

**RESOLUTION NO. 2019-77**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF COMMENCING PROCEEDINGS TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR CHARLES STREET THAT IS IMPROVED**

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, Developer is required to relocate Charles Street, including infrastructure for the District and storm water improvements (the "Charles Street Relocation");

**WHEREAS**, the Village Utility District Commission and the Village Board have approved plans and specifications for the Charles Street Relocation, upon compliance with the ordinances of the Village, required that the Developer enter into an Infrastructure Agreement relative to the construction of roads and other improvements on the Property;

**WHEREAS**, in order to relocate Charles Street, a portion of improved right-of-way that runs approximately 2608.30 feet north of Three Mile Road should be vacated so that it may be relocated further east in accordance with §66.1003(4), Wisconsin Statutes. The areas of the improved public right-of-way known as Charles Street requested to be vacated is depicted and described on the attached **Exhibit A** (the "Charles Street Right-of-Way to be Vacated"). Exhibit A also depicts and describes the real property to be dedicated for new right-of-way to connect to Three Mile Road when the Village Board takes action on the vacation after the construction of the new right-of-way is accepted by the Village;

**WHEREAS**, this Charles Street Right-of-Way to be Vacated will no longer be necessary for the traveling public and will not be necessary for public safety or convenience when the new Charles Street right-of-way is dedicated which will provide sufficient access;

**WHEREAS**, §66.1005, Wisconsin Statutes requires that the land where the right-of-way is located shall belong to the owner or owners of the adjoining lands after vacation and in this case the vacated right-of-way shall be attached to Parcel Numbers 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 and owned by the Payne and Dolan Inc.;

**WHEREAS**, the Village has no need or plans to further improve the Charles Street Right-of-Way 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.

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

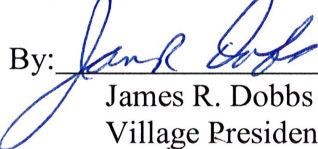
1. Vacate the Charles Right-of-Way as described and depicted on **Exhibit A** and noted as the Charles Street Vacation Description therein; and
2. The Charles Street Right-of-Way when vacated shall be attached to the parcel numbers set forth above.


**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 right-of-ways to be vacated; and,

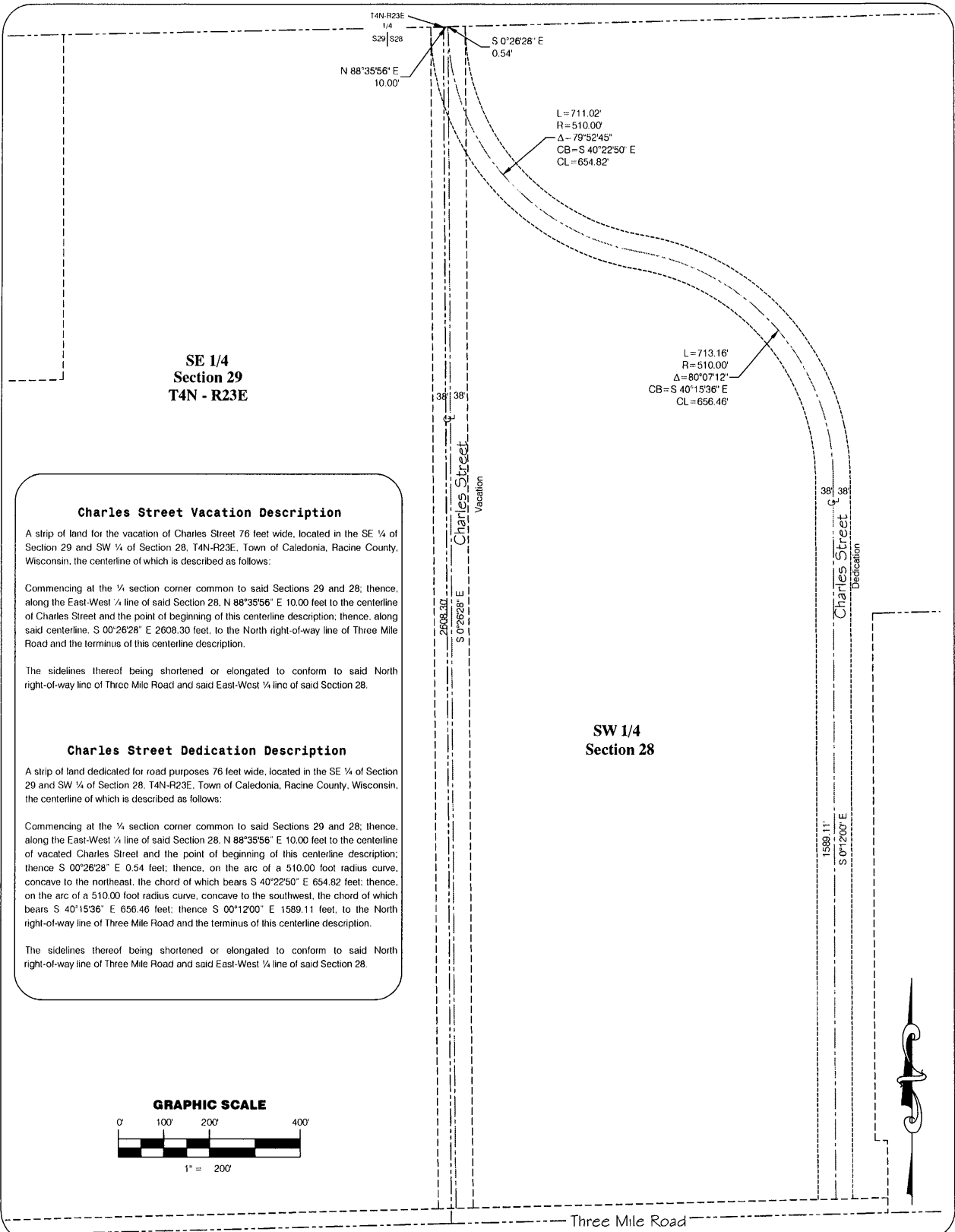
**BE IT FURTHER RESOLVED:** That the Village Clerk shall deliver a copy of this Resolution to the Secretary of the Wisconsin Department of Transportation and shall also arrange for the filing of a Lis Pendens incorporating this Resolution in the Racine County Register of Deeds Office, pursuant to Wisconsin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

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 3<sup>rd</sup> day of September, 2019.

**VILLAGE OF CALEDONIA**

By:  \_\_\_\_\_  
James R. Dobbs  
Village President

Attest:  \_\_\_\_\_  
Karie Pope  
Village Clerk



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

**SW 1/4  
Section 28**

**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.

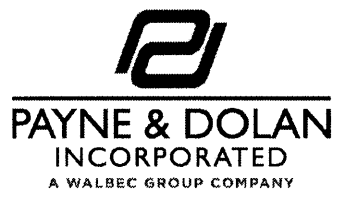
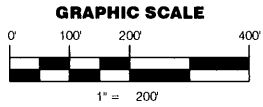
The sidelines thereof being shortened or elongated to conform to said North right-of-way line of Three Mile Road and said East-West 1/4 line of said Section 28.

**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 510.00 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**

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**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



**CERTIFICATION OF VILLAGE OF CALEDONIA**  
**RESOLUTION 2019-77**

The undersigned, Karie Pope, being the duly elected Clerk for the Village of Caledonia, certify that attached hereto is a certified copy of Resolution 2019-77  
*RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF COMMENCING PROCEEDINGS TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR CHARLES STREET THAT IS IMPROVED* approved by the Village Board of the Village of Caledonia, Racine County, Wisconsin on September 3, 2019.

Dated this 6<sup>th</sup> day of September, 2019.

Karie Pope, Clerk  
Village of Caledonia

Subscribed and sworn to before me  
This 6<sup>th</sup> day of September, 2019

Notary Public

Racine County, Wisconsin

My Commission expires: 3-27-2020