



Agenda Memo

Crest Hill, IL

Meeting Date:	October 9, 2023
Submitter:	Ronald J Wiedeman
Department:	Engineering
Agenda Item:	Wilcox Storm Sewer Update

Summary: Staff along with the City Attorney are investigating past engineering work performed in the area of Wilcox, Ludwig, Stern and Oakland area to address stormwater issues. It was determined that there are very old stormwater structures located not only in the private alleys in this area, but also some of which run under or immediately adjacent to structures located on individual lots, all of which is private property to which the City may or may not have easement rights.

The section of Wilcox which is the current focus of the investigation is as follows:

- Oakland (east) and Kelly (west)
- Ludwig (north) and Stern (south).

The investigation has revealed the following:

1. Per discussions with CBBEL, Public Works previously requested design plans within this area which would eliminate the existing storm sewer pipe located in a private alley where it was believed that the city did not have any easement rights.
 - a. The plans for this proposed project were completed in 2019.
 - b. According to the plans, the project scope involved work which was mostly within the City's right-of-way on Stern, Wilcox, and Ludwig.
 - c. Per my discussion with CBBEL, the only easement to be obtained was from the owner of 1702 Wilcox. Public Works staff were aware that an easement would be needed and had preliminary conversations with that property owner. Based on those discussions, staff believed that the property owner was willing to provide this easement. However, I have not been able to find any documentation that the easement was ever acquired.
 - i. Upon further investigation, we have determined that there is a workaround which would avoid the need to obtain the easement from the owner of 1702 Wilcox (and potentially the signatures of all other property

owners on that alley. This would be an easement from only the owner of 1701 Oakland. This easement would be solely on his property rather than the alley.

- ii. If the Council prefers that the work be performed as currently planned, easement rights from not only 1702 Wilcox but also all property owners who abut the alley because any work done in the alley, even if only at the corner lots, would impact the joint ownership rights of all property owners to the north. Attached as Exhibit B is a graphic depiction of the area. The City Attorney has also prepared a Confidential Legal Memorandum outlining the complicated ownership situation with the alleys in this area, and the risks associated with proceeding without written easements from ALL property owners with rights to the alleys. That Memorandum was provided to the Mayor and Council separately.
 - iii. If the Council is OK with obtaining signatures from individual (but not all) property owners, Staff is recommending that we approach the owners of 1701 Oakland to see if they are willing to grant the City an easement along their west property line adjacent to the alley and make the connection from the existing storm sewer pipe to the new rerouted storm sewer pipe installed in Stern Ave.
 - iv. The alternative to the above would be to obtain easements from all but seven of the owners along the alley, which would significantly delay the project.
2. Based on the current plans referred to above, no work is proposed plans for the alley between Wilcox and Kelly, which is the location where City had been attempting to secure a signature from Mr. Rojas.
- i. Based on the City Attorney's analysis, the alley located between Wilcox and Kelly is partly in Stern Park Gardens and partly in the Re-subdivision of Stern Park Gardens. Those properties in Stern Park Gardens each have common ownership of the entire alley while those in the Re-Subdivision have granted utility easement rights in the alley. The Easement document which the City had prepared and previously signed by several residents is still missing the signatures of Mr. Rojas and other owners, and it appears that the ownership of at least one parcel has changed, thereby requiring the signature of the new owner. Before any work can be done in this alley, the City will need the missing signatures and an updated signature from the new owner.
 - b. The City has also recently received a phone call from the property owner at 1714 Kelly asking when the City will complete work in the alley discussed under item d. According to the property owner, a storm sewer structure was installed by the City sometime in the early 2000s and the grading was never completed.
 - i. We have not found any records verifying that the City performed this work or that additional work was needed in the alley.

3. The project described under item 1 will eliminate about 90% of the storm sewer on private property in this area except for a portion that is currently located under the garage at 1716 Kelly and tying into our existing storm sewer system in Kelly Ave.
 - a. If this project is completed, it would not address what is to happen to the existing storm sewer that is running either close to private homes or under the garage at 1716 Kelly Ave.
 - i. The abandoned pipe is 24-inch in diameter and typically any existing pipe that is larger than 10-inch in diameter should be filled to not cause damage at the surface or to existing structures.
 - ii. In addition to moving forward on the current project, the City would attempt to secure individual easements from those owners with storm sewer structures on their property to “abandon in place” any remaining storm sewer pipes on those individual parcels.
 - iii. The work to fill the existing pipes abandoned as part of the project does not have to be completed as part of the original project because the contractor performing this work will be different.
4. In our investigation we also discovered that the property owner at 1715 Kelly back in 2020 had a lawsuit against Mr. Rojas in which she claimed that he had caused flooding at her residence. This lawsuit was dropped.

Staff suggests the following action to be undertaken:

1. The project described above to eliminate 90% of the storm sewer on private property in this area be placed in the 2024/2025 budget and direct staff to work with the property owner at 1701 Oakland to acquire an easement for a catch basin and storm sewer on his property to obviate the need for additional easements from property owners to perform work in the alley.
2. Begin contacting residents where the existing storm sewer line will be abandoned in place and is either close to their residence or under existing structures and have them sign off on not having the pipe filled or granting temporary easement rights to allow the City access to their property to fill the pipes to be abandoned.
3. Once the work in item 2 can be quantified, have plans and bid documents prepared accordingly.
4. For the resident at 1716 Kelly who has indicated that the City has previously installed a catch basin within the alley (potentially without easement rights), below are options to consider:
 - a. Line the existing storm sewer pipe to improve the quality of the pipe and create an agreement of understanding with the resident.
 - b. Work with the residents at 1716 and 1720 Kelly to see if the existing storm line can be relocated out from under the garage. This would require additional investigation to determine if a pipe can be installed between these 2 properties. This option could be expensive because of limited space between the two properties, and an existing fence that would need to be removed and replaced.

- c. Return to the earlier plan of obtaining ROW from the 5 property owners who are in Stern Park Gardens (including Mr. Rojas). Once the easement rights have been secured, the City would be able to install additional storm sewer and regrade the alley for better drainage. The work to install additional storm sewer and regarding can be done as a separate contract or included in the main contract depending on the timing of the access agreement.

Recommended Council Action: Direct staff on the proposal actions discussed above.

Financial Impact:

Funding Source: GF

Budgeted Amount: \$650,000.00

Cost: TBD

Attachments: