

**RESOLUTION NO. 2009-146**

**RESOLUTION BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE  
AUTHORIZING THE GRANTING OF A PERMANENT EASEMENT TO THE VILLAGE  
OF MT. PLEASANT FOR THE PURPOSE OF ACCOMMODATING A ROADWAY  
INTO THE PIKE RIVER PHASE 5 PROJECT**

To the Honorable Members of the Racine County Board of Supervisors:

**BE IT RESOLVED** by the Racine County Board of Supervisors, that the granting of permanent easement of the Racine County owned recreational trail to the Village of Mt. Pleasant for the purpose of allowing the construction of a roadway to accommodate a 24 foot wide driveway with a paralleling 10 foot paved trail with 10 foot separation across the rail spur track of the Pike River Phase 5 Project as set forth in Exhibit "A" and as described in the descriptive plat in Exhibit "B" which is attached hereto and incorporated herein, is authorized and approved under the following terms and conditions:

1. That the cost of design and construction of such project be borne at the sole expense of the Village of Mt. Pleasant.
2. That the Racine County Department of Public Works review and approve any design, engineering plans, or related project documents prior to construction commencing on the site.
3. That the village of Mt. Pleasant is responsible for projecting the project site from public access during the term of the project.
4. Any turf, landscaping, roadway, parking lot or pavement damaged in connection with this project be restored to the satisfaction of Racine County at no expense to Racine County.
5. Any equipment or materials stored in the recreational trail site shall be removed within thirty (30) days upon completion of the project at the site.
6. All agreements, legal descriptions and easement forms shall be prepared by the Village of Mt. Pleasant to the satisfaction and approval of the Racine County Corporation Counsel and the Director of Public Works prior to execution.
7. Any other terms and conditions as deemed necessary and appropriate by the Corporation Counsel and the Director of Public Works.

**BE IT FURTHER RESOLVED** by the Racine County Board of Supervisors that the County Clerk and the Racine County Board Chairman are authorized to execute any easement agreements or other documents necessary to carry out the intent of this resolution.

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1st Reading \_\_\_\_\_  
2nd Reading \_\_\_\_\_  
BOARD ACTION  
    Adopted \_\_\_\_\_  
    For \_\_\_\_\_  
    Against \_\_\_\_\_  
    Absent \_\_\_\_\_

Respectfully submitted,

**PUBLIC WORKS, PARKS AND FACILITIES  
COMMITTEE**

\_\_\_\_\_  
Jeff Halbach, Chairman

\_\_\_\_\_  
Gilbert Bakke, Vice-Chairman

\_\_\_\_\_  
Russell A. Clark, Secretary

Prepared by:  
Corporation Counsel

\_\_\_\_\_  
Mike Dawson

\_\_\_\_\_  
Jim E. Kaplan

\_\_\_\_\_  
Diane M. Lange

\_\_\_\_\_  
Donnie Snow

**The foregoing legislation adopted by the County Board of Supervisors of  
Racine County, Wisconsin, is hereby:**

**Approved:** \_\_\_\_\_

**Vetoed:** \_\_\_\_\_

**Date:** \_\_\_\_\_,

\_\_\_\_\_  
**William L. McReynolds, County Executive**

**INFORMATION ONLY**

**WHEREAS**, the roadway easement will be constructed on a Racine County Park recreational trail property located in the Village of Mt. Pleasant described in the legal description and plat and herein marked as Exhibit "A" and "B"; and,

**WHEREAS**, the above-described parcel contains 7,920 square feet (0.182 acres) of land more or less; and,

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6 **WHEREAS**, this resolution for the sum of \$1.00 authorizes the granting of a permanent  
7 easement to the Village of Mt. Pleasant for roadway over and upon the Racine County  
8 Park recreational trail property; and,

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10 **WHEREAS**, the roadway easement permits the Village of Mt. Pleasant to accommodate  
11 a 24 foot wide driveway; and,

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13 **WHEREAS**, the driveway will have a paralleling 10 foot paved trail with 10 foot  
14 separation across the rail spur track in the Pike River Phase 5 Project; and,

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16 **WHEREAS**, the Village of Mt. Pleasant has planned, designed and engineered the Pike  
17 River Phase 5 Project; and,

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19 **WHEREAS**, the proposed project will be constructed at the sole cost of the Village of  
20 Mt. Pleasant; and,

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22 **WHEREAS**, the said roadway easement shall be for the purpose of allowing the public  
23 full use of the easement for use incidental to a public roadway; and,

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25 **WHEREAS**, to construct the Root River Phase 5 Project, the Village of Mt. Pleasant will  
26 require certain additional easements from Racine County to allow for construction and  
27 construction operations; and

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29 **WHEREAS**, the permanent easement allowing the Village of Mt. Pleasant to construct  
30 the roadway in the Pike River Phase 5 Project will be in the best interests of the citizens  
31 of Racine County and the granting of such easement will serve good public policy.

**PUBLIC ROADWAY EASEMENT**

Recording Information

THIS INDENTURE made this \_\_\_\_\_ day of \_\_\_\_\_, 2010, between RACINE COUNTY, party of the first part, and VILLAGE OF MT. PLEASANT, Racine County, Wisconsin, a quasi municipal corporation duly existing under and by virtue of the State of Wisconsin, party of the second part.

WITNESSETH:

That for and in consideration of the sum of \$1.00 and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, the party of the first part has this day bargained and sold and by these presents does bargain, sell, convey, transfer and deliver unto the party of the second part, its successors and assigns a Roadway Easement over and upon property hereinafter described so as to permit the party of the second part access to accommodate a 24 foot wide driveway with a paralleling 10 foot paved trail with 10' separation across the rail spur track in the Pike River Phase 5 Project as identified on the attached legal description in Exhibit A and as described on the Descriptive Plat in Exhibit B.

Return to:  
Village of Mt. Pleasant  
6126 Durand Avenue  
Racine, WI 53406

The real estate affected by this Roadway Easement is located in the Village of Mt. Pleasant, County of Racine and State of Wisconsin, and is more particularly described as follows:

See attached Legal Description and Plat and herein marked as Exhibit A and B.

TO HAVE AND TO HOLD said Roadway Easement to the party of the second part and unto its successors and assigns for the purpose of allowing the public full use of the Easement for use incidental to a public roadway.

Party of the first part for itself, successors and assigns, does hereby covenant with the party of the second part, its successors and assigns forever, that it is lawfully seized and possessed of the real estate above described and that it has good and lawful right to convey it or any part thereof and that it is free from all encumbrances.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal on the day and year first above written.

RACINE COUNTY

By: \_\_\_\_\_  
Racine County Executive

Attest:

\_\_\_\_\_  
Racine County Clerk

STATE OF WISCONSIN     )  
  ) SS  
COUNTY OF RACINE     )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010, the above-named \_\_\_\_\_, to me known to be the Racine County Executive who executed the foregoing instrument and acknowledged the same they being duly authorized so to do on behalf of Racine County.

\_\_\_\_\_  
Notary Public, Racine County, Wisconsin  
My commission is permanent/expires: \_\_\_\_\_

This instrument was drafted by:

John G. Shannon, Attorney at Law  
1300 So. Green Bay Road  
P.O. Box 081518  
Racine, Wisconsin 53408-1518  
Wisconsin State Bar #1017533

REVISION/PLOT DATE Exhibit+ Public Roadway Across Racine County Property.dgn 2-12-10 MWR

LEGEND



UNION PACIFIC RAILROAD

22-034-020  
S.C. JOHNSON & SON, INC.

(former CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD)  
TAX NO. 151-03-22-22-100-000

RACINE COUNTY  
730 WISCONSIN AVENUE  
RACINE, WI 53403

N81°39'23"E  
80.00'

N08°20'37"W  
99.00'

S08°20'37"E  
99.00'

70' WIDE WISCONSIN ELECTRIC POWER CO. EASEMENT, DOC. NO. 851116

EXIST. PUBLIC HIGHWAY PROTECTION

POB: NE CORNER  
LOT 2, CSM NO. 2938

22-036-010  
LOT 1, CSM NO. 2938  
VILLAGE OF MOUNT PLEASANT

22-036-020  
LOT 2, CSM NO. 2938  
VILLAGE OF MOUNT PLEASANT

20' WIDE WISCONSIN ELECTRIC POWER CO. EASEMENT, DOC. NO. 1138705

RAIL EASEMENT, WIDTH VARIES, DOC. NO. 1948998

S81°39'23"W  
80.00'

S LINE OF 325' WIDE WISCONSIN ELECTRIC POWER CO. EASEMENT, DOC. NO. 816528



PIKE RIVER PHASE 5 | PUBLIC ROADWAY EASEMENT | RACINE COUNTY

R04-0005-258

**CS CRISPELL-SNYDER, INC.**  
**PROFESSIONAL CONSULTANTS**  
 Lake Geneva (262)348-5600 Madison (608)241-6277 Milwaukee Regional (262)250-8000  
 Racine (262)554-8530 Fox Valley (181)52-4620

LOCATION: VILLAGE OF MOUNT PLEASANT

RACINE COUNTY, WISCONSIN

SCALE: 1"=100' DATE: FEBRUARY 2010

DRAWN BY: M. RUBENDALL

THERE ARE SUFFICIENT FUNDS AVAILABLE TO COVER THE  
\$1.00 OF CONSIDERATION FOR ROAD EASEMENT

After reviewing the Resolution/Ordinance and fiscal information supplied, your Finance  
Committee recommends FOR--AGAINST adoption.

REASONS

FOR	AGAINST