, point also being the Southwest corner of Parcel 2 Certified Survey Map No. 1084, and point also being along the East Right of Way of Meadowdale Drive, and point being the beginning of the Right of Way dedication;

Thence N 1°53'41"W 149.32 feet along the West lot line of Parcel 2 Certified Survey Map No. 1084, to a point;

Thence S 88°47'13" W 32.99 feet to a point parallel to the North right of way line of Creek Ridge Drive to a point;

Thence S 1°53'41" E 149.01 feet along the centerline of Meadowdale Lane to a point;

Thence N 89°19'09" E 33.00 feet to the point of beginning.

Said Road Dedication containing 4,920.66 square feet of land more or less.

