

POLICY STATEMENT



RESIDENT PRIVATE DRAIN TILE INSTALLATIONS

CITY OF VICTORIA, MINNESOTA

Date:
TKDA Project No.

October 2005
13277.000

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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RESIDENT PRIVATE DRAIN TILE INSTALLATIONS CITY OF VICTORIA, MINNESOTA

I. HISTORY

The City of Victoria has received numerous requests from City residents to install drain tile within their properties to enhance drainage of stormwater runoff. Typically the requests have been made to enhance the drainage along rear and side lot lines, within City easements, and the requests normally include a direct connection of the drain tile system to a City storm sewer catch basin to provide a discharge point for the drain tile. The requests have come from both old and new neighborhoods in the City in areas with swales that do not drain even when positive slope does exist or when springs have been encountered in the area.

The primary concern associated with installation of a drain tile system in a City easement is the ongoing ownership and maintenance responsibilities for this added infrastructure. Ongoing maintenance includes ensuring the continued functionality of the system. In addition, ensuring that permanent structures (i.e. fences, landscaping, etc.) are not located in such a manner to be a detriment to the drain tile system. The other area of major concern is that under current regulations, if the City owns these systems, the City would be required to maintain detailed records of the system and to provide location information under the Gopher State One Call system similar to what is required for City watermains and sanitary sewer lines. One last concern relates to the connection of the drain tile to the City storm sewer system. Connections to the City system must be made in accordance with current Ordinances and the Design and Construction Manual. Additional costs will be incurred by the City any time storm sewer catch basins are reconstructed, as these drain tile connections will need to be restored.

II. POLICY

This policy has been created to address the City's response to these requests. First, it is vital that the City be notified of construction of these facilities on City property and connection to the storm sewer system. The City Right-Of-Way ordinance is useful to ensure that the City is notified of the construction and to provide staff an opportunity to observe connections to the storm sewer system and ensure they are properly made.

To address Ownership and Maintenance concerns, the drain tile system must be owned and maintained by the property owner. City staff developed the attached Ownership and Maintenance Agreement to ensure that the system remains privately owned infrastructure. The Agreement outlines responsibilities associated with the system and is to be signed by all abutting property owners. The Agreement is set up such that it is recorded with the County and runs with the land and is binding on all succeeding owners of the property.

III. PROCESS

Upon receipt of a request to construct a private drain tile system on City property, the requestor is directed to submit detailed plans depicting the proposed construction in conjunction with the application for a Right-of-Way permit. Plans are reviewed and necessary comments are made. The applicant is then given a copy of the Ownership and Maintenance Agreement for signature and submission to the City. Upon completion of the Agreement, the Right-of-Way permit is approved.

OWNERSHIP AND MAINTENANCE AGREEMENT

THIS OWNERSHIP AND MAINTENANCE AGREEMENT is entered into this ____ day of _____, 20__, by and between _____ (“Homeowner”) and the City of Victoria, a municipal corporation organized under the laws of the State of Minnesota (the “City”).

WHEREAS, Homeowner is the owner of the real property located in the City of Victoria, Carver County, Minnesota, legally described on the attached Exhibit A (the “Property”);

WHEREAS, the Homeowner desires to install a private drain tile system (“Private Drain Tile System”) on the Property. Homeowner and City intend that Homeowner shall be responsible for maintaining, repairing and replacing the Private Drain Tile System.

WHEREAS, the City has reviewed plans and specifications dated _____ prepared by _____ (the “Plans and Specifications”) for conformance to City Standards;

NOW, THEREFORE, the parties hereto agree as follows:

1. Homeowner is authorized by the City to install the Private Drain Tile System in accordance with the Plans and Specifications.
2. The Private Drain Tile System shall be the sole and exclusive property and responsibility of Homeowner and shall not be a public drain tile system whether or not the Private Drain Tile System is located within a publicly dedicated easement on the Property.
3. Homeowner shall, at its sole cost, maintain, repair and replace the Private Drain Tile System as needed, and agrees to indemnify, defend and hold the City harmless from any claims against it arising out of the Private Drain Tile System.
4. This Agreement shall be governed in all respects by Minnesota law.

5. This Agreement shall run with the land and be binding on all succeeding owners of any interest in the property.

6. This Agreement shall be recorded as to the Property in the office of the County Recorder or Registrar of Titles in and for Carver County, Minnesota.

IN WITNESS WHEREOF the parties hereto execute this Agreement the day and year first above written.

HOMEOWNER:

CITY:

City of Victoria

By: _____

Its: Mayor (or acting Mayor)

By: _____

Jennifer Kretsch

Its: City Clerk

STATE OF MINNESOTA)
)ss
COUNTY OF _____)

The forgoing instrument was acknowledged before me this _____ day of _____, 20___,
by _____.

Notary Public

