

1988 to 2017: *The City of Warrenville was called whenever there was a clog in the storm sewer lines under the Common Area that caused rain water not to drain. They would unclog the lines, as well as to remove and replace restrictors in the storm sewer line as needed.*

June 2017: *Contact with City about the sinkholes and drainage issues near the storm sewer lines in the Common Area. The drains seem to be sinking and there is subsidence near these areas. Initial response from the City was to consider planting a rain garden to handle standing water issues.*

From: Hocking, Kristine [<mailto:khocking@warrenville.il.us>]
Sent: Wednesday, May 31, 2017 1:35 PM
To: Linda Saxton
Subject: Rain Garden Manual

Linda,

Attached is a guide that I have found useful for rain gardens and the types of plans that thrive in them. I also need to follow up with public works related to who is responsible for the maintenance of the catch basins/restrictors in the detention area.

Kristine

Kristine Hocking, P.E, CFM
Senior Civil Engineer
City of Warrenville
630-836-3066 (phone)
630-393-1531 (fax)
khocking@warrenville.il.us

From: Hocking, Kristine [<mailto:khocking@warrenville.il.us>]
Sent: Tuesday, June 20, 2017 11:50 AM
To: Linda Saxton
Subject: RE: Rain Garden Manual

Linda,

From what I have gathered by looking at the engineering plans and Plat, it seems that all of the common areas (including detention basins and catch basins within them) are to be maintained by the HOA. Now, I know in the past, Public Works has helped to remove blockages within the catch basins, but I couldn't find a dedicated storm sewer easement to the City that allows the City to do such maintenance. Can you look in your HOA Bylaws to see if there is any mention of maintenance?

Kristine

April 2018: *Contact with City about the drainage issues again*

From: Hocking, Kristine [<mailto:khocking@warrenville.il.us>]
Sent: Monday, April 16, 2018 5:02 PM
To: Linda Saxton
Subject: RE: Rain Garden Manual

Hi Linda,

Yes, we can meet. When would be a good time for you? Have you been able to look into the HOA bylaws about maintenance of the pipes in the drainage ponds?

Kristine

May 2018: *Call to City after Common Area filled with water and would not drain.*

From: Erik Poulsen
Sent: Monday, May 7, 2018 10:50 AM
To: directors@riveroakshome.org
Subject: RE: Water Update 2

I just spoke with Kristine Hocking and she advised us to have the water pumped out and have someone repair/unclogged the restrictors at the bottom of the retention area. She says she spoke to people in the past about problems in this area and according to the plats and our bi-laws it is the HOA's responsibility to maintain those areas. If the city has to come in to take care of something then we would be charged for it as well. She cited the retention wall rebuild as an example of the HOA being responsible to maintain that area instead of the city.

So if someone sees something in our Bi-laws that contradicts this then great otherwise we need to find a contractor to pump out the water into the lower and then have the drains/restrictors looked at. The same issue with the sinkholes as to how we resolve them according to the city.

Erik Poulsen

From: Hocking, Kristine <khocking@warrenville.il.us>
Sent: Tuesday, May 8, 2018 12:40 PM
To: Erik Poulsen
Subject: RE: Water Situation Tuesday

Erik,

I am trying to find out schedule and costs from Public Works. I should know this afternoon. Long term, the HOA should have a list of contractors that can do this work should the issue arise again. Also, general weekly inspections of the catch basins/restrictors should be taking place. This can probably be done by your weekly landscaper who mows the basins.

Kristine

From: "Hocking, Kristine" <khocking@warrenville.il.us>
Date: May 9, 2018 at 3:39:19 PM CDT
To: 'Erik Poulsen'
Subject: RE: Water Situation Tuesday

Erik,

With the rain that came this morning and will come later this afternoon, our public works crew will be able to be out there tomorrow most likely but no later than Friday. Because the pond is full now, they will pump it down and then wade in and remove the clog. If they can find it fast, it will take a couple of hours and cost about \$200, if it take more time (1/2 day to a full day), it could end up being around \$500-\$1000.

The City will issue a letter to the HOA detailing responsibilities per my email below regarding maintenance and inspection and we will clarify that the City has the right, but not responsibility to enter the pond to make repairs in case of an emergency.

As for Rebecca's question about trash, we really won't know where it came from. The ditches in front of Family Foods/Burger King are actually the responsibility of that strip mall owner. The Route 59 ROW is IDOT's responsibility. The City owns Batavia Road and the ROW.

Kristine

The City informed ROIA that they would be charging \$275 for unplugging the drain. No bill was received. No letter was received detailing responsibility regarding maintenance and inspection.

Friday, November 9, 2018: *Call to the City of Warrenville Public Works department to let them know that the detention pond in River Oaks has been filled with water for five days. This was the response:*

From: Kuchler, Phil <pkuchler@warrenville.il.us>
Sent: Friday, November 9, 2018 12:49 PM
To: Rebecca Christiansen
Cc: Clark, Jamie <jclark@warrenville.il.us>; Hocking, Kristine <khocking@warrenville.il.us>
Subject: River Oaks Detention Pond

Rebecca,

I believe you just spoke with Jamie Clark, indicating the pond in River Oaks is full and has been since Monday. This is the responsibility of the HOA. Public Works is not staffed to maintain private ponds. This detention pond was constructed solely for the benefit of the River Oaks Subdivision. The property is not owned by the City of Warrenville. Similar to the retaining wall issue, this is the responsibility of the HOA to maintain. The City has helped out in the past, as recently as this spring, but this is not the City's responsibility.

My recommendation is that the HOA hire someone to remove the blockage from the pond.

Thank you,
Phil

Philip M. Kuchler | Deputy Public Works Director

CITY OF WARRENVILLE

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pkuchler@warrenville.il.us

From: Rebecca Christiansen
Sent: Friday, November 9, 2018 1:01 PM
To: 'Kuchler, Phil' <pkuchler@warrenville.il.us>
Cc: 'Clark, Jamie' <jclark@warrenville.il.us>; 'Hocking, Kristine' <khocking@warrenville.il.us>; 'William Price' <wprice@growthlaw.com>; 'ROAI Directors' <directors@riveroakshome.org>
Subject: RE: River Oaks Detention Pond

Phil,

Please note that the detention pond is not blocked. It is the storm sewers that are blocked. There is also indication that the sewers are leaking at several places. All of the storm sewers in River Oaks lie within the easements according to Plat Document # R86-128179, from October 16, 1986.

Rebecca

November 10, 2018: *Emailed cover letter from ROIA to the City outlining the arguments for the City's responsibility for the storm sewers in the subdivision.*

From: Susan Price
Sent: Saturday, November 10, 2018 6:26 PM
To: pkuchler@warrenville.il.us; khocking@warrenville.il.us; rmentzer@warrenville.il.us
Cc: directors@riveroakshome.org; cbarry@warrenville.il.us; lgoodman@warrenville.il.us
Subject: Fwd: Fw: Roia and the city

Regarding needed repairs to city storm sewer pipes in the River Oaks commons area

Dear Mr. Kuchler, Mr. Mentzer, and Ms. Hocking:

As Rebecca Christiansen explained in her email response to Mr. Kuchler the other day, the River Oaks detention pond outflow is not blocked. The cause of the ponding in our main commons area is a problem with the storm sewers. See the attached letter from my husband, attorney William Price, explaining why this is in fact the responsibility of the city and not the Association. Because of the various safety issues caused by both the inability of the storm sewer to drain properly, and the 3 significant and dangerous sinkholes that have developed along the line of one of the feeder storm sewers, these repairs need to be effected as soon as possible.

If you have questions regarding this matter, you may contact Bill at wprice@growthlaw.com or by phone at 630.362.8840.

Thank you for your attention to this matter.

Susan NC Price

President, River Oaks Improvement Association

November 19, 2018: *Letter from W.A. Price to the City regarding the City's responsibility for the storm sewer maintenance in the River Oaks subdivision*

November 10, 2018

David Brummel, Mayor

City of Warrenville

Via email davidbrummel@warrenville.il.us

RE: Storm Drain Repairs, River Oaks

Dear Mayor,

1. This office represents the River Oaks Improvement Association. The Association requests that the City, as it has in past instances, repair the city property (storm drains) in the commons area, blockages in which are causing a pond to form in the upper retention area. (See cc of photo attached.)
2. Please note that the drains were transferred to city ownership in 1989 (see deed of transfer cc attached).
3. Liability for such improvements, once accepted for city ownership, resides in the city, even if the city did not build same, cf. *Burford v. Village of LaGrange*, 90 Ill.App.2d 210 (cc attached.).
4. Note that the Plan Commission considered the design for the detention area and the City Engineer had input in the final design, with City maintenance of silt traps expected and intended. (Plan Commission minutes and City Council minutes attached), and that the Plat for what was then Country Ridge Subdivision (now River Oaks) included the storm drains. Plat copies can be provided, which would further document the plat recording shown as city acceptance in the Burford case, but the transfer document and city discussions should be clear evidence of transfer of storm drains to city ownership and responsibility without additional proof.
5. The storm drains belong to the city, and should be maintained by the city to keep the detention area able to take in all storm water and drain to dry storage areas, as originally

planned and built. Your assistance in having maintenance done by the city to clear the current blockage would be much appreciated.

Respectfully Submitted,

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