

**NOTICE OF SPECIAL VILLAGE BOARD MEETING**

**Monday, March 29, 2021 immediately following the  
Plan Commission meeting starting at 6:00 p.m.  
Caledonia Village Hall – 5043 Chester Lane**

**THIS WILL NOT BE AN IN-PERSON MEETING**

**AUDIO & VIDEO CONFERENCE VIA ZOOM**

**ACCESS VIA DIAL-IN NUMBER IS: 1-(312) 626-6799; ACCESS CODE IS: 876 8895 4121**OR

**ACCESS VIA ONE-TOUCH TELEPHONE IS: +13126266799,, 87688954121**OR

**ACCESS VIA INTERNET IS: <https://us02web.zoom.us/j/87688954121>**

1. Call to Order.
2. **Resolution 2021-42** – Resolution of the Village Board of the Village of Caledonia to Approve a Certified Survey Map - WisPark LLC/DeBack Farms Business Park CSM. Located in the SW ¼ and NW ¼ of the NE ¼ and the NE ¼, SE ¼, SW ¼ and NW ¼ of the NW ¼ of Section 30, T4N, R22E, Village of Caledonia, Racine County, WI – Owner WisPark LLC.
3. **Resolution 2021-43** – Resolution Authorizing the Partial Release Between the Village of Caledonia, WisPark LLC, Scannell Properties #499, LLC, Scannell Properties #413, LLC, and Scannell Properties #514, LLC, Of Restrictive Covenants for Outlot 4 in DeBack Farms Business Park and Authorizing the Acceptance and Execution of the Transfer Deed to Outlot 4 to the Village for a Future Elevated Water Storage Tank.
4. The **VILLAGE BOARD** will take up a motion to go into **CLOSED SESSION**, for the following purpose(s): pursuant to Wis. Stat. 19.85(1)(c), (e), to discuss negotiation of agreements; **AND** pursuant to s. 19.85(1)(g), Wis. Stat. conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it may become involved, specifically with respect to the Racine County Circuit Court Case Numbers: 2004CI000003 (State of Wisconsin v. Hung N. Tran) and 1995CF001197 (State of Wisconsin vs. Daniel R. Williams).
5. The **VILLAGE BOARD** shall then go back into **OPEN SESSION** and take action upon but not limited to, those items discussed in closed session including possibly the retention of special counsel.
6. **Resolution 2021-44** – Resolution Authorizing the Village of Caledonia to Enter Into the Resignation Agreement, Waiver And Release with Toni Muise.
7. Adjournment.

Dated March 26, 2021

Joslyn Hoeffert  
Village Clerk

**RESOLUTION NO. 2021-42**

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA TO APPROVE A CERTIFIED SURVEY MAP - WISPARK LLC/DEBACK FARMS BUSINESS PARK CSM. LOCATED IN THE SW ¼ AND NW ¼ OF THE NE ¼ AND THE NE ¼, SE ¼, SW ¼ AND NW ¼ OF THE NW ¼ OF SECTION 30, T4N, R22E, VILLAGE OF CALEDONIA, RACINE COUNTY, WI – OWNER WISPARK LLC**

The Village Board for the Village of Caledonia resolves as follows:

**WHEREAS**, the Village Board has previously approved the rezoning of the land for WisPark LLC / DeBack Farms Business Park– NE ¼ & NW ¼ of Section 30, T4N, R22E located in TID #4 for the development of a new business park in the Village.

**WHEREAS**, the applicant is requesting to create 4 parcels as described on the Public Works Director’s Memo attached hereto as **Exhibit A** and the Public Works Director recommended approval subject to the conditions set forth in **Exhibit A**.

**WHEREAS**, it is the intent of the developer that Lots and Outlots be created and ready for future end users in the business park and that the Outlot be donated to the Village for the purpose of a water storage tank.

**WHEREAS**, the Village Plan Commission has recommended approval of the request subject to the approval by the Village Board in accordance with the Village’s Engineer’s Memo attached hereto as **Exhibit A** and subject to the conditions outlined therein.

**NOW, THEREFORE, BE IT RESOLVED**, by the Village Board of the Village of Caledonia that the Certified Survey Map as set forth above, is hereby approved for the same reasons and requirements set forth above, and subject to the same conditions imposed by the Village Plan Commission, and as described in **Exhibit A**, and the payment of the required land division fees and compliance with all applicable Village ordinances; and,

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this \_\_\_\_ day of March, 2021.

**VILLAGE OF CALEDONIA**

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

Attest: \_\_\_\_\_  
Joslyn Hoeffert  
Village Clerk

# MEMORANDUM

Date: March 24, 2021

To: Plan Commission  
Village Board

From: Tom Lazcano P.E. *Tom Lazcano*  
Public Works Director

Re: Scannell Properties - Certified Survey Map  
Parcel ID 104-04-22-30-015-202

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The Engineering Department has received a Certified Survey Map (CSM) from WisPark LLC to divide a parcel in DeBack Farms Business Park. The CSM was prepared by John Konopacki of the Pinnacle Engineering Group.

This is the fourth CSM for the DeBack Farms Business Park located in TID #4. The property is located between Four Mile Road and Adams Road and East of the East Frontage Road. The parcel is 71.069 acres. The proposed CSM is to split the parcel into multiple Lots and Outlots for future development.

This CSM is for the creation of 3 Lots and 1 Outlot. Lot 1 of this CSM is for a distribution warehouse that was approved by the Village Board in early March. Lot 2 and Lot 3 will be used for future development. The Outlot will be deeded to the Village for the installation of an elevated storage tank. This CSM is in conformance with the DeBack Farms Business Park Development Plan that has been submitted and used for the proposed Business Park.

The existing parcel is currently vacant. The parcel is located within the Sanitary Sewer & Water Service Area. All Lots will need to be connected to Sanitary Sewer & Water service. These connections will be the responsibility of the developers and may be subject to connection fees.

The parcel is part of the third WisPark CSM that is in the processes of being recorded. Once that CSM is recorded a new Parcel ID will be assigned for this CSM.

The Village Board has approved a Development Agreement with Scannell for the development of properties in the DeBack Farms Business Park. Any and all requirements of that Development Agreement shall be followed with the review and approval of this CSM.

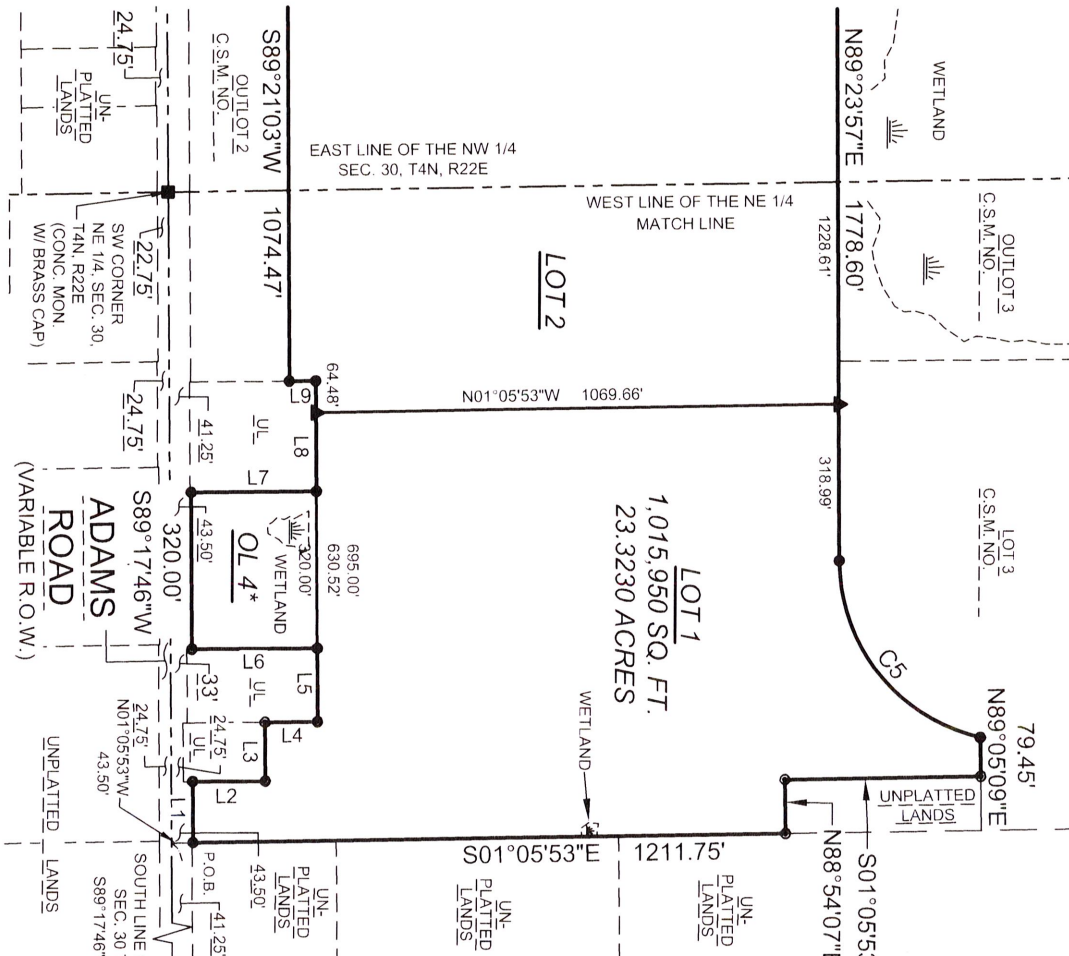
After reviewing the Scannell Properties / DeBack Farms Business Park CSM, the following motion is recommended.

**Move to conditionally approve the Scannell Properties / DeBack Farms Business Park CSM subject to the following:**

- 1. Address the Village's comments/changes to the draft CSM prior to recording.**
- 2. Cross access agreements will be needed to allow access and egress from DeBack Lane and from Adams Road/Carol Road via private driveways that cross lot lines.**
- 3. The third WisPark CSM will need to be recorded and a Parcel ID issued for Lot 2 prior to recording this CSM.**
- 4. All conditions of the Development Agreement between Scannell and the Village of Caledonia for the development of the properties in the DeBack Farms Business Park shall be incorporated as necessary.**
- 5. There shall be a Conditional Use Review in which all future developments building on Lots 2, 3, and any future Lot divisions shall conform.**
- 6. There shall be a Building Design Standards Review in which all future developments building on Lots 2, 3, and any future Lot divisions shall conform to Title 16 Chapters 3 & 4.**
- 7. The CSM is subject to the Land Division per Lot fee.**
- 8. All development on this CSM must conform to all Ordinances in Titles 9, 14, 15, 16 and 18.**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of all of Lot 2, Certified Survey Map No. \_\_\_\_\_, located 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



- LEGEND:**
- ⊗ - Denotes Found 1" Iron Pipe
  - ⊙ - Denotes Found 3/4" Iron Pipe
  - ⊕ - Denotes Found Capped 1/2" Iron Rebar
  - ⊖ - Denotes Found 3/4" Iron Rebar
  - ⊗ - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT.
  - ⊕ - Denotes Found Mag Nail
  - ⊖ - Denotes Found Chiseled Cross
  - UL - Denotes "Unplatted Land"



Prepared for:  
 WIS/PARK, LLC  
 231 W. Michigan Street  
 Milwaukee, WI 53203



MARCH 17, 2021

**\*OUTLOT 4**  
 81,974 SQ. FT.  
 1.8819 ACRES

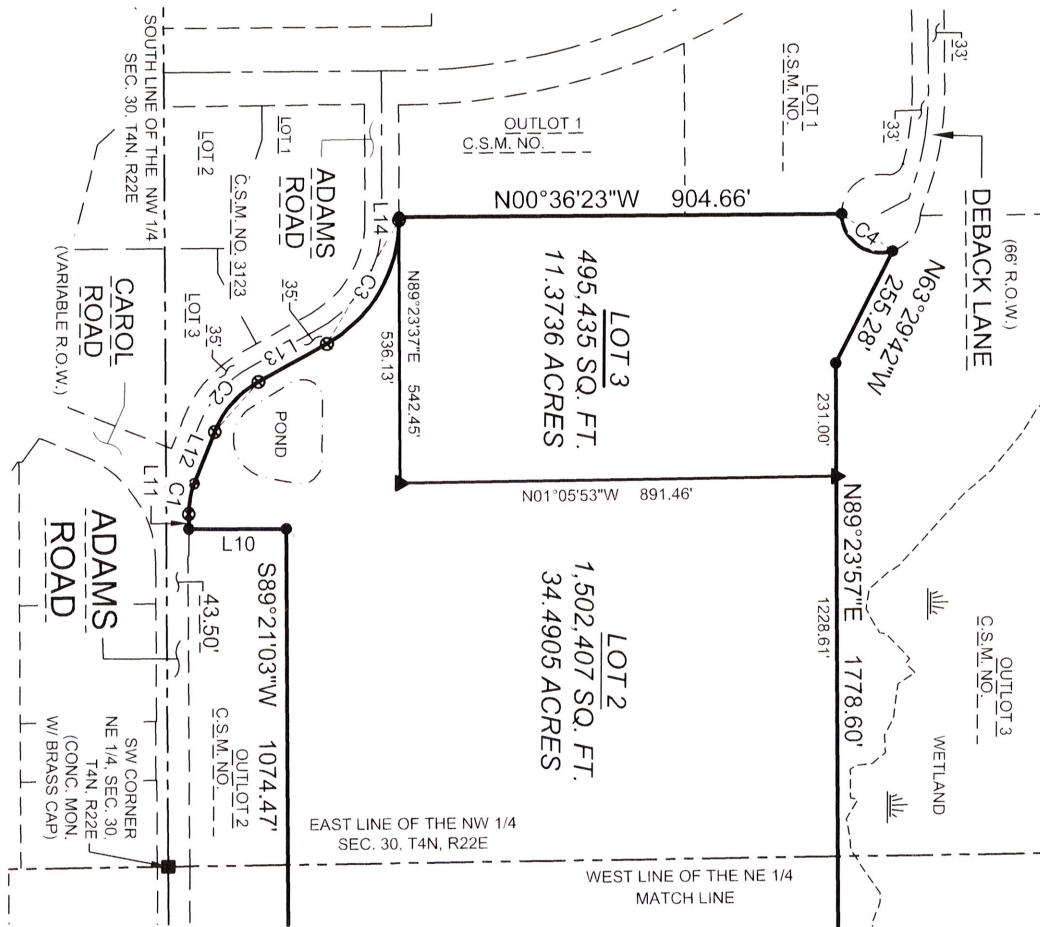
Prepared By:  
**PINNACLE ENGINEERING GROUP**  
 20725 WATERTOWN ROAD | SUITE 100  
 BROOKFIELD, WI 53186  
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. 5-2461

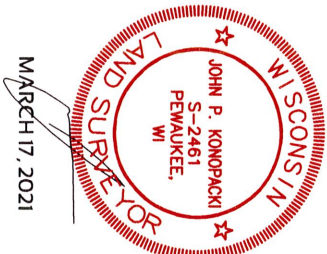
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 SHEET 1 OF 10

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- LEGEND:**
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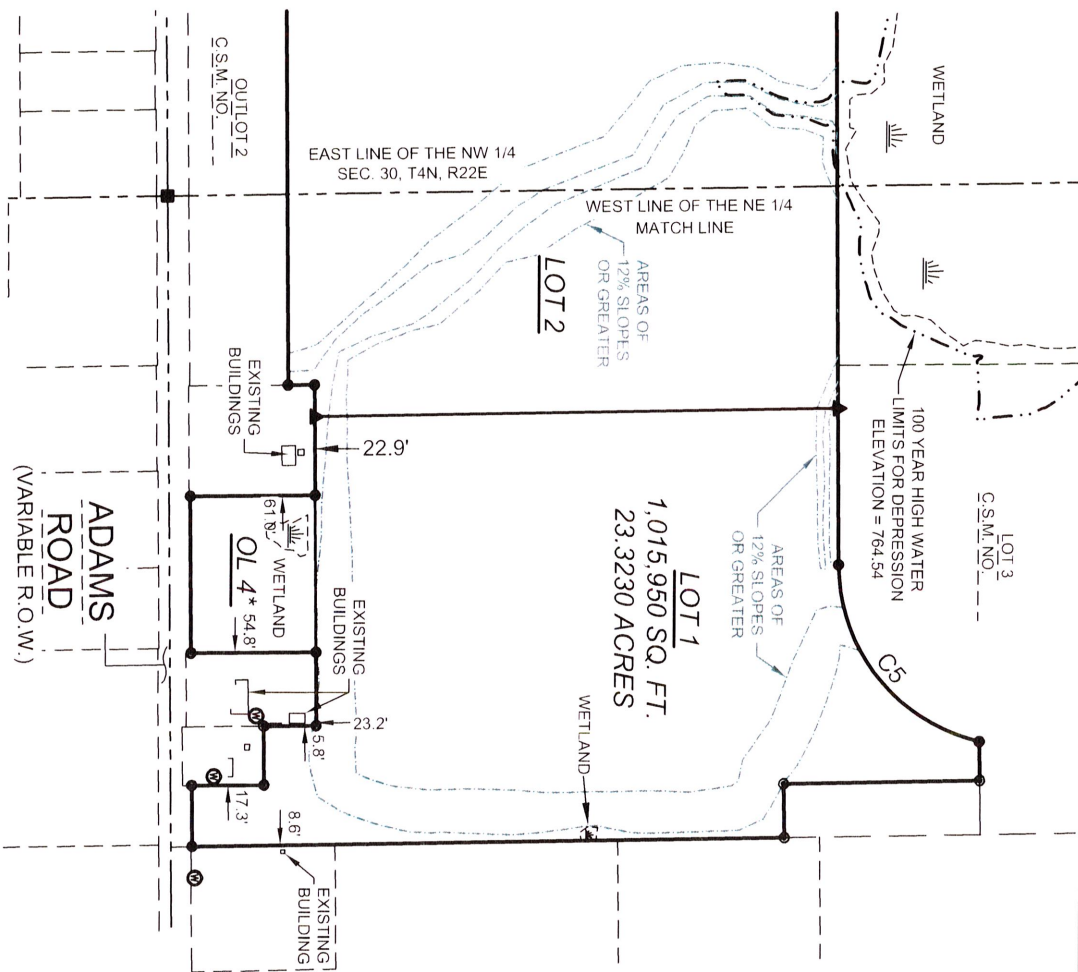
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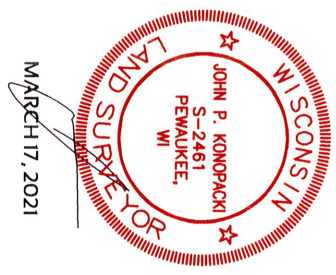
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 SHEET 2 OF 10

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  - ⊕ - Denotes Found Capped 1/2" Iron Rebar
  - ⊖ - Denotes Found 3/4" Iron Rebar
  - ⊗ - Denotes Set 3/4" X 18" Iron Rebar, 15.185'/FT.
  - ⊗ - Denotes Found Mag Nail
  - ⊗ - Denotes Found Chiseled Cross
  - ⊗ - Denotes Well



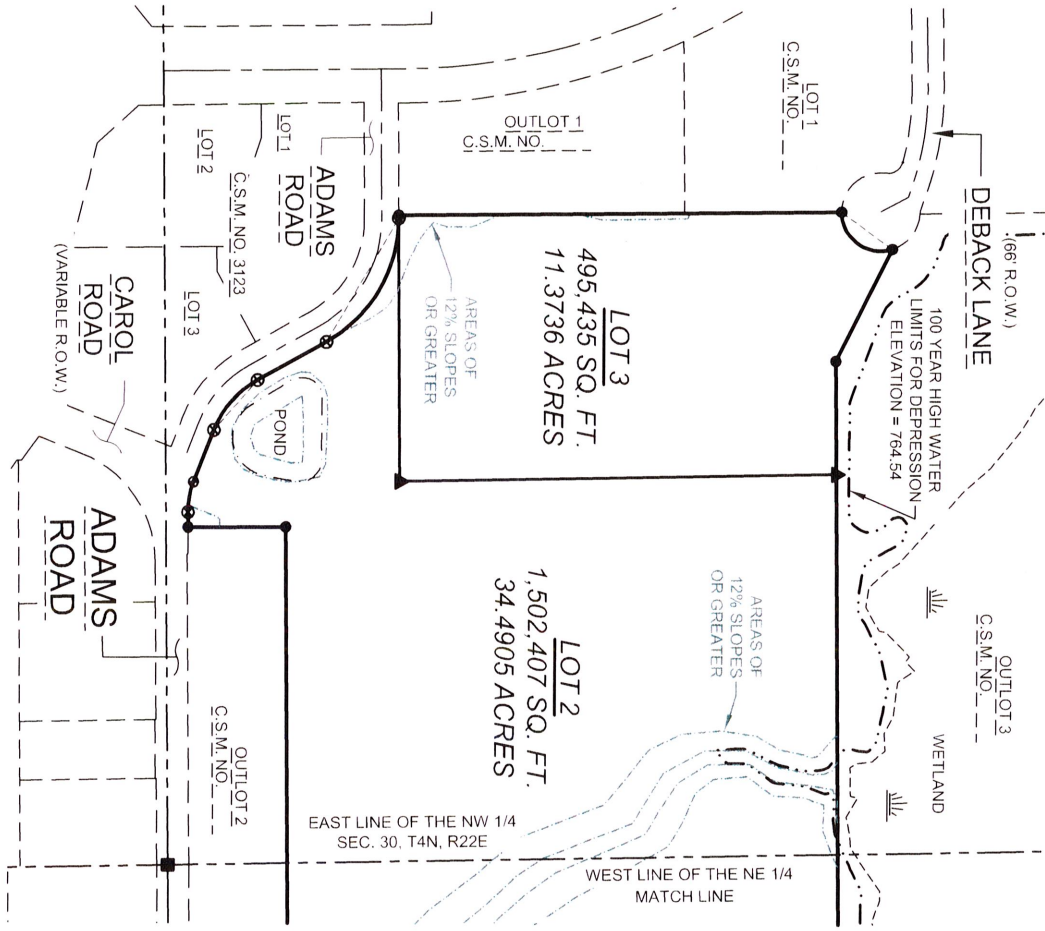
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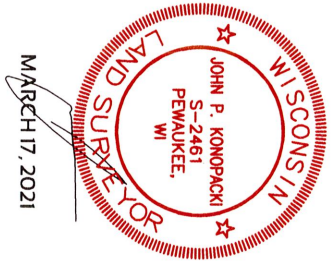
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 SHEET 3 OF 10

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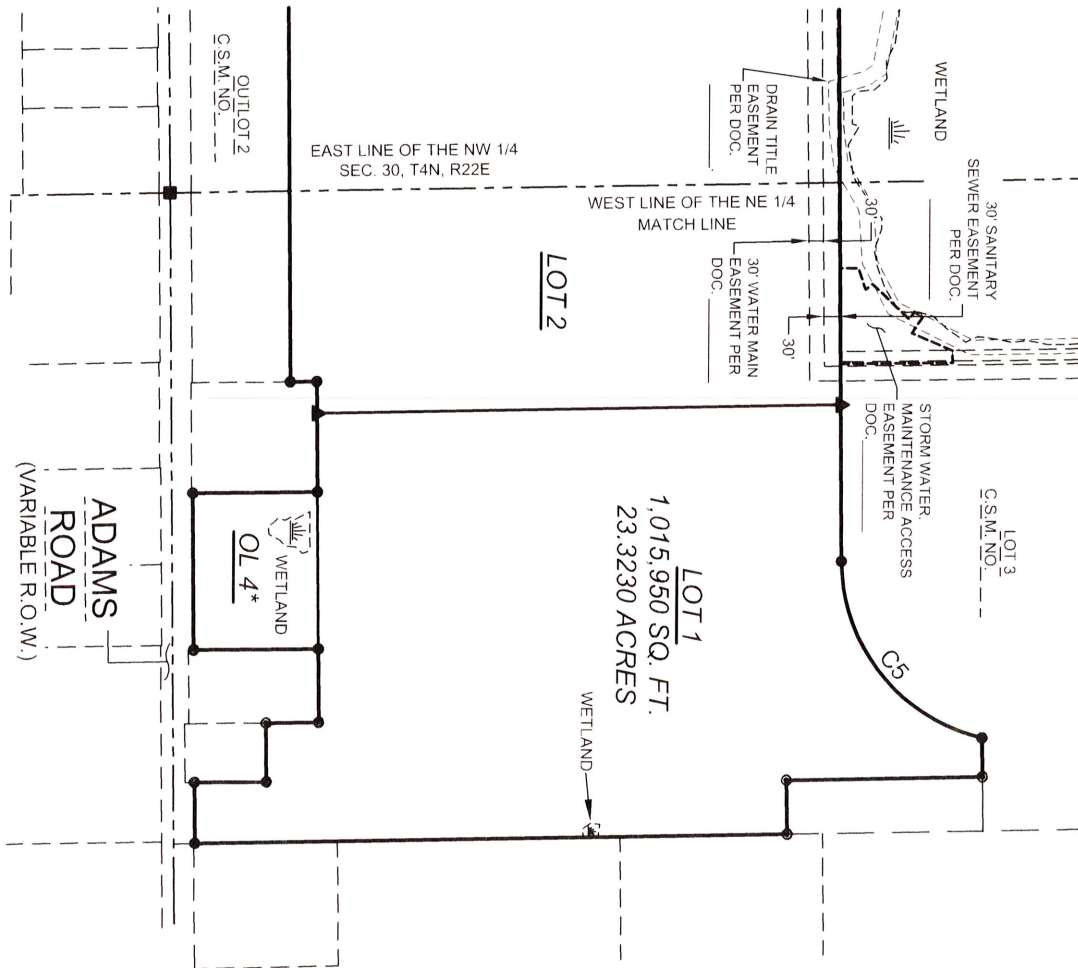
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**SHEET 4 OF 10**

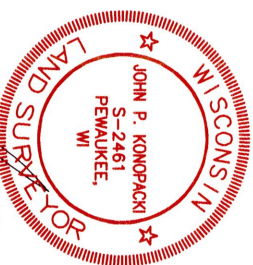


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MARCH 17, 2021

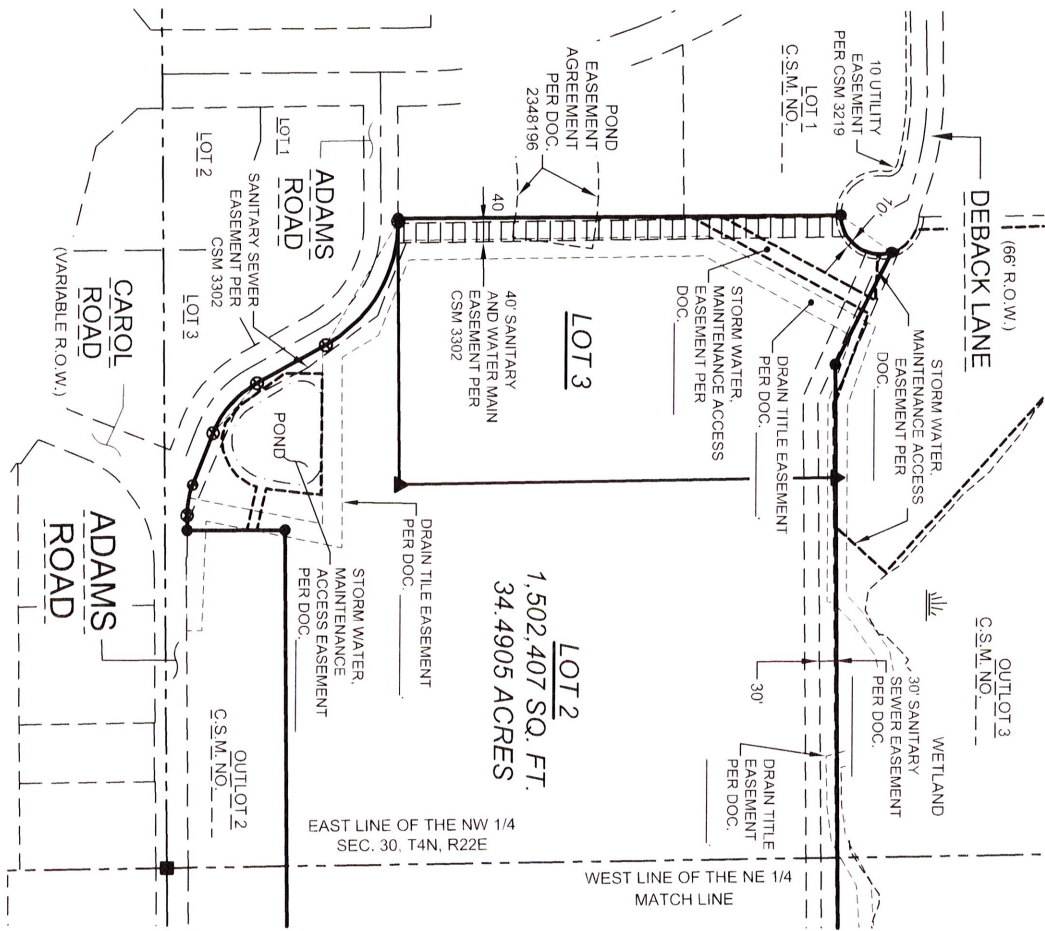
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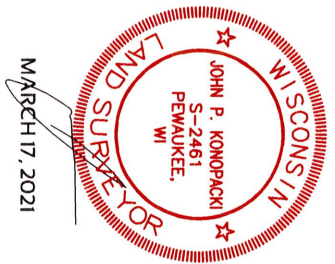
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 SHEET 5 OF 10

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  - - Denotes Found 3/4" Iron Rebar
  - ▲ - Denotes 5/8" x 18" Iron Rebar, 15 LBS./FT.
  - ⊕ - Denotes Found Mag Nail
  - ⊗ - Denotes Found Chiseled Cross



Prepared By:  
**PINNACLE ENGINEERING GROUP**  
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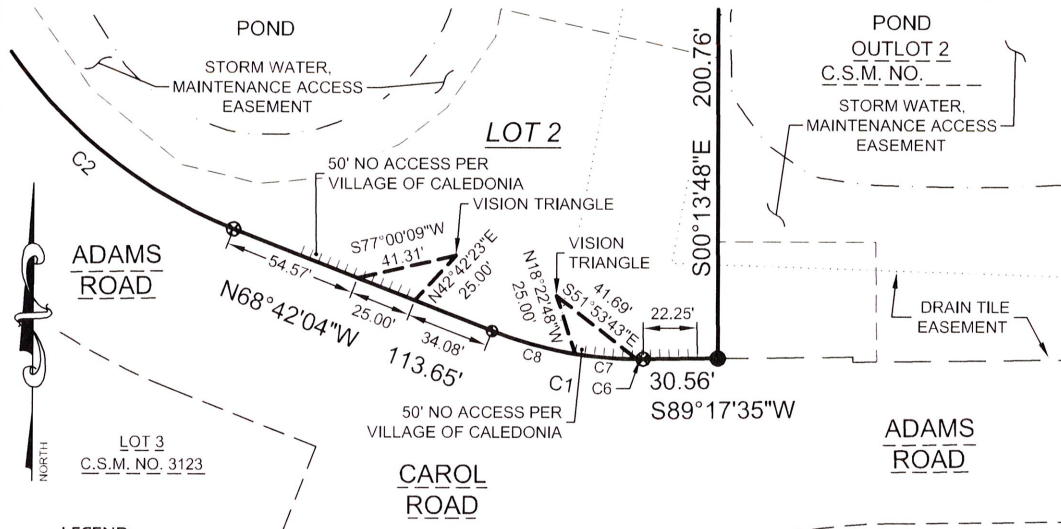
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**SHEET 6 OF 10**

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## NO ACCESS AND VISION CORNER EASEMENT DETAILS

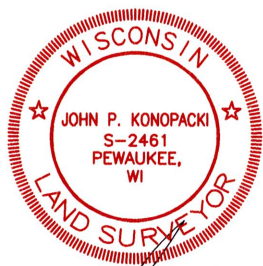
SCALE=1"=60'



**LEGEND:**

- ⊗ - Denotes Found 3/4" Iron Pipe
- - Denotes Found 3/4" Iron Rebar
- ⊙ - Denotes Found Mag Nail
- ||||| - Denotes No Access

VISION TRIANGLE EASEMENT CURVE TABLE				
CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C6	2.74'	165.00'	S89°46'08"W	2.74'
C7	25.02'	165.00'	N85°24'38"W	25.00'
C8	35.61'	165.00'	N74°53'01"W	35.54'



MARCH 17, 2021

**NO ACCESS NOTE:**

WISPARK, LLC, as owner, hereby restricts all lots in that no owner possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with East Frontage Road, as shown on this certified survey map; it being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to s.236.293 of the Wisconsin State Statutes, and shall be enforceable by the Department of Transportation.

**VISION CORNER EASEMENT RESTRICTIONS:**

No structure or improvements of any kind is permitted within the vision corner. No vegetation within the vision corner may exceed 30 inches in height.

**NOTES:**

- All measurements have been made to the nearest one-hundredth of a foot and all angular measurements have been made to the nearest one second.
- Bearings refer to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northeast 1/4 of Section 30, Township 4 North, Range 22 East has a reference bearing of N89°23'57"E.
- Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Reference Benchmark: Concrete monument with brass cap at the North corner Section 30, Town 4 North, Range 22 East, Elevation = 782.82.
- Flood Zone Classification: The property lies with in Zone "X" of the Flood Insurance Rate Map Community Panel No. 55I0IC0087D with an effective date of MAY 02, 2012. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
- Wetlands delineated by Wetland & Waterway Consulting, LLC. on September 24, 2015.
- WETLAND RESTRICTIONS: Grading and filling are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers. The removal of topsoil or other earthen materials is prohibited. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, with the exception that dead, diseased or dying vegetation may be removed. Grazing by domesticated animals, i.e., horses, cows, etc., is prohibited. The introduction of plant material not indigenous to the existing environment of the Wetland area is prohibited. Ponds may be permitted subject to the approval of the municipality and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers. The construction of buildings is prohibited.

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
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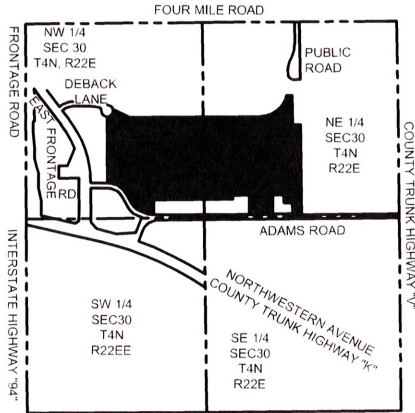
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PEG JOB#390.00C  
**SHEET 7 OF 10**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

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## VICINITY MAP SCALE 1":2000'



Subject Property Zoning:  
M-3: Heavy Industrial District  
Setbacks:  
STREET: 50 FEET  
REAR: 25 FEET  
SIDE: 20 FEET  
Tax Key Number:  
#104-04-22-30-015-202

BOUNDARY LINE TABLE		
LINE NO.	BEARING	DISTANCE
L1	S89°17'46"W	124.98'
L2	N00°42'14"W	148.00'
L3	S89°17'46"W	120.00'
L4	N00°42'14"W	108.17'
L5	S89°17'46"W	150.00'
L6	S00°42'14"E	256.17'
L7	N00°42'14"W	256.17'
L8	S89°17'46"W	225.00'
L9	S00°42'14"E	54.49'
L10	S00°13'48"E	200.76'
L11	S89°17'35"W	30.56'
L12	N68°42'04"W	113.65'
L13	N29°07'17"W	160.67'
L14	S89°23'37"W	6.32'

## CURVE TABLE

CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	63.37'	165.00'	022°00'21"	N79°42'15"W	62.98'	S89°17'35"W	N68°42'04"W
C2	138.16'	200.00'	039°34'47"	N48°54'41"W	135.43'	N68°42'04"W	N29°07'17"W
C3	305.84'	285.00'	061°29'06"	N59°51'50"W	291.37'	N29°07'17"W	S89°23'37"W
C4	149.13'	80.00'	106°48'19"	N35°59'27"E	128.46'	N89°23'37"E	N17°24'42"W
C5	498.18'	373.00'	076°31'29"	N51°08'13"E	461.97'	N89°23'57"E	N12°52'28"E



MARCH 17, 2021

Prepared By:

**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#390.00C  
**SHEET 8 OF 10**

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## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and redivided all of Lot 2 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Racine County as Document No. \_\_\_\_\_, located 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:

Commencing at the southeast corner of the Northeast 1/4 of said Section 30; Thence South 89°17'46" West along the south line of said Northeast 1/4, 1327.73 feet; Thence North 01°05'53" West, 43.50 feet to the Point of Beginning;

Thence South 89°17'46" West along said north right of way line, 124.98 feet;  
Thence North 00°42'14" West, 148.00 feet;  
Thence South 89°17'46" West, 120.00 feet;  
Thence North 00°42'14" West, 108.17 feet;  
Thence South 89°17'46" West, 150.00 feet;  
Thence South 00°42'14" East, 256.17 feet to the aforesaid north right of way line;  
Thence South 89°17'46" West along said north right of way line, 320.00 feet;  
Thence North 00°42'14" West, 256.17 feet;  
Thence South 89°17'46" West, 225.00 feet;  
Thence South 00°42'14" East, 54.49 feet;  
Thence South 89°21'03" West, 1074.47 feet;  
Thence South 00°13'48" East, 200.76 feet to the aforesaid north right of way line of Adams Road;  
Thence the following courses along said north right of way line:  
South 89°17'35" West, 30.56 feet to a point of curvature; Northwesterly 63.37 feet along the arc of said curve to the right, whose radius is 165.00 feet and whose chord bears North 79°42'15" West, 62.98 feet; North 68°42'04" West, 113.65 feet to a point of curvature; Northwesterly 138.16 feet along the arc of said curve to the right, whose radius is 200.00 feet and whose chord bears North 48°54'41" West, 135.43 feet; North 29°07'17" West, 160.67 feet to a point of curvature; Northwesterly 305.84 feet along the arc of said curve to the left, whose radius is 285.00 feet and whose chord bears North 59°51'50" West, 291.37 feet; South 89°23'37" West, 6.32 feet;  
Thence North 00°36'23" West, 904.66 feet to the south right of way line of Deback Lane and a point of a curve;  
Thence northeasterly 149.13 feet along the arc of said curve to the left and said right of way, whose radius is 80.00 feet and whose chord bears North 35°29'27" East, 128.46 feet;  
Thence South 63°29'42" East, 255.28 feet;  
Thence North 89°23'57" East, 1778.60 feet to a point on a curve;  
Thence northeasterly 498.18 feet along the arc of said curve to the left, whose radius is 373.00 feet and whose chord bears North 51°08'13" East, 461.97 feet;  
Thence North 89°05'09" East, 79.45 feet;  
Thence South 01°05'53" East, 400.00 feet;  
Thence North 88°54'07" East, 110.08 feet to the east line of the West 1/2 of the Northeast 1/4;  
Thence South 01°05'53" East along said east line, 1211.75 feet to the north right of way line of Adams Road and the Point of Beginning.

Containing 3,095,766 square feet (71.0690 acres) of land, more or less.

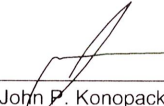
That I have made such survey, land division and map by the direction of WISPARK LLC, owner of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of s.236.34 of the Wisconsin State Statutes and the Village of Caledonia Land Division Ordinance in surveying, mapping and dividing the same.

Date: MARCH 17, 2021



  
John P. Konopacki  
Professional Land Surveyor S-2461

Prepared By:  
 PINNACLE ENGINEERING GROUP  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#390.00C  
SHEET 9 OF 10

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of all of Lot 2, Certified Survey Map No. \_\_\_\_\_, located 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

## OWNER'S CERTIFICATE

WISPARK LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided and mapped as represented on this certified survey map.

I also certify that this certified survey map is required by s.236.10 or s.236.12 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1. Village of Caledonia

IN WITNESS WHEREOF, the said WISPARK LLC has caused these presents to be signed by (name) \_\_\_\_\_, (title) \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

In the presence of: WISPARK, LLC

\_\_\_\_\_  
signature

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021, (name) \_\_\_\_\_, (title) \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

## VILLAGE BOARD APPROVAL

Approved by the Village Board of the Village of Caledonia on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Joslyn Hoeffert, Village Clerk



MARCH 17, 2021

## Joslyn Hoeffert

---

**From:** Elaine Sutton Ekes <esekes@peglawfirm.com>  
**Sent:** Thursday, March 25, 2021 2:18 PM  
**To:** Joslyn Hoeffert  
**Cc:** Eileen M. Zaffiro; Tony Bunkelman; Thomas J. Christensen; Tom Lazcano; Peter Wagner  
**Subject:** Resolution addressing Outlot 4 for Elevated Water Tank  
**Attachments:** Resolution 2021-\_\_ approving PARTIAL RELEASE WATER TANK PARCEL.docx; 3-25-21 draft of board action of Partial Release Outlot 4.pdf

Please include this email with the attachments in the packet.

Dear Board Members,

Attached for the board's packet is the resolution authorizing the release of restrictive covenants for Outlot 4 of the Scannell CSM setting the stage for transfer of the outlot to the Village for use as a future water tower parcel. It is necessary to lift the village imposed restriction that states no ownership by tax exempt entities. This is a standard provision in the Village's TIDs to help ensure the payment of taxes to support the TID. It will no longer be necessary for Outlot 4 because the Village, as you know is a tax exempt entity. The Village will be responsible for paying the real estate transfer return fee when the transfer deed is recorded and this resolution also authorizes the Village to accept the transfer deed which will occur in approximately the next month.

We recommend approval of this resolution.

Elaine

Elaine Sutton Ekes  
Pruitt, Ekes & Geary, S.C.  
Main Place  
245 Main Street, Suite 404  
Racine, WI 53403  
Email: [esekes@peglawfirm.com](mailto:esekes@peglawfirm.com)  
(262) 456-1216 - Ext. 103  
(262) 456-2086 (fax)  
Visit us on the Web at [www.peglawfirm.com](http://www.peglawfirm.com).

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**RESOLUTION NO. 2021-43**

**RESOLUTION AUTHORIZING THE PARTIAL RELEASE BETWEEN THE VILLAGE OF CALEDONIA, WISPARK LLC, SCANNELL PROPERTIES #499, LLC, SCANNELL PROPERTIES #413, LLC, AND SCANNELL PROPERTIES #514, LLC, OF RESTRICTIVE COVENANTS FOR OUTLOT 4 IN DEBACK FARMS BUSINESS PARK AND AUTHORIZING THE ACCEPTANCE AND EXECUTION OF THE TRANSFER DEED TO OUTLOT 4 TO THE VILLAGE FOR A FUTURE ELEVATED WATER STORAGE TANK**

**WHEREAS**, Scannell Properties #499, LLC, Scannell Properties #513, LLC and Scannell Properties #514, LLC (collectively "Scannell") and the Village have entered into a development agreement for Scannell to construct a three phase development on a parcel of land in Tax Incremental District No. 4 in the Village beginning the first phase for an approximately 322,000 square foot industrial facility building which received conditional building, site and operational plan approval from the Village on March 2, 2021 (the "Development");

**WHEREAS**, in furtherance of the Development, Scannell submitted to the Village and the Village has approved a certified survey map to divide the parcel of land further into three lots for each phase of the Development and one outlot (the "Scannell CSM") which outlot will be transferred to the Village for use by the Village for a future elevated water storage tank and associated utility related buildings and equipment ("Outlot 4") in accordance with the Development Agreement; and

**WHEREAS**, in furtherance of the municipal uses on Outlot 4, it is necessary for the Village to release a restriction on tax exempt ownership of any parcel of land in the DeBack Farms Business Park because Outlot 4 will be owned by the Village which is a tax exempt entity.

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that the Partial Release between the Village of Caledonia, Wispark LLC and Scannell attached as **Exhibit A** is hereby authorized and approved, and the Village President and Village Clerk are authorized to execute said partial release and the Village Administrator and Utility Director are authorized to take such actions as deemed necessary in furtherance thereof; and

**BE IT FURTHER RESOLVED**, that the Village President and Village Clerk are authorized to accept and execute a transfer deed for Outlot 4 of the Scannell CSM to the Village after review and approval by the Village Attorney in accordance with the Development Agreement, which limits the use of Outlot 4 to an elevated water storage tank and associated utility buildings and equipment necessary for the Water Utility.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this \_\_\_\_\_ day of March 2021.

**VILLAGE OF CALEDONIA**

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

Attest: \_\_\_\_\_  
Joslyn Hoeffert, Clerk



## PARTIAL RELEASE

**THIS PARTIAL RELEASE** (“**Partial Release**”) is made as of March \_\_\_\_, 2021, by and among the **VILLAGE OF CALEDONIA**, Wisconsin, a Wisconsin municipal corporation (the “**Village**”), **WISPARK LLC**, a Wisconsin limited liability company (“**Wispark**”), and “**Scannell**” being together, **Scannell Properties #499, LLC**, **Scannell Properties #513, LLC** and **Scannell Properties #514, LLC**, each Indiana Limited Liability Companies qualified to do business in Wisconsin.

### RECITALS:

**WHEREAS**, the Village and Wispark entered into that certain Restrictive Covenant recorded on August 1, 2016, in the Office of the Register of Deeds of Racine County, Wisconsin as Document No. 2441101 (“**Deed Restriction**”), which Deed Restriction encumbered property identified on Exhibit A thereto (the “**Encumbered Property**”); and

**WHEREAS**, the Deed Restriction by its terms prohibited that the Encumbered Property become Tax Exempt, according to the language contained therein; and

**WHEREAS**, Wispark imposed a certain Declaration of Development Standards and Protective Covenants on the Encumbered Property recorded on October 4, 2016, in the Office of the Register of Deeds of Racine County, Wisconsin as Document No. 2446964 (“**Restrictive Covenant**”); and

**WHEREAS**, Wispark is selling to Scannell a portion of the Encumbered Property, identified as “Lot 2 of the Wispark CSM” on Exhibit A; and

**WHEREAS**, Scannell is dividing Lot 2 of the Wispark CSM into three parcels and one Outlot, describes as the “Tank Parcel” on Exhibit A, and shown on the proposed Certified Survey Map attached hereto as Exhibit B (the “Scannell CSM”); and

**WHEREAS**, in consideration, in part, for the approvals and incentives provided for under the Development Agreement between the Village and Scannell dated \_\_\_\_\_ as of March 15, 2021 for the development of Lot 2 of the Wispark CSM, Scannell agreed to deed to the Village a portion of Lot 2 of the Wispark CSM which is identified on the Scannell CSM as “Outlot 4,” as shown on Exhibit B, which the Village intends to use for a water tank and related utility uses; and

**WHEREAS**, the parties agree that Outlot 4 should be released from the Deed Restriction and the Restrictive Covenant, in order to meet the requirements of the Development Agreement between the Village and Scannell and to allow for the Village's intended use of Outlot 4.

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. Partial Release. Outlot 4 is hereby released from the Deed Restriction and Restrictive Covenant, effective as of the date a deed from Scannell to the Village is recorded for

Outlot 4. All of the rest of the property subject to the Deed Restriction, not released herein, shall remain subject to the Deed Restriction, unless previously released.

2. Effect of Partial Release. Except as expressly released herein, the Deed Restriction shall remain as executed in full force and effect.

3. Counterparts. This Partial Release may be executed in any number of counterparts, each counterpart for all purposes being deemed an original, and all such counterparts shall together constitute only one and the same agreement.

4. Successors and Assigns. This Partial Release shall be binding upon and shall inure to the benefit of the undersigned and their respective successors and assigns. All exhibits referenced herein are incorporated herein by this reference.

5. Transfer Fee. If there is a transfer tax fee due on the transfer of the Tank Parcel, the Village shall be responsible for its payment.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Partial Release as of the day, month and year first written above.

**WISPARK LLC**

By: \_\_\_\_\_  
Erica-Nicole ~~Harris~~, ~~Vice President~~

STATE OF WISCONSIN )  
 ) SS  
MILWAUKEE COUNTY )

Personally came before me on \_\_\_\_\_, 2021, ~~the~~ above-named Erica-Nicole Harris, as Vice President of WISPARK LLC, to me known to ~~be the~~ person who executed the foregoing instrument and acknowledged ~~the same~~ on behalf of WISPARK LLC.

By: \_\_\_\_\_  
Name Printed: \_\_\_\_\_

Notary ~~Public~~, State of ~~Wisconsin~~  
My Commission Expires: \_\_\_\_\_

**VILLAGE OF CALEDONIA**

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

Attest: \_\_\_\_\_  
Joslyn Hoeffert, Village Clerk

STATE OF WISCONSIN     )  
  ) SS  
RACINE COUNTY            )

Personally came before me on \_\_\_\_\_, 2021, ~~the~~ above-named James R. Dobbs and Joslyn Hoeffert, on behalf of ~~the~~ Village of Caledonia, to me ~~known~~ to be the persons who executed the foregoing instrument and ~~acknowledged~~ the same on ~~behalf of~~ the Village of Caledonia.

By: \_\_\_\_\_  
Name Printed: \_\_\_\_\_

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

“SCANNELL:”

SCANNELL PROPERTIES #499, LLC

SCANNELL PROPERTIES #513, LLC

SCANNELL PROPERTIES #514, LLC

By: \_\_\_\_\_  
Mark Pflging, Manager of each LLC

STATE OF INDIANA        )  
  ) SS:  
COUNTY OF MARION     )

Personally came before me this \_\_\_\_ day of March, 2021, the above-named Mark Pflging, as the Manager of each of Scannell Properties #499, LLC, Scannell Properties #513, LLC and Scannell Properties #514, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same as the act and deed of said companies.

\_\_\_\_\_  
Notary Public, Marion County, Indiana  
My Commission: \_\_\_\_\_

## EXHIBIT A

### Legal Descriptions

"Lot 2 of the Wispark CSM" is hereby defined as follows:

Lot 2 of Certified Survey Map No. \_\_\_\_\_, recorded on March \_\_, 2021 in the Office of the Register of Deeds of Racine County, Wisconsin as Document No. \_\_\_\_\_, being a redivision of all of Lot 2, Certified Survey Map No. 3302, recorded on July 13, 2018, in Volume 10 of Certified Survey Maps, pages 918-929, as Document No. 2498467, being a redivision of all of Lot 2 of Certified Survey Map No. 3219, located 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.

Part of Tax Key: 104-04-22-30-015-200

Address: Adams Road

The "Tank Parcel" is hereby defined as follows:

Outlot 4 of Certified Survey Map No. \_\_\_\_\_, recorded on March \_\_, 2021, in the Office of the Register of Deeds of Racine County, Wisconsin as Document No. \_\_\_\_\_, being a redivision of Lot 2 of Certified Survey Map No. \_\_\_\_\_, recorded on March \_\_, 2021 in the Office of the Register of Deeds of Racine County, Wisconsin as Document No. \_\_\_\_\_, itself being a redivision of all of Lot 2, Certified Survey Map No. 3302, recorded on July 13, 2018, in Volume 10 of Certified Survey Maps, pages 918-929, as Document No. 2498467, being a redivision of all of Lot 2 of Certified Survey Map No. 3219, located 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.

Part of Tax Key: 104-04-22-30-015-200

Address: Adams Road

**EXHIBIT B**

**Scannell CSM Showing Location of Tank Parcel**

*[insert Scannell CSM here]*

<b>Summary report:</b>	
<b>Litera® Change-Pro for Word 10.8.1.3 Document comparison done on 3/24/2021 4:49:26 PM</b>	
<b>Style name:</b> MBFDefault	
<b>Intelligent Table Comparison:</b> Active	
<b>Original DMS:</b> iw://MICHAELBEST-DMS.IMANAGE.WORK/MBF/30162335/1	
<b>Modified DMS:</b> iw://MICHAELBEST-DMS.IMANAGE.WORK/MBF/30162399/1	
<b>Changes:</b>	
Add	2
Delete	1
Move From	0
Move To	0
Table Insert	1
Table Delete	0
Table moves to	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	<b>4</b>



Filename: 3-25-21 draft of board action of Partial Release Outlot 4.docx  
Directory: /Users/elaineekes/Dropbox/Clio/Caledonia, Village of/770272.139  
(2)/Development Agreement  
Template: /Users/elaineekes/Library/Group  
Containers/UBF8T346G9.Office/User  
Content.localized/Templates.localized/Normal.dotm  
Title:  
Subject:  
Author: Julie Troha  
Keywords:  
Comments:  
Creation Date: 3/25/21 2:13:00 PM  
Change Number: 2  
Last Saved On: 3/25/21 2:13:00 PM  
Last Saved By: Elaine Ekes  
Total Editing Time: 3 Minutes  
Last Printed On: 3/25/21 2:16:00 PM  
As of Last Complete Printing  
Number of Pages: 9  
Number of Words: 1,220  
Number of Characters: 6,655 (approx.)

**RESOLUTION NO. 2021-44**

**RESOLUTION AUTHORIZING THE VILLAGE OF CALEDONIA TO ENTER INTO THE RESIGNATION AGREEMENT, WAIVER AND RELEASE WITH TONI MUISE**

**WHEREAS**, Toni Muisse has been employed by the Village as Human Resources Director and she wishes to resign from the Village;

**WHEREAS**, the Village, and Toni Muisse desire, through an agreement, to resolve any claims between the parties related to Toni Muisse's employment with the Village and to finalize her separation from employment with the Village through the terms of this agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that in consideration of the mutual promises contained in the Agreement as set forth in **Exhibit A**, which is attached hereto and incorporated herein, said Agreement is hereby authorized and approved and the Village President and Village Clerk are authorized to execute said agreement and Village staff is authorized to take all actions necessary to comply with such agreement.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this \_\_\_\_\_ day of March 2021.

**VILLAGE OF CALEDONIA**

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

Attest: \_\_\_\_\_  
Joslyn Hoeffert, Clerk