

RESOLUTION NO. 2019-13

RESOLUTION AUTHORIZING THE VILLAGE OF CALEDONIA TO EXECUTE A PERMANENT SANITARY SEWER EASEMENT AT 12725 FOUR MILE ROAD WITH CENTRAL STORAGE & WAREHOUSE COMPANY

WHEREAS, the Village of Caledonia authorized its consulting engineering firm to review sanitary sewer extension options for serving lands adjacent to, and north of, Four Mile Road in the I-94 corridor and extending from the existing regional interceptor sanitary sewer located in DeBack Lane in the DeBack Farms Business Park up to Four Mile Road. The authorization included the review of a watermain extension for serving lands adjacent to, and north of, Four Mile Road in the I-94 corridor and extending from the existing watermain located in the East Frontage Road just north of DeBack Lane up to Four Mile Road and the authorization also included the review of the existing road conditions on Four Mile Road, which will be an additional truck route to the DeBack Farms Business Park serving the east end of the business park as well as those parcels of land along Four Mile Road; and

WHEREAS, the sanitary sewer analysis determined the best options for serving Four Mile Road and the I-94 corridor lands was to extend the existing regional interceptor sanitary sewer from the end of the DeBack Lane cul-de-sac east and north through the DeBack Farms Business Park to Four Mile Road in permanent easements, and also by extending a sanitary sewer due north from the end of the DeBack Lane cul-de-sac to Four Mile Road in permanent easements. Sanitary sewer will also be extended both easterly and westerly along the south side of Four Mile Road from the 2 locations, utilizing the Right of Way of Four Mile Road and various permanent and temporary construction easements; and

WHEREAS, the watermain analysis determined the best option for serving Four Mile Road and the I-94 corridor lands was to extend the existing watermain from the East Frontage Road just north of DeBack Lane, north to the intersection of Four Mile Road and the East Frontage Road along the east side of the East Frontage Road utilizing the Right of Way of the East Frontage Road and then extend watermain east to the eastern boundary of the DeBack Farms Business Park along the north side of Four Mile Road utilizing the Right of Way of Four Mile Road; and

WHEREAS, the existing road condition analysis determined that the existing right-of-way in Four Mile Road is substandard in road right-of-way cross section and that improvements are necessary to ensure that this route remains safe and viable for use by the parcels of land along Four Mile Road and for trucking to and from the business park; and

WHEREAS, the Village Board adopted Resolution Nos: 2018-44, 2018-46, and 2018-84 that were Relocations Orders related to the above projects and identified certain property interests that are necessary for the activities to properly complete the above projects; and

WHEREAS, the Village of Caledonia has retained the services of Southern Wisconsin Appraisal for appraisals of the 14 identified Temporary Construction Easements, Fee taking for Public Right of Way, and Permanent Easements required for the project; and

WHEREAS, the Utility Director has met and negotiated with Central Storage & Warehouse Company, the property owner of 12725 Four Mile Road, to obtain one of the required Permanent Sanitary Sewer Easements required for the project; and

WHEREAS, the Owner, Central Storage & Warehouse Company has executed said Permanent Sanitary Sewer Easement and the President and Secretary of the Caledonia Utility District and the Village President and Village Clerk need to execute the Permanent Sanitary Sewer Easement in order to allow it to be recorded.

NOW, THEREFORE, BE IT RESOLVED by the Caledonia Village Board that the execution of the Permanent Sanitary Sewer Easement as set forth in Exhibit A, which is attached hereto and incorporated herein by reference, is authorized and approved and that the Village President and Village Clerk are authorized to execute said Easement.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 18th day of February, 2019.

VILLAGE OF CALEDONIA

By: James R. Dobbs
James R Dobbs, Village President

Attest: Karie Torkilsen
Karie Torkilsen, Village Clerk

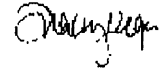
**MUNICIPAL SANITARY SEWER
EASEMENT AGREEMENT**

Document Number

Title of Document

The real property affected by this document is described in the Exhibit A attached hereto.

Document # **2519631**
RACINE COUNTY REGISTER OF DEEDS
May 08, 2019 11:27 AM



TRACEY VEGA
RACINE COUNTY
REGISTER OF DEEDS
Fee Amount: \$30.00

Pages: 11

30-11

Record this document with the Register of Deeds

Name and Return Address:

Atty. John M. Bjelajac

601 Lake Avenue

Post Office Box 38

Racine, Wisconsin 53401-0038

104-04-22-30-015-201

(Parcel Identification Number)

**MUNICIPAL SANITARY SEWER
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The real property affected by this document is described in the Exhibit A attached hereto.

30-11

We are returning your ORIGINAL document.
It has been recorded electronically.
The recording information is shown on the
attached copy. Keep both documents
with your Real Estate records.

Record this document with the Register of Deeds

Name and Return Address:

Atty. John M. Bjelajac

601 Lake Avenue

Post Office Box 38

Racine, Wisconsin 53401-0038

104-04-22-30-015-201

(Parcel Identification Number)

(JMB Draft: 10/26/18)

MUNICIPAL SANITARY SEWER
EASEMENT AGREEMENT
(Permanent Sanitary Sewer Easement)

This agreement ("Agreement") is made and entered into as of the 14th day of JANUARY, 2018 (the "Effective Date"), by and between:

- a) CENTRAL STORAGE & WAREHOUSE COMPANY, being a Wisconsin corporation with offices located at 4309 Cottage Grove Road, Madison, Wisconsin 53716-1201 (hereinafter referred to as "Owner"); and
- b) The VILLAGE OF CALEDONIA, being a municipal corporation and village created under the laws of the State of Wisconsin, with its Village Hall located at 5043 Chester Lane, Racine, Wisconsin 53402 (hereinafter referred to as the "Village"); and
- c) The VILLAGE OF CALEDONIA SEWER UTILITY DISTRICT, being a utility district established by the Village of Caledonia under the laws of the State of Wisconsin, with utility district offices located at 333 4½ Mile Road, Racine, Wisconsin 53402 (hereinafter referred to as the "Utility District").

Introduction

The Village is located in Racine County, Wisconsin. The Village, through the Utility District, owns and operates a municipal sanitary sewerage system (hereinafter referred to as the "District System").

Owner is the sole record-title owner of the parcel of real property (hereinafter referred to as the "Property") located in the Village of Caledonia, Racine County, Wisconsin, that is described in attached Exhibit A.

This present Agreement is being entered into by the above-named parties to allow the Village, through the Utility District, to construct (i) municipal sanitary sewer mains, and (ii) related infrastructure (collectively, the "Construction Project") on the Property, as a part of the District System.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES HEREINAFTER DESCRIBED, THE ABOVE-NAMED PARTIES HEREBY AGREE AS FOLLOWS:

1. Introduction is Correct. The foregoing "Introduction" is true and correct, and is hereby incorporated into this Agreement by reference.
2. Easements Granted. Owner hereby grants to the Village and the Utility District the below-described sanitary sewer easement on its Property, to undertake the Construction Project and to construct, install, operate, maintain, repair, and/or replace sanitary sewer mains ("Sanitary Sewer Mains"), and the related infrastructure to the same, in, on, and under the easement areas hereafter described on the Property. The Village and/or Utility District shall, at its own expense, maintain and repair the Sanitary Sewer Mains to keep them in good condition and repair.
3. Sanitary Sewer Easement. The attached Exhibit A also describes (i) a diagram showing the Sanitary Sewer Easement Area granted by Owner on the Property to the Village and the Utility District, and (ii) the legal description of such Sanitary Sewer Easement Area.

4. Access to Sanitary Sewer Easement Area. The Village, the Utility District, and/or their officials, officers, employees, contractors, engineers, consultants, and agents are hereby given the permanent non-exclusive right to go upon and enter the Sanitary Sewer Easement Area, at such times as the Village and/or the Utility District may see fit, for the purpose of exercising the easement rights granted herein.

5. Restrictions on Owner. Owner shall not construct (nor allow any third party to construct) any type of structure and/or place any type of obstruction in, over, under, on, or upon the Sanitary Sewer Easement Area, and shall not materially impede or obstruct the exercise of the easement rights granted hereunder. Notwithstanding the foregoing, however, Owner (and/or his/her/its assignee, successor(s) in title, or tenant) may construct, install, and maintain pedestrian pathways, landscaping, driveways, parking lots, and/or roadways over the Sanitary Sewer Easement Area, provided that such construction and use does not damage the Sanitary Sewer Main located in the Sanitary Sewer Easement Area.

6. Restoration of Disturbed Areas. To the extent the Village and/or the Utility District, in its reasonable discretion, deems it necessary for the exercise of its easement rights granted hereunder, the Village/Utility District may remove from the Sanitary Sewer Easement Area obstructions, and/or any plants, shrubs, bushes, trees, or other vegetation, and the Village/Utility District shall not be required to restore or replace such items, except, however, the Village/Utility District shall (i) restore any disturbed portion of the natural vegetation and/or landscaping of such Easement Areas by seeding the same with grass seed, and (ii) repair and restore any pedestrian pathways, driveways, parking lots, and/or roadways (to its previously existing condition) located in the Easement Areas that may be damaged during the course of the exercise of these present easement rights by the Village/Utility District.

7. Runs with the Land. This Agreement shall run with the land of the Property described herein, and shall inure to the benefit of, and be binding upon, the parties to this Agreement and their respective successors and assigns; provided, however, that in the event that Owner wishes to convey or lease a portion of the Property on which no Sanitary Sewer Easement Area is located, Owner shall notify the Village/Utility District of the same, and the Village/Utility District shall, within fifteen (15) days after such notice, provide Owner with an executed original release, in recordable form, of such portion of the Property from the terms and conditions of this Agreement (and thereafter Owner may record such release with the Racine County Register of Deeds). The Village and the Utility District hereby give to the Village Administrator and/or the Village Utility Director the authority to execute and deliver such a release document, without any further approval required from the Village of Caledonia Board of trustees or the Village of Caledonia Utility District Commission.

8. Governing Law. This Agreement shall be governed, controlled, construed, and interpreted by and under the laws of the State of Wisconsin. The venue for any legal action pertaining to and/or arising under this Agreement shall solely and exclusively be Racine County Circuit Court in Racine County, Wisconsin.

9. Recording. This Agreement shall be binding upon and shall inure to the benefit of the parties hereto, and their successors and assigns. This Agreement shall be recorded by the Village at the Office of the Register of Deeds for Racine County, Wisconsin.

VILLAGE:
Village of Caledonia

UTILITY DISTRICT:
The Village of Caledonia Sewer Utility
District

By: *James R. Dobbs*
James R. Dobbs
Village President

By: *Howard Stacey*
Howard Stacey
President

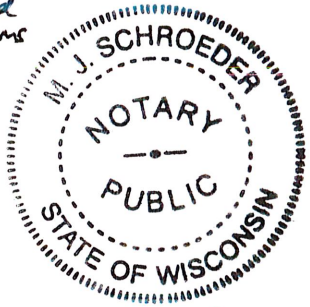
Attest: *Karie Torkilsen*
Karie Torkilsen
Village Clerk

Attest: *Harry Garnette*
Harry Garnette
Secretary

OWNER:
Central Storage & Warehouse Company

By: *[Signature]*
Jack Williams
Vice President - Operations


*This document was signed
before me by Jack Williams
on 1-14-19*



*MJ Schroeder
County of Dane, State of WI
Expires 2-22-22*

AUTHENTICATION

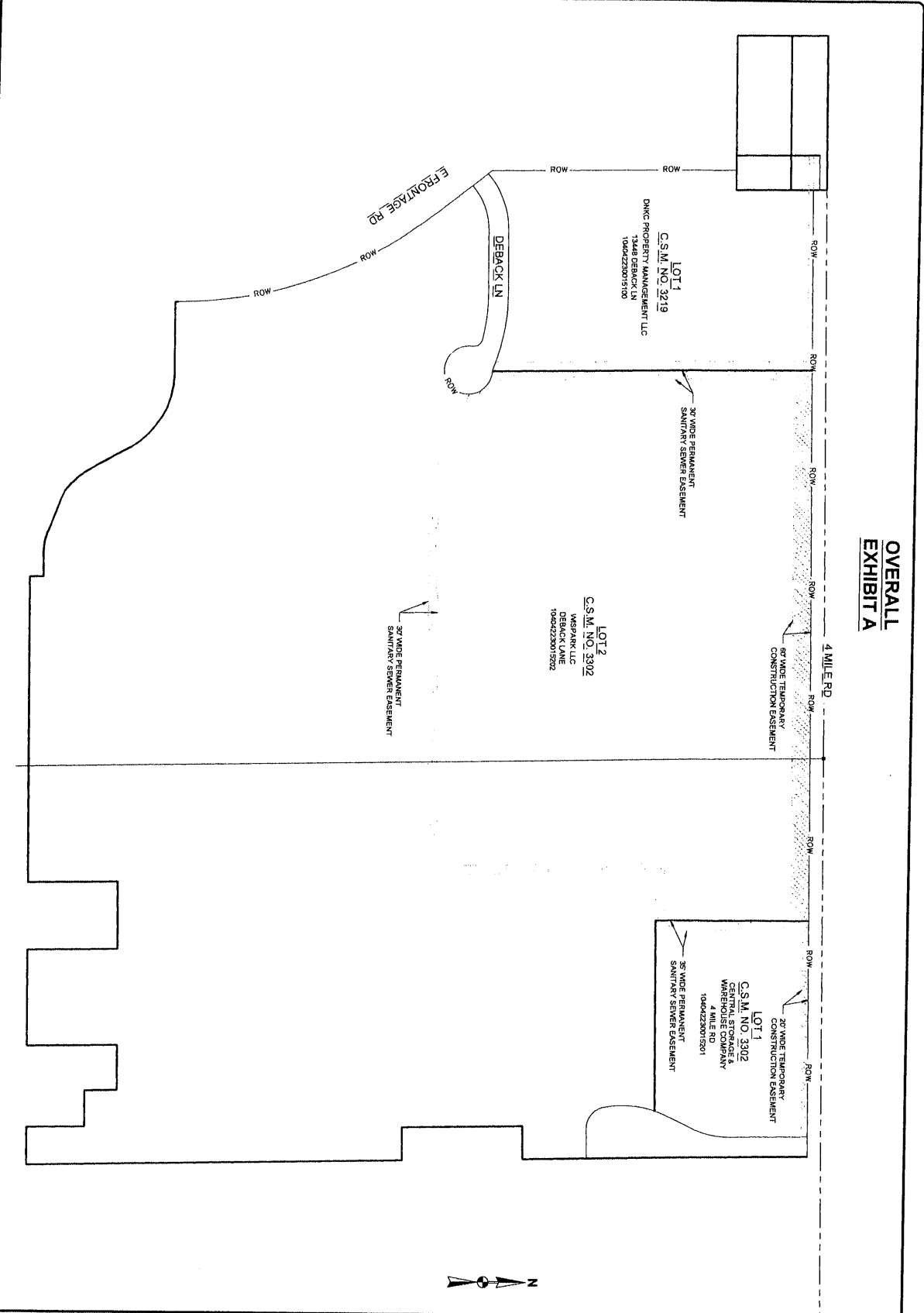
Signatures of Jack Williams, on behalf of Owner, and James R. Dobbs and Karie Torkilsen, Village President and Village Clerk, respectively, of the Village of Caledonia; and Howard Stacey, President, and Harry Garnette, Secretary, of the Village of Caledonia Sewer Utility District, authenticated this 21ST day of March, 2018.


John M. Bjelajac
Member: State Bar of Wisconsin
State Bar No. 1015325

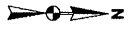
This Agreement drafted by
Attorney John M. Bjelajac
601 Lake Avenue
Post Office Box 38
Racine, Wisconsin 53401-0038
Phone: (262)633-9800
FAX: (262)633-1209
(Attorney for the Village of Caledonia,
and the Village of Caledonia Sewer
Utility District)

EXHIBIT A
Page 1 of 3

Oct 24, 2018 - 09:58 AM - C:\Users\Public\Desktop\Utility District\18032004 - TID 4 Back Phase 3 Utility Improvements\DWG\CAD\Display\CASEMENTS OCTOBER FWH.dwg



OVERALL
EXHIBIT A



<p>PROJECTED RECORDS</p> <p>HORIZONTAL SCALE</p> <p>0 150 300</p>	<p>EXHIBIT A EASEMENTS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">REVISIONS</th> </tr> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>JAH</td> <td>10/19/18</td> <td>NEW CSM</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>RECORD DRAWINGS OF COMPLETED CONSTRUCTION TO CONFORM TO CONTRACTOR AND/OR CITY RECORDS.</p> <p>BY: _____ DATE: _____</p>	REVISIONS				NO.	BY	DATE	DESCRIPTION	1	JAH	10/19/18	NEW CSM													<p>TID 4 PHASE 3 IMPROVEMENTS EASEMENT ACQUISITIONS SITE MAP</p> <p>VILLAGE OF CALEDONIA UTILITY DISTRICT</p>	<p>Foth</p> <p>Foth Infrastructure & Environment, LLC 2614 S. 103rd Street Suite 278, Lincoln Center H West Allis, WI 53227 Phone: 414-348-7800 Fax: 414-348-7801</p> <p>REUSE OF DOCUMENTS THIS DOCUMENT HAS BEEN DEVELOPED FOR A SPECIFIC APPLICATION AND NOT FOR GENERAL USE. THEREFORE, IT MAY NOT BE USED WITHOUT THE WRITER'S APPROVAL OF FOTH INFRASTRUCTURE & ENVIRONMENT, LLC. UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.</p>
REVISIONS																												
NO.	BY	DATE	DESCRIPTION																									
1	JAH	10/19/18	NEW CSM																									

**DETAIL
SITE MAP**



Foth
Foth Infrastructure & Environment, LLC
2514 E. 102nd Street
Suite 278, Lincoln Center II
West Allis, WI 53227
Phone: 414-586-7800 Fax: 414-586-7801

REUSE OF DOCUMENTS
THIS DOCUMENT HAS BEEN PREPARED FOR A SPECIFIC APPLICATION AND
NOT FOR GENERAL USE. THEREFORE, THE USER SHALL BE RESPONSIBLE
FOR OBTAINING NECESSARY WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC.
UNAPPROVED USE IS THE SOLE RESPONSIBILITY OF THE UNAUTHORIZED USER.

**TID 4 PHASE 3 IMPROVEMENTS
EASEMENT ACQUISITIONS
DETAIL SITE MAP**

VILLAGE OF CALEDONIA UTILITY DISTRICT

RACINE COUNTY
VILLAGE OF CALEDONIA, WISCONSIN

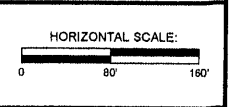
NO.	BY	DATE	DESCRIPTION
1	JAH	10/19/18	NEW CSM

RECORD DRAWING OF COMPLETED CONSTRUCTION BY
RECORD DRAWINGS OF COMPLETED CONSTRUCTION
CONFORMING TO CONTRACTOR AND/OR OWNERS RECORDS.
BY _____ DATE _____

Date of Preparation: OCTOBER 17, 2018

	BY	DATE
SURVEYED	JAH	03/27/2018
DRAWN	TMS	10/19/2018
DESIGNED	JAH	10/19/2018
CHECKED	DM	10/22/2018

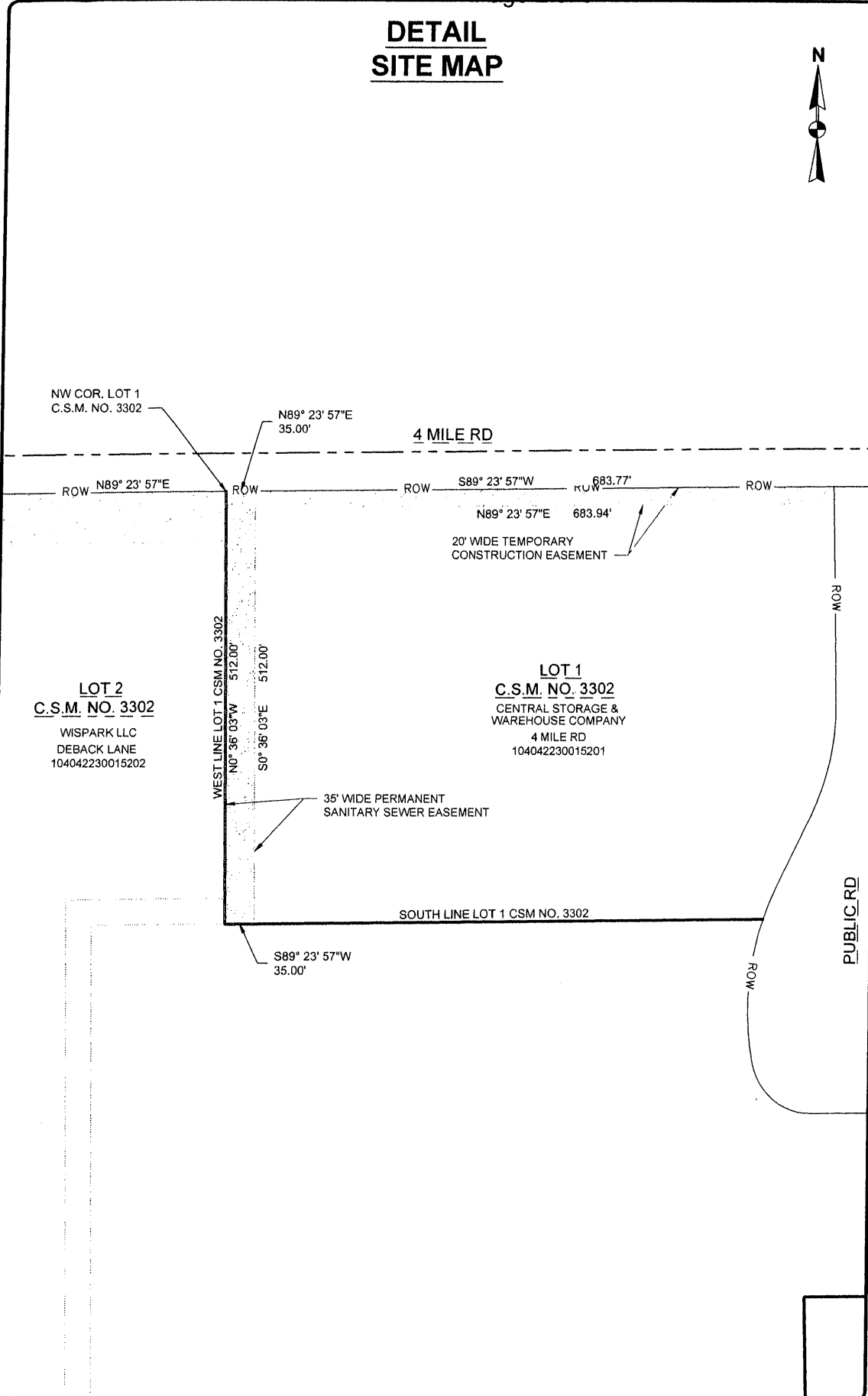
**CENTRAL STORAGE
AND WAREHOUSE
COMPANY**



PROJECT ID 18C030.04

SHEET 3 OF 3

Dec 25, 2018 - 12:34pm TMS: G:\Caledonia Utility District\18C030.04 - TID #4 DeBack Phase 3 Utility Improvements\Drawings\CAD\Displays\EASEMENTS: OCTOBER_FINAL.dwg



35' Permanent Sanitary Sewer Easement

That part of Lot 1 of Certified Survey Map No. 3302 being a redivision of all of Lot 2 of Certified Survey Map No. 3219, located in the in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 4 North, Range 22 East, Village of Caledonia, Racine County, Wisconsin bounded and described as follows:

Beginning at the Northwest corner of Lot 1 of said Certified Survey Map No. 3219; thence North 89°23'57" East, 35.00 feet along the South right of way of line of Four Mile Road and the North line of said Lot 1; thence South 00°36'03" East, 512.00 feet to the South line of said Lot 1; thence South 89°23'57" West, 35.00 feet along said South line to the southwest corner of said Lot 1; thence North 00°36'03" West, 512.00 feet along the west line of said Lot 1 to the feet to the point of beginning.

Containing 17,920 square feet (0.41 acres), more or less.

20' Temporary Construction Easement

That part of Lot 1 of Certified Survey Map No. 3302 being a redivision of all of Lot 2 of Certified Survey Map No. 3219, located in the and additional lands all in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4, Southeast 1/4, Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 4 North, Range 22 East, Village of Caledonia, Racine County, Wisconsin described as follows:

The north 20.00 feet of Lot 1 of said Certified Survey Map No. 3302 except that portion occupied by the 35 foot wide Permanent Sanitary Easement as described above.

Containing 13,672 square feet (0.31 acres), more or less.

Owner: Central Storage & Warehouse Company
Tax Parcel ID No.: 104-042230015201
Physical Address: 4 Mile Road

EXHIBIT B

The Village proposes to rebuild Four Mile Road from the East I-94 Frontage Road to County Trunk Highway V (CTH V). As a part of this municipal improvement project, the Village will be extending sanitary sewer service and municipal water into this area. It is to be installed within the right-of-way of Four Mile Road and will service the parcels along Four Mile Road as well as lands to the south of Four Mile Road.