

**RESOLUTION NO. 2019-122**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA  
VACATING A PORTION OF THE PUBLIC  
RIGHT-OF-WAY KNOWN AS CHARLES STREET**

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

**WHEREAS**, the Village approved on September 4, 2018, subject to conditions, a conditional use permit, nonmetallic mining permit and explosives use permit to allow for the further development of an existing limestone quarry on the Property including earthmoving, blasting, crushing, sorting and sizing, stockpiling, transportation and reclamation per Resolution No. 2018-78. In order to conduct the uses associated with the approval, Payne & Dolan, Inc. was required to relocate Charles Street, including infrastructure for the District and storm water improvements as depicted on **Exhibit A** attached hereto and incorporated herein (the "Charles Street Relocation").

**WHEREAS**, the Village Utility District Commission and the Village's Public Works Committee approved plans and specifications for the Charles Street Relocation, upon compliance with the ordinances of the Village, and required that Payne & Dolan, Inc. enter into an Infrastructure Agreement for the Charles Street Relocation which the Board approved.

**WHEREAS**, the Village agreed to initiate proceedings to vacate the existing Charles Street right-of-way. Once the road improvements are constructed and accepted by the Village, Payne & Dolan, Inc. is required to dedicate for public right-of-way purposes the area necessary for the Charles Street Relocation, as directed by the Director of Public Works and the Village agreed to vacate a portion of the existing Charles Street right-of-way, which is legally described on the attached **Exhibit B** (the "Area to be Vacated").

**WHEREAS**, the work for the Charles Street Relocation has been completed and has been inspected for compliance with the approved plans and specifications and the Charles Street Relocation public improvements, including the roads intended for use as public right-of-way, have been accepted by the Village Board.

**WHEREAS**, the Area to be Vacated is no longer necessary for the traveling public and is not necessary for public safety or convenience as the Charles Street Relocation area has been dedicated for public right-of-way purposes prior to action on this vacation which will provide sufficient access to Three Mile Road and northerly along the remaining Charles Street to Four Mile Road;

**WHEREAS**, §66.1005(1), Wisconsin Statutes requires that when any highway held for highway purposes is discontinued, the land where the highway is located shall belong to the owner or owners of the adjoining lands and in this case the discontinued right-of-way should be appended to the following parcels of land to the East and West and owned by the Payne & Dolan, Inc.:

Parcel Nos: 104-04-23-29-193-000  
104-04-23-28-071-000  
104-04-23-29-198-010  
104-04-23-28-074-000  
104-04-23-28-075-000

**WHEREAS**, the Village has no need or plans to further improve the Area to be Vacated in the future and will retain any necessary easements to access any utilities that may be located therein until such a time that such easements are no longer necessary and then the Village will vacate such easements; and

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

**WHEREAS**, the Village Board commenced proceedings to consider the proposed vacation by adopting Resolution No. 2019-77 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), Wisconsin Statutes, 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 road rights-of-way to be vacated;

**WHEREAS**, a copy of the Resolution was provided to the Secretary of the Wisconsin Department of Transportation, whom had no objections, and a Lis Pendens incorporating the Resolution was recorded in the Racine County Register of Deeds Office, pursuant to Wisconsin Statutes §§ 66.1003(8)(a) and 840.11, respectively;

**WHEREAS**, the Village's Plan Commission at its meeting on September 30, 2019 recommended the vacation of the right-of-way as proposed herein;

**WHEREAS**, a public hearing was held on October 21, 2019 at 6:30 p.m. in accordance with the Class 3 notice and no objections to the vacation were made;

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board finds that the public interest requires the vacation of said rights-of-way and said rights-of-way are hereby vacated pursuant to the authority vested in the Village Board of the Village of Caledonia by Sec. 66.1003 of the Wisconsin Statutes as depicted on **Exhibit A** and as legally described on **Exhibit B**, except that the Village retains 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 until such a time that the Village's Utility Director and Public Works Director determines that such easements are unnecessary and should be released and the Village's Utility Director and Public Works Director are hereby authorized to release such easements;

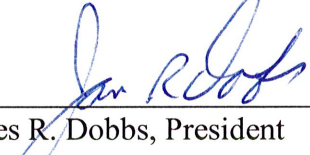
**BE IT FURTHER RESOLVED**, that pursuant to the Village's investigation into the property ownership of the abutting properties, title of the area vacated will revert to the abutting parcels to the East and West and owned by the Payne & Dolan, Inc.:

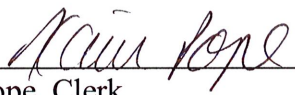
Parcel Nos: 104-04-23-29-193-000  
104-04-23-28-071-000  
104-04-23-29-198-010  
104-04-23-28-074-000  
104-04-23-28-075-000

**BE IT FURTHER RESOLVED**, that this resolution shall be final and take effect from and after its passage and recording by the Village of Caledonia pursuant to law.

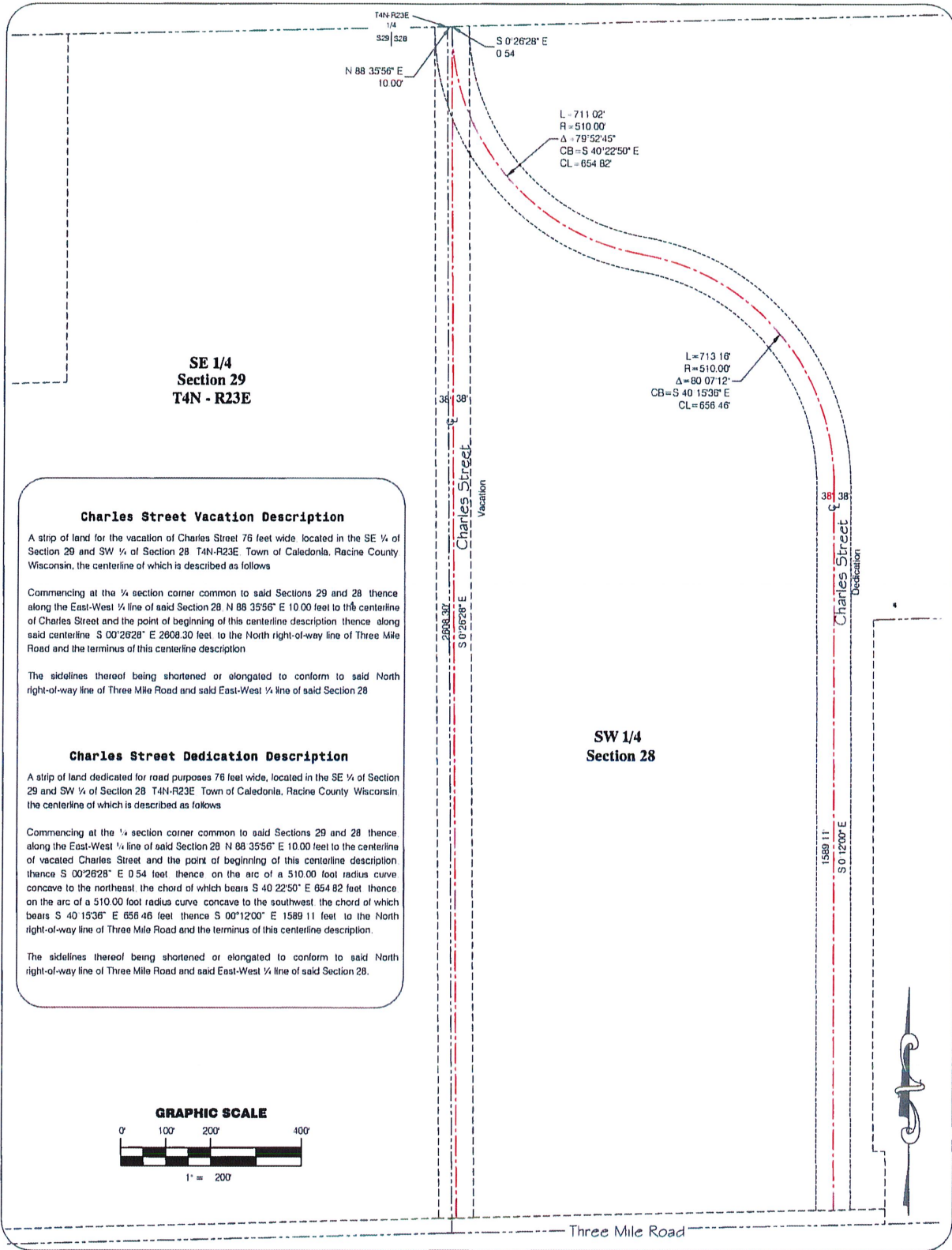
Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this ~~16<sup>th</sup>~~ day of December, 2019.

**VILLAGE OF CALEDONIA**

By:   
James R. Dobbs, President

Attest:   
Karie Pope, Clerk

770272.001 (594)



**SE 1/4  
Section 29  
T4N - R23E**

**Charles Street Vacation Description**

A strip of land for the vacation of Charles Street 76 feet wide, located in the SE 1/4 of Section 29 and SW 1/4 of Section 28 T4N-R23E Town of Caledonia, Racine County Wisconsin, the centerline of which is described as follows

Commencing at the 1/4 section corner common to said Sections 29 and 28 thence along the East-West 1/4 line of said Section 28 N 88° 35' 56" E 10.00 feet to the centerline of Charles Street and the point of beginning of this centerline description thence along said centerline S 00° 26' 28" E 2608.30 feet to the North right-of-way line of Three Mile Road and the terminus of this centerline description

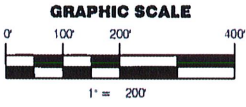
The sidelines thereof being shortened or elongated to conform to said North right-of-way line of Three Mile Road and said East-West 1/4 line of said Section 28

**Charles Street Dedication Description**

A strip of land dedicated for road purposes 76 feet wide, located in the SE 1/4 of Section 29 and SW 1/4 of Section 28 T4N-R23E Town of Caledonia, Racine County Wisconsin, the centerline of which is described as follows

Commencing at the 1/4 section corner common to said Sections 29 and 28 thence along the East-West 1/4 line of said Section 28 N 88° 35' 56" E 10.00 feet to the centerline of vacated Charles Street and the point of beginning of this centerline description thence S 00° 26' 28" E 0.54 feet thence on the arc of a 310.00 foot radius curve concave to the northeast, the chord of which bears S 40° 22' 50" E 654.82 feet thence on the arc of a 510.00 foot radius curve concave to the southwest, the chord of which bears S 40° 15' 36" E 656.46 feet thence S 00° 12' 00" E 1589.11 feet to the North right-of-way line of Three Mile Road and the terminus of this centerline description.

The sidelines thereof being shortened or elongated to conform to said North right-of-way line of Three Mile Road and said East-West 1/4 line of said Section 28.



**Charles Street Relocation**



THIS PRINT IS THE PROPERTY OF PAYNE AND DOLAN INC. AND THE CONTENTS CONTAINED HEREIN ARE CONSIDERED CONFIDENTIAL AND SHOULD NOT BE USED OUTSIDE OF THE COMPANY WITHOUT PERMISSION

**Racine Quarry Project**  
SE 1/4 Section 29, SW 1/4 Section 28  
T4N-R23E, Village of Caledonia  
Racine County, Wisconsin

Date: 8-20-19      Site #: 80360      Drawn By: JS

**1**

SHEET 1 OF 1

Exhibit B  
**Charles Street Vacation Description**

A strip of land for the vacation of Charles Street 76 feet wide, located in the SE  $\frac{1}{4}$  of Section 29 and SW  $\frac{1}{4}$  of Section 28, T4N-R23E, Town of Caledonia, Racine County, Wisconsin, the centerline of which is described as follows:

Commencing at the  $\frac{1}{4}$  section corner common to said Sections 29 and 28; thence, along the East-West  $\frac{1}{4}$  line of said Section 28, N 88°35'56" E 10.00 feet to the centerline of Charles Street and the point of beginning of this centerline description; thence, along said centerline, S 00°26'28" E 2608.30 feet, to the North right-of-way line of Three Mile Road and the terminus of this centerline description.

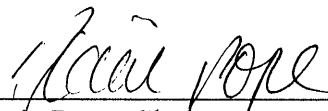
The sidelines thereof being shortened or elongated to conform to said North right-of-way line of Three Mile Road and said East-West  $\frac{1}{4}$  line of said Section 28.

**CERTIFICATION OF VILLAGE OF CALEDONIA**  
**RESOLUTION 2019-122**

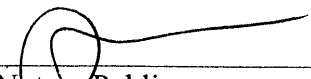
The undersigned, Karie Pope, being the duly elected Clerk for the Village of Caledonia, certify that attached hereto is a certified copy of Resolution 2019-122  
***RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA  
VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY KNOWN AS  
CHARLES STREET.***

Approved by the Village Board of the Village of Caledonia, Racine County,  
Wisconsin on December 16, 2019.

Dated this 17<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Karie Pope, Clerk  
Village of Caledonia

Subscribed and sworn to before me  
This 17<sup>th</sup> day of December, 2019

  
\_\_\_\_\_  
Notary Public  
Racine County, Wisconsin  
My Commission expires: 11/21/21