

Proposed "Policy for Resolving Drainage Problems on Private Property".

Back in 2008 the high lake levels and series of large rain events caused City Engineering to reevaluate their policies regarding the resolution of drainage problems both within the Right-of-Way (ROW) and on private property. As a result of that review, a policy was adopted by the Board of Public Works. This policy has been used by City Engineering staff since that time.

The wet conditions being encountered during Spring/Summer of 2013 have resulted in a spike in the number of communications from Madison property owners to the City Engineering Division regarding drainage problems in backyards. During Engineering's staff review of the problems, we have been implementing the previously approved policy. However, while that policy set guidance with regard to how to pay for resolution of problems, it did not set guidance to assist in determining what type of "problem" City Engineering would become involved in.

To help guide City staff and assist property owners in understanding the criteria being used by Engineering staff to justify the involvement of the Storm Water Utility in both a design and funding prospective, the Engineering Division proposes the following written statement of current working policy for Unimproved and Improved Streets.

~~To help guide City staff and assist property owners in understanding the criteria being used by Engineering staff to justify the involvement of the Storm Water Utility from both an design and funding perspective, the Engineering Division proposes the following:~~

Storm Water Utility (SWU) involvement in funding and resolving drainage problems on private property:

Criteria for SWU involvement beyond staff providing guidance on Unimproved and Improved Streets:

- Evidence exists of structural damage occurring ~~to~~ due to storm water. An example would be basement groundwater that ties to a “ponding” problem or direct water into a basement from a window. Instances of soggy ground, where no flooding of a structure has occurred, or no “ponding” problem is evident, would not qualify for SWU involvement or cost sharing on private property. [The ponding is caused by runoff from multiple properties.](#)
- An enclosed depression exists that cannot be drained without a storm sewer. [The enclosed depression receives runoff from multiple properties.](#)
- Significant documentation of an icing problem that, in staff review and assessment, rises to a level that cannot reasonably be managed by the property owner. [The runoff causing the icing comes from multiple properties.](#)

Costs to the SWU and Property Owners:

Unimproved Streets: To correct for an [eligible](#) drainage problem [on private property meeting the above criteria](#), where storm sewer is reasonably available in the determination of the City Engineer, the City will install storm sewer in the public Right-of-Way (ROW) and in any easements dedicated (at no cost to the City) for the purpose of solving this drainage problem.

Costs shall be borne as follows:

- 1) The Storm Water Utility shall pay for 50% of the work in the ROW and on easements dedicated to help resolve this problem. City costs shall be paid by the Storm Water Utility. [If assessable curb and gutter is included with the project, the City shall pay for 100% of the storm sewer within the Public Right of Way.](#)
- 2) The other 50% of the costs shall be assessed to owners of benefiting properties. “Benefiting Properties” are defined as properties that drain to the area being improved.

The assessment district shall divide the costs to benefitted properties by determining the area of each lot that drains to the “problem area being improved”. The area determination shall be made using, LIDAR data, and a field review of the watershed by the engineer in charge of the project. This field review shall document the direction of downspout discharges. Determining the area of each lot included in the assessment district shall not require a full survey of the watershed to validate the assessment area included in the district.

Improved Streets: To correct for an eligible drainage problem on private property where storm sewer is reasonably available in the determination of the City Engineer, the City will install storm sewer in the public Right-of-Way (ROW) and in any easements dedicated (at no cost to the City) for the purpose of solving this drainage problem.

Costs shall be borne as follows:

- 1) The Storm Water Utility shall pay for 100% of the work that is under the pavement structure (between the curb and gutter) in the ROW. City costs shall be paid by the Storm Water Utility.
- 2) For necessary work outside the pavement structure, the work shall be paid 50% by the Storm Water Utility and 50% to the owners of benefiting properties. “Benefiting Properties” are defined as properties that drain to the area being improved.

The assessment district shall divide the costs to benefitted properties by determining the area of each lot that drains to the “problem area being improved”. The area determination shall be made using, LIDAR data, and a field review of the watershed by the engineer in charge of the project. This field review shall document the direction of downspout discharges. Determining the area of each lot included in the assessment district shall not require a full survey of the watershed to validate the assessment area included in the district.

About the Assessment Process

Assessments shall typically be applied on an area basis without distinction between the type of area that drains to the problem area (ie impervious and pervious areas). In certain circumstances, The Board of Public Works or the City Engineer may recommend or request that the types of areas be “segregated” and that different rates be assigned for each type of area.

In that case, the ratio between the rates shall be the same as the ratio used in the Storm Water Utility Billing for the year in question.