<u>Item #8B</u>:

Report On Infrastructure Projects & Reviews

Public & Private Drainage - Discussion

Shenandoah Road Flooding

06/19/14

COMMITTEE REPORT
TO THE LONG GROVE VILLAGE BOARD
INVESTIGATION OF ISSUES RELATED TO STORM SEWERS
IN COUNTRY CLUB ESTATES AND RECOMMENDATIONS

BACKGROUND:

Country Club Estates (CCE) of Long Grove was developed with numerous storm sewers that drain storm water from low areas to even lower areas, and ultimately to several ponds contained within the subdivision. A vast majority of the storm sewers run along or within the utility easements within the subdivision. However, approximately 10% of the storm sewers are on private property for which there are no easements, utility or otherwise.

Last October, during what has been described as a 100 year flood, there was flooding in some low-lying areas in CCE. A storm sewer, having an intake adjacent the roadway and running between two lots on private property was not draining away the accumulating storm water. The affected storm sewer was located wholly on private property for which there was no utility easement. (As noted above, approximately 10% of the storm sewers in CCE lack a utility easement) Residents tell me that the water levels were up to their front door stoop. Others had flooded basements due to the high levels of water filling their window wells. You may recall, that as a result of the flooding, and at the request of the affected residents, the Village of Long Grove made several attempts before successfully solving the problem. By way of summary, a roto-router treatment of the storm sewer was unsuccessful and reflected the presence of tree roots. Ultimately, a large bucket with sharp edges was lowered into one end of the sewer and was dragged through to the other end on a chain. The bucket cut through tree roots as thick as 6 inches and ultimately the sewer was cleared. Also, the bricks had to be re-laid at the sewer opening, as water infiltration had worn away the mortar, and the downspout portion of the sewer was collapsing. I do not have the amount paid for these repairs.

The storm sewer that was cleaned out lies either directly underneath or adjacent a row of large trees, some of them having (by my estimate) 18 inch diameter trunks. Thus, the problem will reoccur since the pruned roots will send out laterals seeking the same source of water.

In the absence of a drainage or utility easement granted to the Village of Long Grove ("the Village"), the Village of Long Grove generally has no legal right to enter upon the private property of another to affect repairs. If the Village does so, it exposes itself to liability from the property owners for damage caused to their properties while trying to affect a cure. An exception may occur where an emergency situation arises that may cause harm or injury to Village residents.

ISSUES:

1. Under what circumstances should the Village assume responsibility for storm sewers on private property for which there is no easement?

2. Should the Village seek utility or drainage easements for the approximately 10% of storm sewers in CCE that are located on private property and not subject to any easement?

3. Where does the Village obtain funds for repairing and/or rebuilding storm sewers?

    A) Village funds; or

    B) create a TIF district.

4. If the Village does assume responsibility (emergency or otherwise) for storm sewers located on private property for which there is no utility easement, should farm drain tiles, which carry storm water and are also a source of flooding in residential areas, be treated on equal footing with storm sewers?

    A) Are storm sewers just a more recent (or modern) form of drain tiles?

5. If the Village does assume responsibility for storm sewer repairs (with or without a drainage/utility easement), what advice do we give to residents who experience flooding due to drain tile failure?

CONSIDERATION OF THE ISSUES:

1 In the absence of an emergency situation, it is my recommendation that the Village not assume responsibility for repairing storm sewers located on private property for which there is no drainage or utility easement. To do so, the Village runs a substantial and unjustifiable risk of suit for trespass and damage to private property by the affected residents.

An emergency situation can be said to exist when harm is threatened to the residents in the affected area. Such harm need not be overt but can be insidious and arise such as when the poorly draining flood waters overlay septic fields (or

open sanitary sewers, if present) and cause a commingling of sanitary waste with the flood waters. Such a commingling can result in numerous bacterial diseases being carried by the flood waters.

2. Before considering whether the Village wants to assume responsibility for the approximately 10% of the storm sewers in CCE that are on private property and not subject to a utility easement, it is my recommendation that the Village Board consider the big picture, including the issues 3), 4) and 5) as raised above.

3. All man-made objects have a fixed life span. The storm sewers in CCE have been in the ground since its initial development, which was well over twenty years ago. Trees are one of the major obstacles to the life span of storm sewers, drain tiles and septic fields. As trees get older, their deep and burrowing roots grow towards sources of moisture, such as the leakage provided by storm sewers, drain tiles and septic fields. Ultimately, they find their way into the storm sewers and tiles via cracks or spaces between the tiles. Once inside, they expand to take up as much water as they can, ultimately filling the entire sewer or tile. Thus, as trees planted in any subdivision get older, their size and the time in the soil presents an increasing risk that they will infiltrate and clog sewer, tile or septic lines. Many times the roots will damage the lines by cracking them such that they leak even more water, are weakened and are more susceptible to further damage from tree roots or collapse due to surface water infiltration. In short, sewer lines, drain tiles and septic field lines are like time bombs wherein the risk of further failure increases with time.

   Recently, the Village used its own funds to fix the sewer lines on private property in CCE. As time goes on, the sewer lines will age further and many will have lived their useful lives due to the ravages of tree roots and weather. The Village can continue to act as an insurer of the sewer lines and use Village funds as the need arises. Alternatively, the Village can set aside funds in a contingency fund designated for sewer repair, so that when replacement comes due, the Village will have funds for such an emergency. As a third option, the Village can set up a TIF district in CCE to collect funds that would be pooled and used for sewer replacement. Currently, CCE homeowners pay homeowners' association dues of about $50. It was just raised by $15 in the last year and collection by the homeowners is not 100%. Other subdivisions that maintain their own roads, such as Cobblestone of Long Grove, pay an annual assessment of $500. Some subdivisions that maintain their own roadways and a central pump house pay over $1,000 in annual assessments. Thus, it would not be a relative burden upon CCE to pay an extra $50-$100/year/household as taxes to a TIF district to guarantee the maintenance of all storm sewers within the CCE subdivision.

4. Long before storm sewers were installed in subdivisions to drain water to lower lands from lands surrounded by higher lands, farmers were installing row after row of drain tiles across farm fields to carry away the water that would

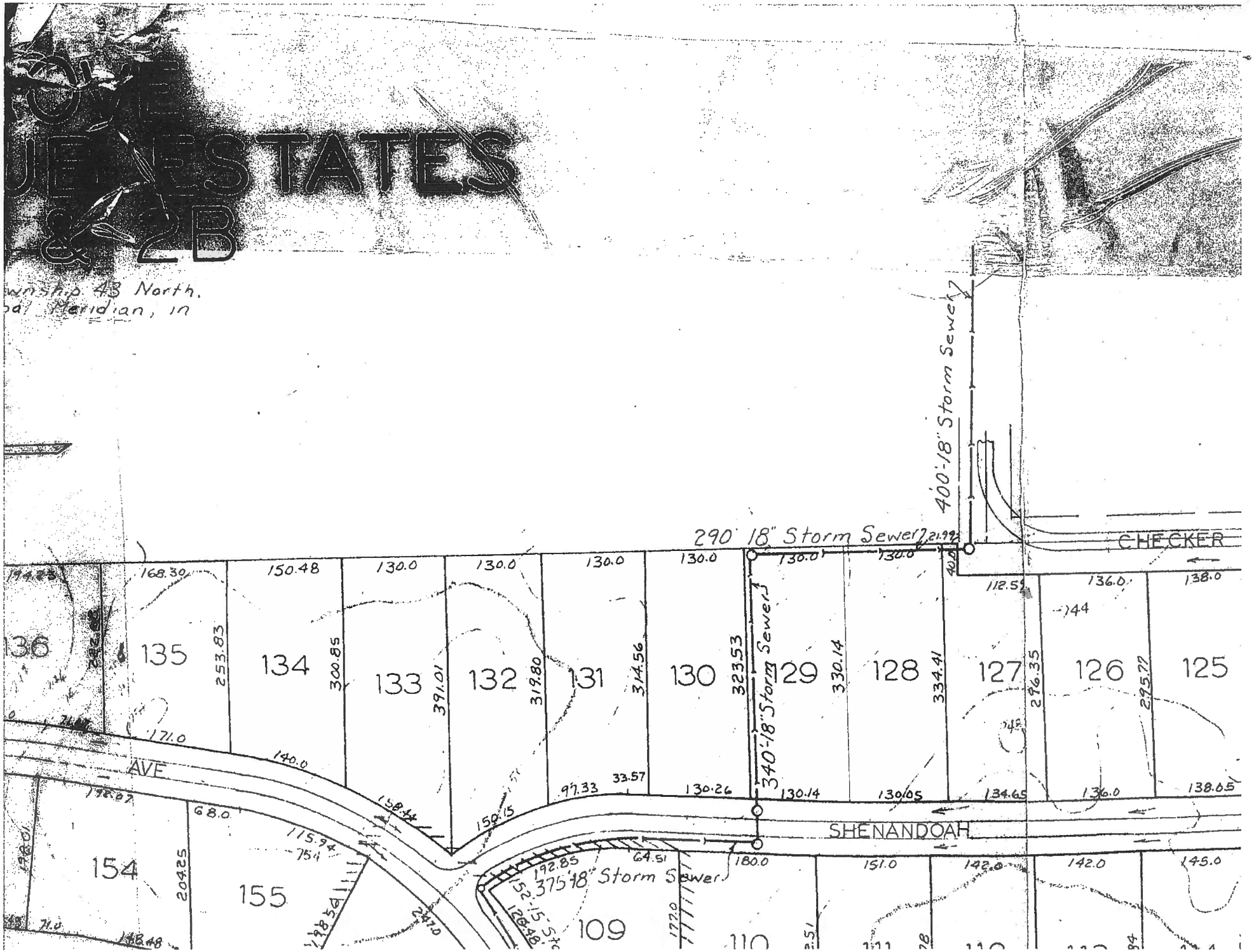
accumulate in lands surrounded by land of higher elevations. The drain tiles worked by accepting ground water that infiltrated between the loosely laid tiles and carrying the water off to a lower elevation and ultimately to the watershed that drained the area. When corn and soybeans grew in the fields, the roots of these annuals never penetrated deep enough or long enough to disrupt or block the drain tiles. However, when the farm lands were developed into subdivisions that were planted with trees, the tree roots began to find, infiltrate and block the drain tiles as occurred in the storm sewers in CCE. An example of this occurred on Lot 6 in Cobblestone of Long Grove. In December of 1998, the back yard of Lot 6 began to flood for unknown reasons. The flooding overlaid the septic field and the backyard of the adjacent lot was under construction. The homeowners' association and the Village of Long Grove would do nothing as it was looked upon as an individual problem. The water reached the homeowners back door and was in danger of flooding the basement of the adjacent house under construction. Fortunately, the resident owner of the house with water up to his back door was a building contractor. He hired drain tile experts who found the drain tile in his back yard and began digging up its length (and over 360 feet into the conservancy area of Cobblestone of Long Grove) until they found the blockage, which turned out be tree roots that looked like a mop that completely occluded the tile. Thus, this situation has all of the characteristics (including a flooded septic field) of the occluded sewer in CCE, except that the latter did not occur as a result of a 100 year flood but rather continuous drainage of water from higher ground.

5. If the Village does assume responsibility for storm sewer repairs (with or without a drainage/utility easement), the Village needs to do the same for drain tiles or the Village needs to come up with a logical rationale why it does not do so (that it could provide to residents who experience flooding due to drain tile failure).

   One rationale is that the storm sewers are of known location and a known distance and a risk/cost model is capable of being made that would allow a budget for such an item or the creation of a TIF district to cover its anticipated repair. In contrast, drain tiles are totally latent and the risk is incapable of being fully assessed.

   Actually, the location of drain tiles can be mapped, as was done for the District 96 Woodlawn School. It might be useful to have developers map out the drain tiles in their developments and provide such maps to the Village of Long Grove (for creation of a TIF district) or to the Homeowners' association, so that they can assess what lies beneath and decide where to plant or not plant trees.

Dated: March 11, 2002 Donald J. Pochopien, Trustee



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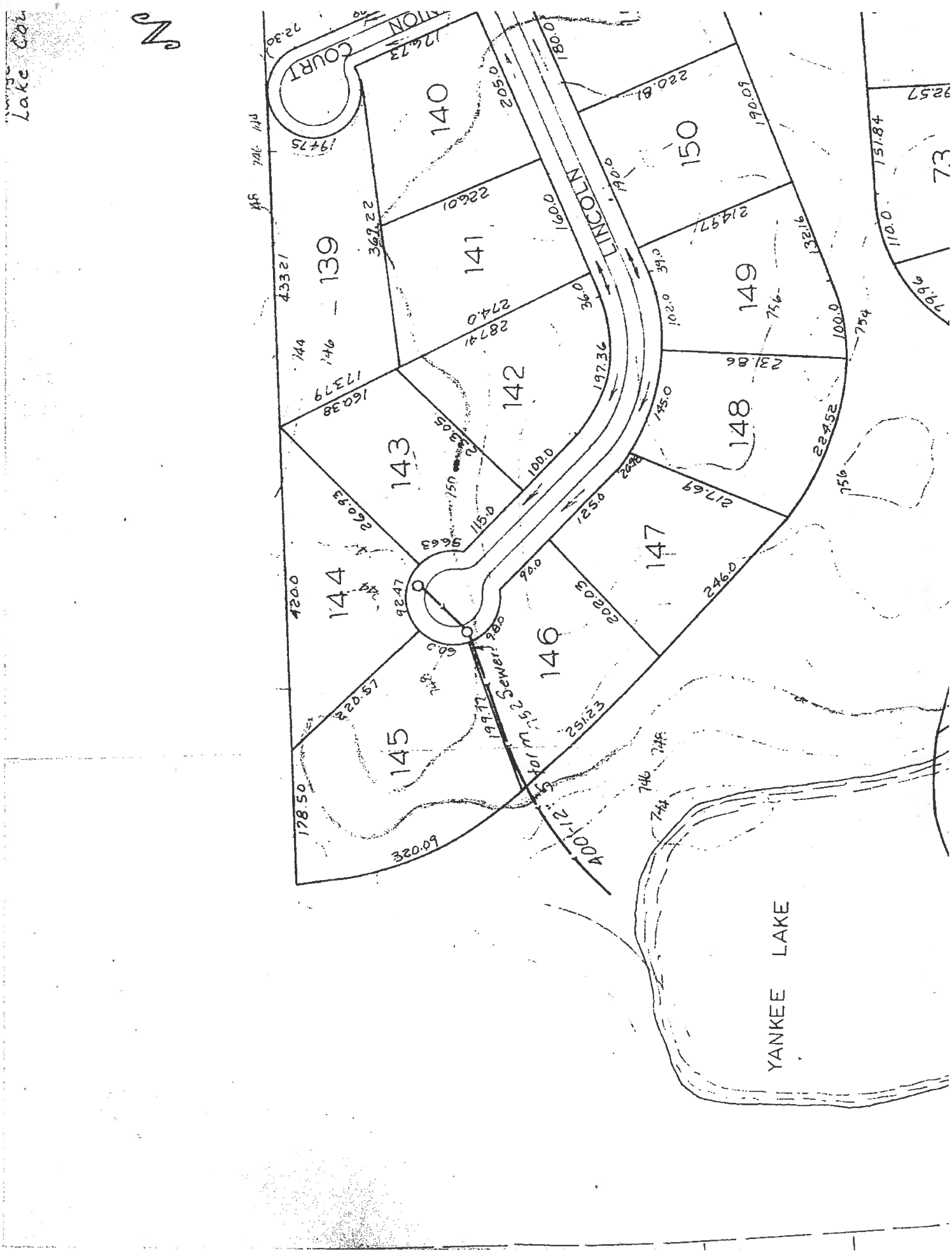

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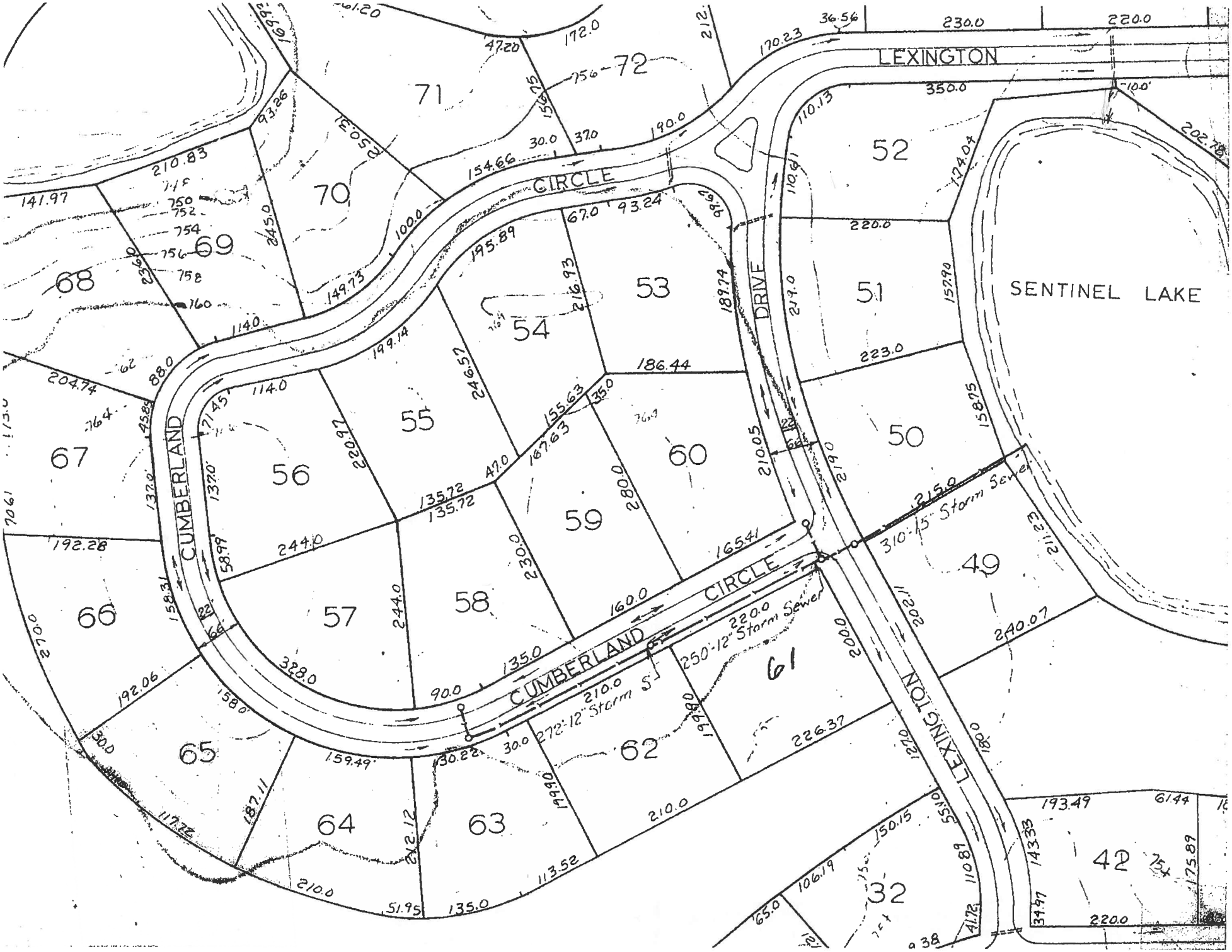
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RESOLUTION DECLARING
LONG GROVE COUNTRY CLUB ESTATES, INC.
TO BE IN DEFAULT

80-R-8

WHEREAS, the Village of Long Grove and Long Grove Country Club Estates, Inc. and Robert J. Anderson heretofore entered into a certain agreed Judgment Order on April 6, 1978 in the matter of 77 MR 176 in the Circuit Court of Lake County, Illinois, and

WHEREAS, as part of that agreed Judgment Order Long Grove Country Club Estates, Inc. furnished to the Village a certain letter of credit from Wheeling Trust and Savings Bank dated April 6, 1978,and

WHEREAS, Long Grove Country Club Estates, Inc. has failed to complete the public improvements described in the agreed Judgment Order within the prescribed time and is therefore in default, and

WHEREAS, said letter of credit requires as a precondition to making a demand notice of the failure to complete the improvements to be given to Long Grove Country Club Estates, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Village President and Board of Trustees of Long Grove, Lake County, Illinois that the Village Board hereby determines that Long Grove Country Club Estates Inc. is in default under the terms and obligations set forth in the agreed Judgment Order and that it, Long Grove Country Club Estates, Inc., and Robert J. Anderson have failed to complete the public improvements described in that Judgment Order within the prescribed time and the Village Attorney be and the same is hereby

authorized and directed to communicate said notice of failure to complete the improvements to both Long Grove Country Club Estates, Inc. and Robert J. Anderson pursuant to the terms of the letters of credit.

AYES: Trustees Althans, Ausman, Sklar, Cole, Swaback, and Homburg.

NAYS: No nays.

ABSENT: None Absent.

APPROVED by the President this 8th day of April, 1980.

Robert Parker Coffin
Village President

J. Don Johnson
Village Clerk

APPROVED:

John M. Mullen
Village Attorney

RESOLUTION CONFIRMING THAT
LONG GROVE COUNTRY CLUB ESTATES, INC.
IS IN DEFAULT

80-R- 10

WHEREAS, the Village Board heretofore adopted Resolution 80-R- on April 8, 1980 by the terms of which the Village Attorney was authorized and directed to communicate notice of the failure to complete the improvements to Long Grove Country Club Estates and Robert J. Anderson; and

WHEREAS, said Village Attorney by letter dated April 9, 1980 communicated said notice to both Long Grove Country Club Estates, Inc. and Robert J. Anderson,

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, Lake County, Illinois that the Board hereby determines that Long Grove Country Club Estates, Inc. and Robert J. Anderson have failed to complete the improvements described in the agreed Judgment Order previously entered into by the parties and known as 77 MR 176 in the Circuit Court of Lake County, Illinois and that said Long Grove Country Club Estates, Inc. and Robert J. Anderson have failed to complete within the prescribed time the public improvements described in the letter of credit dated April 6, 1978 issued by Wheeling Trust and Savings Bank; and

BE IT FURTHER RESOLVED, that the Village Attorney is authorized and directed in conjunction with the Village Engineer to make a demand upon the letter of credit to the Wheeling Trust and Savings Bank for the entire balance thereof.

AYES: Trustees Althans, Ausman, Sklar, Cole, & Homburg.

NAYS: None.

ABSENT: Trustee Swaback

APPROVED by the President this 22nd day of April, 1980.

Robert Parker Coffin
Village President

J. Don Johnson
Village Clerk

APPROVED:

John M. Mullen
Village Attorney

RESOLUTION

80-R-16

WHEREAS, LONG GROVE COUNTRY CLUB ESTATES, INC., previously furnished to the VILLAGE a letter of credit drawn on Wheeling Trust and Savings Bank dated September 18, 1978 for Unit 6 in Long Grove Country Club Estates, and

WHEREAS, by the terms of said letter of credit it is required that notice of default, if a default exists, be given to LONG GROVE COUNTRY CLUB ESTATES, INC., prior to any demand upon the letter of credit, and

WHEREAS, the Village Board has been informed by the Village Engineer that there are yet improvements to be completed which have not been completed as of September 9, 1980, and

WHEREAS, the last date for completion of the improvements by the developer, LONG GROVE COUNTRY CLUB ESTATES, INC., by the terms of the letter of credit and by Village Ordinance is September 18, 1980,

NOW, THEREFORE, BE IT RESOLVED, by the Village President and the Board of Trustees of Long Grove, Lake County, Illinois, that the Village Engineer shall verify to the Village Attorney what deficiencies, if any, exist as of September 18, 1980, and the Village Attorney shall, if any deficiencies exist or improvements have not been installed in accordance with the plans, transmit a letter to LONG GROVE COUNTRY CLUB ESTATES, INC., informing LONG GROVE COUNTRY CLUB ESTATES, INC., that it is in default under the terms of the letter of credit and the applicable Village Ordinances, pursuant to the requirements of irrevocable letter of credit of 78-0918.

BE IT FURTHER RESOLVED that said notice shall be communicated to LONG GROVE COUNTRY CLUB ESTATES, INC., by certified mail.

Resolution passed and approved this 9TH. day of SEPTEMBER, 1980, by roll call vote, as follows:

AYES: TRUSTEES: ALTHANS, SKLAR, COLE, SWABACK, HOMBURG.

NAYS: ~~0~~

ABSENT: TRUSTEE: AUSMAN

APPROVED by the President this 9TH. day of SEPT., 1980.

VILLAGE PRESIDENT
ROBERT PARKER COFFIN

~~J. DON JOHNSON~~, VILLAGE ~~CLERK~~ (DEPUTY CLERK)
D. M. DOUGHTY.

APPROVED:

JOHN M. MULLEN, VILLAGE ATTORNEY

RESOLUTION

DECLARING LONG GROVE COUNTRY CLUB ESTATES, INC. IN DEFAULT

80-R-18

WHEREAS, the Village Board heretofore adopted Resolution 80-R- on September 9, 1980, by the terms of which the Village Attorney was directed to communicate a notice of default to LONG GROVE COUNTRY CLUB ESTATES, INC., for any and all improvements not completed by September 18, 1980, and

WHEREAS, there existed certain improvements that were not completed by September 18, 1980, in contravention of the terms of the Village Ordinances, and

WHEREAS, it is a condition precedent to making a demand upon the irrevocable letter of credit 78-0918, that the Village adopt a Resolution declaring LONG GROVE COUNTRY CLUB ESTATES, INC., to be in default.

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Long Grove, Lake County, Illinois, that LONG GROVE COUNTRY CLUB ESTATES, INC., is hereby determined to have failed to install the improvements on or before September 18, 1980, in that certain improvements remain to be completed, other improvements are faulty in various respects, and LONG GROVE COUNTRY CLUB ESTATES, INC., is hereby declared to be in default in that it has failed to complete the improvements within the prescribed time.

BE IT FURTHER RESOLVED that the Village Attorney is directed to make a demand upon letter of credit in an amount necessary to complete the improvements, and

BE IT FURTHER RESOLVED that the Village Attorney is directed to send a certified copy of this Resolution to Wheeling Trust and Savings Bank and to LONG GROVE COUNTRY CLUB ESTATES, INC..

Resolution passed and approved this 23RD. day of SEPT., 1980.

by roll call vote, as follows:

AYES: TRUSTEES ALTHANS, AUSMAN, SKLAR, SWABACK, HOMBURG.

NAYS: -0-

ABSENT: TRUSTEE COLE.

APPROVED by the President this 23RD. day of SEPT., 1980.

Robert Parker Coffin.

ROBERT PARKER COFFIN, VILLAGE PRESIDENT

J. Don Johnson

J. DON JOHNSON, VILLAGE CLERK

APPROVED:

John M. Mullen

JOHN M. MULLEN, VILLAGE ATTORNEY

80-R-18

IN THE CIRCUIT COURT OF THE 19TH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

ROBERT J. ANDERSON, et al., plaintiffs
vs.
VILLAGE OF LONG GROVE, et al., defendants

No. 77MR 176

Copy

FILED
APR 6 1978
CIRCUIT CLERK

AGREED JUDGMENT ORDER

This cause coming on to be heard on complaint, counterclaim, amendments and answer thereto, and the parties hereto having compromised their differences and settled all matters between them, and the Court having been fully informed in the premises and having approved the terms of this agreed order;

IT IS HEREBY FOUND, ORDERED and DECREED as follows:

1. That this Court has jurisdiction of the subject matter and the parties hereto.

2. That the plaintiffs herein are owners of certain real estate located in Long Grove Country Club Estates Subdivision in the Village of Long Grove, Lake County, Illinois. The defendants are said Village and certain officers of the Village.

3. That this is an agreed final order and the parties hereby waive all appeals from its terms and the Court shall retain jurisdiction for the purpose of enforcing the terms of this order.

4. That Ordinance 77-O-8 of the Village of Long Grove, adopted May 24, 1977, as amended, is applicable to subdivisions approved by the Village subsequent to its date of enactment and said ordinance does not apply to any lots in any unit of the Long Grove Country Club Estates Subdivision, where plats were recorded prior to May 24, 1977.

5. That the Village shall forthwith issue building permits for lots in these portions of Units 3, 4, 5, 7 and 9 of Long Grove Country Club Estates Subdivision for which a letter of credit has been delivered to the Village to guarantee the public improvements therein or improvements have been installed, for which application has been made, provided that said applications shall conform in all

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respects with [redacted] Building Code of the Village of Long [redacted] and all fees are paid.

6. That the Village agrees to immediately grant permission to the Commonwealth Edison Company, Illinois Bell Telephone Company, and the Northern Illinois Gas Company for the installation of telephone, electric and gas lines, in accordance with applications heretofore filed by said companies.

7. That the plaintiff, Robert J. Anderson, as President of Long Grove Country Club Estates, Inc., shall file within ten days of the entry of this order, a letter of credit for a period of 25 months, in the usual form from the Wheeling Trust and Savings Bank of Wheeling, Illinois, in the amount of $176,500.00 to provide for the following:

a. $37,000.00 to insure construction by Long Grove Country Club Estates, Inc. of an [redacted] from the rear lot line of Lot 128 to such point as there is a natural gravity flow in existing ditches, provided that the Village shall within 45 days file a condemnation proceeding to secure the necessary public easement for public purposes in which to run such tile, and further provided that said easements shall be obtained within one year after the filing of said condemnation proceeding, unless the matter is on trial or on appeal at the expiration of said one year. Long Grove Country Club Estates, Inc. further agrees to pay the condemnation award, or settlement if approved by Long Grove Country Club Estates, Inc. for said easements.

b. $14,500.00 to assure construction of [redacted] provided that the Village shall within 45 days from the date hereof file a condemnation proceeding to acquire the necessary public easement, for public purposes and that said easement shall be obtained within one year from the filing of said action, unless the matter is on trial or on appeal at that point. The Village shall pay all costs involved in securing such easement, including award.

HAD TIL 4-6-80.
1ST AWARE OF SETTLEMENT 3-79 when I rec'd grant of easement from Mullen.
ACCELERATED 10-18-[illegible]
COULDN'T DO w/i LIMITATION OF EASEMENT DOCUMENT.

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c. $50,000.00 to assure the [redacted] Said construction shall be completed within one year from the date of this order.

d. $15,000.00 to insure the construction of Schaefer Road from Illinois Route 53 to Checker Road, provided said extension is approved by the Village Board, after the public has had an opportunity to be heard on the desireability of such extension, and further provided that the Villaye will secure the necessary rights-of-way for said extension within one year hereof, unless the matter is on trial or on appeal at the expiration of said one year. The Village agrees to commence condemnation proceedings within 90 days of the date of this order if necessary.

e. $60,000.00 to extend the 36-inch tile from its present terminus on Sumter Drive to Buffalo Creek in accordance with the estimate of the Village Engineer. Said 36-inch tile will be installed within one year from the date of this order. The Village agrees to request a contribution for the construction of said tile from the Hillcrest Country Club in an amount equal to the benefits derived by said golf club from the installation of said tile, which amount, if remitted, shall be deducted from the obligation of Long Grove Country Club Estates, Inc.

8. Long Grove Country Club Estates, Inc. will deposit a letter with the village on Lincoln Square Savings & Loan letterhead stating that it has on deposit with such association the sum of $125,000.00 which it shall disburse solely for the completion of improvements in units 3, 4, and 9 in accordance with the plans prepared by Fletcher Engineering Company dated 3-17-77 as revised thru 8-1-77 heretofore delivered to the village, and the village, in the event the improvements are not installed by the date set herein, shall have the option to utilize said funds to complete said improvements.

That the plaintiff, Robert J. Anderson, through Long Grove Country Club Estates, Inc., will install all the improvements indicated in paragraphs 7 and 8, regardless of actual cost within

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2 years. Furthermore it is understood and agreed that after the Village has acquired the necessary easement that the improvements will be installed with reasonable diligence.

9. That Robert J. Anderson, through Long Grove Country Club Estates, Inc., has or will install an 11-inch stone base and 2 1/2 inch asphalt surface on all roads in Units 3, 4, 5 and 9, and shall complete their construction in accordance with the plans heretofore filed with the Village within the period of time stipulated by the letter of credit. That Robert J. Anderson, through Long Grove Country Club Estates, Inc. shall install an 11-inch stone base and 2 1/2 inch asphalt surface in Unit 6 and the balance of Unit 7, but in all other respects such improvements shall be in accordance with the ordinances in effect at the time subdivision plats were approved for such unit.

10. That with respect to other portions of units not presently improved or for which plans have not been submitted as of this date for the Long Grove Country Club Estates Subdivision, the plaintiff, Robert J. Anderson through Long Grove Country Club Estates, inc., shall submit at the time of filing plans for approval, letters of credit in an amount sufficient to guarantee the completion of required improvements. No lots will be conveyed nor building permits issued for lots within said Units until the letters of credit have been placed on file with the Village or improvements installed (with the exception of surfacing)

11. All road improvements in Long Grove Country Club Estates will take place within the rights-of-way shown on the plat of subdivision heretofore approved by the Village; provided, however, that the 11-inch stone base and two and one-half inch hard surface stipulated above shall be provided. But in all other respects improvements shall be in accordance with the ordinances in effect at the time of plat approval.

12. That subsequent to the order being entered in this proceeding, a certified copy thereof shall be filed with the Lake County Recorder's Office by defendants' attorney.

13. Nothing herein shall require the Village to issue any building permit for any units which are not presently being improved or for

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which letters of credit as aforesaid have not been provided.

14. Within 5 days from date hereof, the attorneys for the respective parties ~~shall file with the Clerk of the Court, stipulations dismissing plaintiff's complaint and defendants counter-claim and all amendments thereto and each party shall give~~ to each other general releases of any and all claims they may have or had from the beginning of time to the date of this order.

15. It is the understanding of the parties that one of the purposes of this order is to expedite the development of Long Grove Country Club Estates, and for this purpose the Village agrees to promptly issue building permits upon proper application and conformance with the ordinances of the Village and the provisions of this order.

16. The Village agrees to permit Robert J. Anderson, doing business as Long Grove Country Club Estates, Inc., to retain his present real estate office in a residential district, commonly known as Route 2, Box 436, Long Grove, Illinois, for a period of two years from the date of the entry of this order.

17. The obligations of Robert J. Anderson and Long Grove Country Club Estates, Inc. hereunder shall terminate 25 months subsequent to the date hereof

18. The attorneys who have signed this Order represent to the Court that they have the special authority of their respective clients to enter into this agreement.

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ENTER:

JUDGE

AGREED this 6th day of April, 1978.

Attorney for Plaintiffs

Attorney for Defendants

Approved

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"Integrity, Service, Excellence"
K-Plus Engineering, Ltd.
Naperville • Chicago • Charleston

September 15, 2006

Mr. Tony Wolff
WMB Projects 2007
Lake County Stormwater management Commission
333-B Peterson Road
Libertyville, IL 60048

Re: Application for Lake County Stormwater Management WMB Projects 2007
Country Club Woods, Village of Long Grove

Dear Mr. Wolff,

On behalf of the Village of Long Grove, Illinois in Lake County; K-Plus Engineering, Ltd. (KPLUS), Village Engineer for Long Grove, Illinois is submitting an application for funding of a WMB Project 2007. Funds are being requested for proposed improvements in the Country Clubs Woods Subdivision of Long Grove for storm water management.

The project is in the Des Plaines / Buffalo Creek Watershed of Lake County, Village of Long Grove, Illinois. The project is proposed to improve reduce flood damage, enhance and protect natural resources. The Village of Long Grove will match the grant through the use of Village Services and Village funds.

Please call us at 630.420.1700 if you have any questions.

Sincerely,
K-PLUS ENGINEERING, LTD.

Joseph Chiczewski, P.E.
President
Village of Long Grove, Village Engineer

Attachments

1979 North Mill Street, Suite 100, Naperville, Illinois 60563
p 630.420.1700 *f* 630.420.1733
www.k-plusengineeringltd.com

Drainage Considerations

Long Grove is the lowest point in Lake County. Passing through our borders is a phenomenal amount of water on its way elsewhere. This drainage, rainfall, and other sources of surface and underground water are channeled through our community via a drainage system composed of natural water features (creeks, ponds, etc.) as well as man made swales, culverts, drains, and farm tiles.

When the system is not working properly, flooding often results causing nuisance and sometimes physical damage to homes and infrastructure. It is the nature of the system that the cause of the problem is not always located where the flooding occurs. In such cases the affected property owner is limited in his ability to bring about timely resolution to the flooding and is often dependent on a neighbor for relief.

Illinois Drainage Law requires individual property owners to accept water flowing onto their property as part of the drainage system. If a part of the system is broken on a property owner's property it is his responsibility to repair the system at his expense even if he is not the one affected by the flooding that results. If they do not do so the court system is often the only recourse available to the affected parties to force the property owner to perform the required repairs.

The Village of Long Grove, as a certified community, has the responsibility of helping any property owner identify the source of flooding on his property. However, if the source of the problem is on private property the Village's authority to force a repair at the owner's expense is limited.

The problem property owner and the affected property owner often both believe that it is the Village's responsibility to finance and perform repairs. Since it is the nature of many people to not pay for repairs that do not directly affect them the result is ongoing animosity and frequent calls to the Village staff requesting relief. This nuisance and the direct effect to Village infrastructure when the Village is the affected property owner seem to have been increasing of late.

The Village's unofficial policy has been to identify the sources of the flooding and notify the problem and affected property owners of their responsibilities and options. The Village has also helped problem property owners apply for grants to help offset the costs of the repairs on their properties. In the case of the Mardan Woods and Mardan Estates subdivisions the Village has funded an extensive drainage study. To date the village has not funded any repairs on private property although, on occasion, Village staff has volunteered as private citizens in helping to clear out clogged pond drains, etc. on private property.

Given the age of some of the drainage systems and their location on private property in several instances, it is to the Village's advantage to create a clear policy regarding how to address and potentially resolve drainage problems in the Village.

July 3rd 2009
E. Acuna

When the problem and affected properties are identical the law is clear and the responsibility for the repairs obvious so no policy is necessary. If the Village owns the problem property outright the responsibility is theirs to correct the problem. This is slightly different than the case where the Village only has an easement on the property. This case will be addressed separately. For the purposes of discussion all the following assume the problem and affected properties are different.

There are three issues, in my opinion, to be considered when evaluating what can and should be done to correct a drainage problem: 1) access to the repair site, 2) funding of the repairs, and 3) urgency or scale of the solution versus the problem (i.e. municipal return on investment).

The Village has many easement rights along Village owned streets and for some drainage areas in newer sub-divisions. For all other private land access can only be obtained with the problem property owner's consent although Illinois law has a precedent suggesting that a problem property owner must grant access to portions of his drainage system that are in need of repair and are having negative impact on other properties when direct property damage is involved (versus nuisance water). Access to private property in non-easement areas has other associated liabilities. In general, however, we may assume that access is not the gating item. Funding is.

The Village has obtained estimates for the repair and replacement of a collapsed culver in the range of $1,500. A drainage problem associated with a broken farm tile under existing structures could require the re-routing of drainage tiles around a property. This could easily be several tens of thousands of dollars. The recommended repairs to the Mardan Woods and Mardan Estates drainage problems would cost over $250,000. Given the Village's limited financial resources and the lack of a Long Grove property tax it would not be possible for the Village to fund the necessary Village wide drainage repairs in total or even partially.

In some cases cost sharing grants are available to residents for drainage repair. The Village could possibly create SSA (Special Service Areas) if a passing vote of the affected residents could be obtained. Fines and fees could be imposed and if not collected liens could be placed on the problem properties in question. Cost sharing may be introduced wherever possible. The application of one or several of these mechanisms would be case specific which brings us to the third issue related to drainage resolution, municipal return on investment.

In cases where the drainage system's failure is causing considerable degradation of Village roads or where the number of affected properties is large, in comparison to the costs of the repairs (e.g. one culvert at the end of a street causing flooding to three or four homes), it may be in the Village's best interest to fund a repair. Based on discussions with Village staff there are two or three recurring problem areas that could be fixed relatively inexpensively and bring considerable relief to multiple residents and staff.

There is a concern that the Village's funding of one repair will open the floodgates of requests and inappropriately set expectations too high for future Village funding. This may be avoided via a separate drainage commission.

The drainage commission would be a recommending body to the Village board. Its function, much like that of the zoning board of appeals, would be to examine the facts of a specific situation against the backdrop of specific criteria to determine if a 'variation' from normal Village policy should be implemented. An example of these criteria might be as follows:

1) Are the problem property and the affected property different?
2) Is the affected property suffering a hardship related to physical damage, emergency services access, severely restricted egress and regress, etc.
3) Has the problem property owner been contacted and is progress at a stand still?
4) Is the petitioner willing to enter into a cost sharing agreement with the Village should the Village decide to move forward with co-funding and repair management?
5) Is resolution via the court system not practical?
6) Has there been a cost sharing grant application processed?

A positive answer for the first four items at a minimum would be required.

The advantage of such a commission is that it would grant the Village the ability to repair a few reoccurring problems that seem to generate most of the calls to the Village without creating a precedent. The disadvantage is that it would create an expectation that some Village funds would be spent on private properties for the benefit of only a few residents.

The commission would represent a short term and potentially mid term solution. For the long term there are really only two practical alternatives: 1) Levy a Village property tax and increase the size of the municipal infrastructure to include drainage maintenance or 2) Clearly define and continue the current policy of being a source of information and of aide in grant applications but take the position that these are resident to resident civil issues that should be resolved external to Village involvement.

SMC Use Only

Received_____
Received_____

Watershed Resource Request Form

To:	Des Plaines Watershed Management Board	
Applicant Jurisdiction (s)	Village of Long Grove, Illinois	
Brief Project Title	Country Club Woods Stormwater Project	
General Location	Country Clubs Woods	
Contact Person	David Lothspeich - Village Manager	
Address	3110 Old McHenry Road	
City, State Zip	Long Grove, IL 60047	Phone 847-634-9440

Project Type

☒ Planning ☐ Maintenance ☒ Design

☐ Issue Resolution ☐ Capital Improvement ☐ Other

Is this a request for a Watershed Management Assistance Grant? ☒ Yes ☐ No

Resource Request

☒ Watershed Account ☐ SMC Staff Capacity ☐ Combination Funds and Staff

Project Description (use additional sheets if necessary):

This funding will allow the Village of Long Grove to work on a cooperative localized flooding project in the Country Club Woods Subdivision. THe project will address flooding in an area between IL 53, Old Hicks Road and Lincoln Avenue. A WMB grant with a match from Village forces and funds would allow the Village of Long Grove to improve roadside drainage swales and ditches, replace or rehabilitate drainage tile and storm seweras in the area of the Country Club Woods Subdivision as described above. The Planning and design portion of this project will indentify methods for storm water flooding improvements that can adequately and naturally re-stabilized, and beautify the area. The area for study has documented flood damage to residential structures and has roadway/yard flooding on an annual basis.

The basic budget being proposed for this planning and design project is broken down on the attached proposed budget.

Cost Estimate	$70000.00	Applicant Share	$35000.00	WMB Share	$35000.00
In-Kind Service Person Hours	Applicant	40	SMC	0	
In-Kind Service Description	Agency coordination and data collection.				
Project Timing	Start Date	Winter 2007	Completion Date	Summer 2007	

Summary of Project Benefits (relating to flood damage reduction, water quality improvement, and natural resource enhancement)
This project will help with elimination of continual localized flooding in an area bounded by IL 53, Old Hicks Road and Lincoln Avenue. The project will help promote improved water quality and stormwater conveyance by improving flow of storm water through the area while providing controls that would eliminate the erosion.

Statement of Local Commitment (assurance that applicant has sufficient matching funds and staff capacity)
The Village of Long Grove is dedicated to efforts of improving water quality and has demonstrated that commitment by continuing to complete area projects of this type. This site is located in the Buffalo Creek and Des Plaines Watershed. Portions of the project are under ownership of private citizens and the Village of Long Grove. This project is an outstanding opportunity for the Village of Long Grove and LCSMC to cooperate on a joint project that will benefit the public as well as the watershed.

_____

Signature of WMB member
(This must be a WMB member who supports the project. It is not necessarily the applicant.)

Enter WMB Member's Title

Requested Attachments:

1. Location Map
2. Detailed project Description
3. Detailed (per criteria) Statement on Benefits, including quantifiable benefits.
4. Statement of compliance with SMC policies, local plans and Ordinance
5. Other comments or supporting documents.

DES PLAINES RIVER, FOX RIVER, LAKE MICHIGAN &
NORTH BRANCH CHICAGO RIVER
WATERSHED MANAGEMENT BOARD
REPRESENTATIVE APPOINTMENT FORM

Name of Chief Elected Officer: Maria Rodriguez, Board President

Representing: Village of Long Grove
(City, village, township, active drainage district)

Watershed(s): Des Plaines Watershed (Buffalo Creek Watershed)

Appointed Delegate: David Lothspeich, Village Manager of Long Grove

Address: 3110 Old McHenry Road
Long Grove, IL 60047

Phone: 847-634-9440

FAX: 847-634-9408

E-MAIL

The above named shall be my representative on the Watershed Management Board(s) in my absence and may vote on my behalf during my term of office, or until otherwise notified.

(Signature of WMB Member)

(Date)

VILLAGE OF LONG GROVE - COUNTRY CLUB WOODS SUBDIVISION

ESTIMATE OF COST COUNTRY CLUB WOODS SUBDIVISION ENGINEERING

ITEM NO.	DESCRIPTION	UNIT	TOTAL QUANTITY	UNIT COST	TOTAL COST	FEDERAL %	FEDERAL FUNDING REQUESTED	LOCAL %	LOCAL COST-SHARE MATCH
	FLOODING & DRAINAGE ISSUES								
1	Topographic Survey of Middlesax and Monitor	Lump Sum	1	$11,000.00	$ 11,000.00	0.5	$5,500	0.5	$5,500
2	Data Collection and Prelimimary Drain Tile Survey	Lump Sum	1	$10,000.00	$ 10,000.00	0.5	$5,000	0.5	$5,000
3	Storm Water Management	Lump Sum	1	$15,000.00	$ 15,000.00	0.5	$7,500	0.5	$7,500
4	Agency & HOA Coordination	Lump SUm	1	$6,000.00	$ 6,000.00	0.5	$3,000	0.5	$3,000
5	Cost Estimates, QC/QA, Project Administration	Lump Sum	1	$4,000.00	$ 4,000.00	0.5	$2,000	0.5	$2,000
6	Final Plans, Specifications and Contract Documents	Lump Sum	1	$16,000.00	$ 16,000.00	0.5	$8,000	0.5	$8,000
7	Final Cost Estimate, QC/QA, Project Administration	Lump Sum	1	$6,000.00	$ 6,000.00	0.5	$3,000	0.5	$3,000
8	Other Assistance to Village	Lump Sum	1	$2,000.00	$ 2,000.00	0.5	$1,000	0.5	$1,000
									$0
									$0
	Total				**$ 70,000.00**		**$35,000**		**$35,000**
	TOTAL COST OF PROJECT				**$ 70,000.00**		**$ 35,000.00**		**$ 35,000.00**

N
State Hwy 53
Shilo Dr
Wynncrest Dr
Rd
Lexington Dr
Lincoln Ave
Tanager Way
Popp Ln
© 2005 TeleAtlas
Google
Pointer 42°10'00.06" N 88°00'52.26" W elev 756 ft
Streaming 100%
Eye alt 5672 ft
SITE LOCATION