
AGENDA ITEM SUMMARY

Subject: Review the agreement with Duane and Pamela Davenport for a sump pump discharge connections to the City storm sewer system

Background Summary:

Duane and Pamela Davenport at 1700 North Grand Avenue are installing a new sump pump system for their basement with a discharge pipe located near the front of their house. It is expected the new system will pump more water than the existing sump pump currently discharges. Since there is a storm sewer intake located on North Grand Avenue immediately in front of their home, they would like to utilize the City's storm sewer system as an outlet for their sump pump discharge.

Since this request is very similar to recent past requests, City Attorney Brad Slotter has drafted the same type of agreement previously utilized and approved. The agreement between the Davenports and the City of Charles City provides for the extension of the sump pump discharge pipe across City right-of-way and connection to the City storm sewer system. The agreement also addresses and stipulates that the future maintenance is the responsibility of the Davenports, or a future property owner, as well as releases the City from liability related to this connection to the City storm sewer system.

Approval of the agreement is scheduled for the December 3rd City Council meeting.

**Sump Pump Discharge Agreement
1700 North Grand Avenue
Location Map**



Prepared by and Return to: Brad Slotter, 200 N. Johnson St., Charles City, IA 50616, 641-228-4533

AGREEMENT FOR CONNECTION OF SUMP PUMP DISCHARGE
TO CITY STORM SEWER SYSTEM

RECITALS

Duane M. Davenport and Pamela A. Davenport, husband and wife (Owners), are the owners of property located at 1700 North Grand Avenue in Charles City, Iowa, legally described as:

Lot 3 of the Replat of Maple Valley Second Addition to Charles City, Iowa

(hereafter "the Property")

The Owners have proposed to install a sump pump discharge system at the location of the Property to a storm sewer intake located adjacent to North Grand Avenue at the west side of the Property, and discharging directly into the storm sewer system of the City. This proposal is made on the terms and conditions set forth herein.

NOW THEREFORE BE IT AGREED by the undersigned owners and the City of Charles City, Iowa as follows:

1. Connection to Storm Sewer Intake. The City authorizes the Owners to connect the sump pump discharge from the Property to the storm sewer intake. The connection shall be by core drilling into the east wall of the intake and forming a watertight connection between the intake wall and sump pump discharge pipe. To help protect against plugging, the owners may install a rodent guard on the sump pump discharge pipe. The City further grants to the Owners the permission to use a portion of the North Grand Avenue right-of-way to place a sump pump discharge line between the Property right-of-way and the intake. The Owners agree to restore the right of way and intake to their original condition following installation.

2. Owners' Responsibilities. The Owners will maintain the sump pump system serving its Property, including the pipe that extends from the Property to the intake. The Owners assume all risk associated with the connection of their sump pump system to the intake system of the City that discharges directly into the storm sewer system. The Owners may install a check valve, air relief, and/or other devices at their discretion to protect against back-flow from the storm sewer sewer system of the City and/or plugged discharge pipe.
3. Release. The Owners release the City from any liability for damages caused to their property arising from the connection to the storm water sewer system as provided herein.
4. Contingency. This Agreement is contingent upon approval by the City Council of the City of Charles City, Iowa.
5. Binding. This Agreement herein shall run with the land and be binding on the heirs, successors, and assigns of the undersigned parties.
6. Permit. The Owners shall hire a Contractor who is licensed to work within City right-of-ways to construct the connection of the tile and drain system to the storm sewer intake. The Contractor shall obtain a permit to work within City right-of-way from the City Engineer.

CITY OF CHARLES CITY

OWNERS

Dean Andrews, Mayor

Duane M. Davenport

Attest:

Trudy O'Donnell, City Clerk

Pamela A. Davenport

STATE OF IOWA)
) ss
COUNTY OF FLOYD)

On this _____ day of _____, 2018, before me, a notary public in and for the state of Iowa, personally appeared Dean Andrews and Trudy O'Donnell, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk, respectively, of the City of Charles City, Iowa; that the seal affixed to the foregoing instrument is the seal of said municipality of Charles City, Iowa, and that the

instrument was signed and sealed on behalf of said City by authority of its City Council, and that Dean Andrews and Trudy O'Donnell acknowledged the execution of the instrument to be the voluntary act and deed of said municipal corporation, by it and by them voluntarily executed.

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss
COUNTY OF FLOYD)

This record was acknowledged before me on _____, by Duane A. Davenport and Pamela A. Davenport.

Notary Public in and for the State of Iowa