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May 9, 2024

City of Dyersville, Iowa  
Attn: Lori Panton  
via email: [lpanton@cityofdyserville.com](mailto:lpanton@cityofdyserville.com)

Copy to: Jacque Rahe  
Dyersville Economic Development Corporation  
via email: [jrahe@dyersville.com](mailto:jrahe@dyersville.com)

RE: Comments regarding proposed plat of Lake View Estates

Dear Ms. Panton,

We write to you today on behalf of our clients, the Jeanine Koch Trust and K & K Building & Supply, to express our clients' concerns relating to the proposed plat of Lake View Estates, which is slated for public comment at the upcoming May 13, 2024 meeting of the Planning and Zoning Commission.

In short, our clients are greatly concerned that the construction planned with respect to the proposed plat will significantly divert storm water in a manner that causes injury to our clients' property, and we would like more information regarding how the developer and City plan to prevent such diversion. Currently, we understand that a significant amount of surface storm water from Highway 20 and the nearby FarmTek property flows across the field owned by C & G Partnership LLP immediately south of the proposed platted area, in a northeasterly direction towards Tegeler's pond. Some of this storm water flows into Tegeler's pond across the proposed platted area, and some flows into the ditch that carries such water through our clients' property, ultimately depositing it in Bear Creek on property owned by K & K Building & Supply Inc.

The construction proposed on the platted land would necessarily raise the elevation of that land, changing the current course of storm water flow. It appears to us that the proposed plat does not include a detention basin or other storm-water management devises. We understand that the drainage ditch on our client's property was constructed to direct surface storm water away from Tegeler Pond, for fear that such storm water would raise the level of the pond and flood buildings on adjacent properties. We are therefore concerned that either the proposed

construction will cause additional run-off into Tegeler Pond, resulting in the very flooding that the existing drainage ditch was intended to prevent, or significantly re-direct surface storm water into the existing drainage, resulting in significant erosion where such water deposits into Bear Creek and along the path of the drainage ditch, causing substantial damage to the property of K & K Building & Supply Inc. and inhibiting its potential use for residential development.

The disposition of ordinary surface water is determined by the relative elevations of adjacent tracts. Witthauer v. City of Council Bluffs, 133 N.W.2d 71, 74 (Iowa 1965). While the owner of the upper “dominant” estate has a legal and natural easement in the lower or servient estate for the drainage of surface waters, the owner of the dominant estate may not cast an additional quantity of surface water upon the servient estate if in doing so he does substantial damage to the servient estate. Id. at 74-75. In this case, we believe that without a comprehensive plan to manage the flow of storm water in the area, the development of the proposed platted area will divert additional surface water onto our clients’ property and cause significant erosion and damage along the drainage ditch and where such water discharges into Bear Creek. Such damage would inhibit our clients’ future plans to develop their property into residential lots, resulting in significant economic loss.

We also understand that the City of Dyersville has requested that our clients grant an easement across their property for sewer-line purposes, with the proposed line to connect the proposed Lake View Estates Development with property to the northeast of our clients’ property. We view this as an excellent opportunity to address both issues in a manner that benefits our clients, the developers of Lake View Estates, and the City of Dyersville.

Our clients plan to develop their property into residential lots, and such development includes plans to extend 6<sup>th</sup> avenue SW through their property so that it could connect with 6<sup>th</sup> avenue SW as shown on the proposed Lake View Estates plat. I’ve enclosed a copy of the conceptual plat for such development prepared in 2019 for reference. It appears to us that the path of such roadway would overlap substantially with the proposed route of the sewer line as depicted in the proposed sanitary sewer easement. Our clients therefore propose that the City install a buried storm-water line in the same location as the proposed sanitary-sewer line and fill in the existing drainage ditch. These lines could run directly underneath our clients’ proposed roadway connecting 6<sup>th</sup> Avenue SW. This would open up a significant amount of land to residential development that is currently impossible given the location of the drainage ditch and our clients’ obligation not to divert storm water back onto nearby property. In exchange our clients would grant the sanitary-sewer easement requested by the City and release the City and developer of Lake View Estates from any liability relating to the diversion of storm water resulting from the development of the Lake View Estates property.

We would be greatly interested in meeting with City officials to discuss this proposal and to work towards a mutually beneficial and comprehensive plan to manage storm water in the area in a way that maximizes the development potential of the subject properties. Please note that this proposal is intended only as a starting point for discussion and not as a binding offer. We look forward to your response.

Thank you,

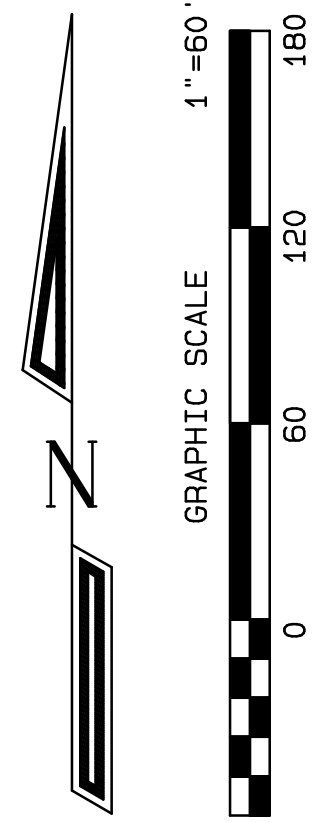
DRAKE LAW FIRM, P.C.

*Samuel M. DeGree*

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Samuel M. DeGree

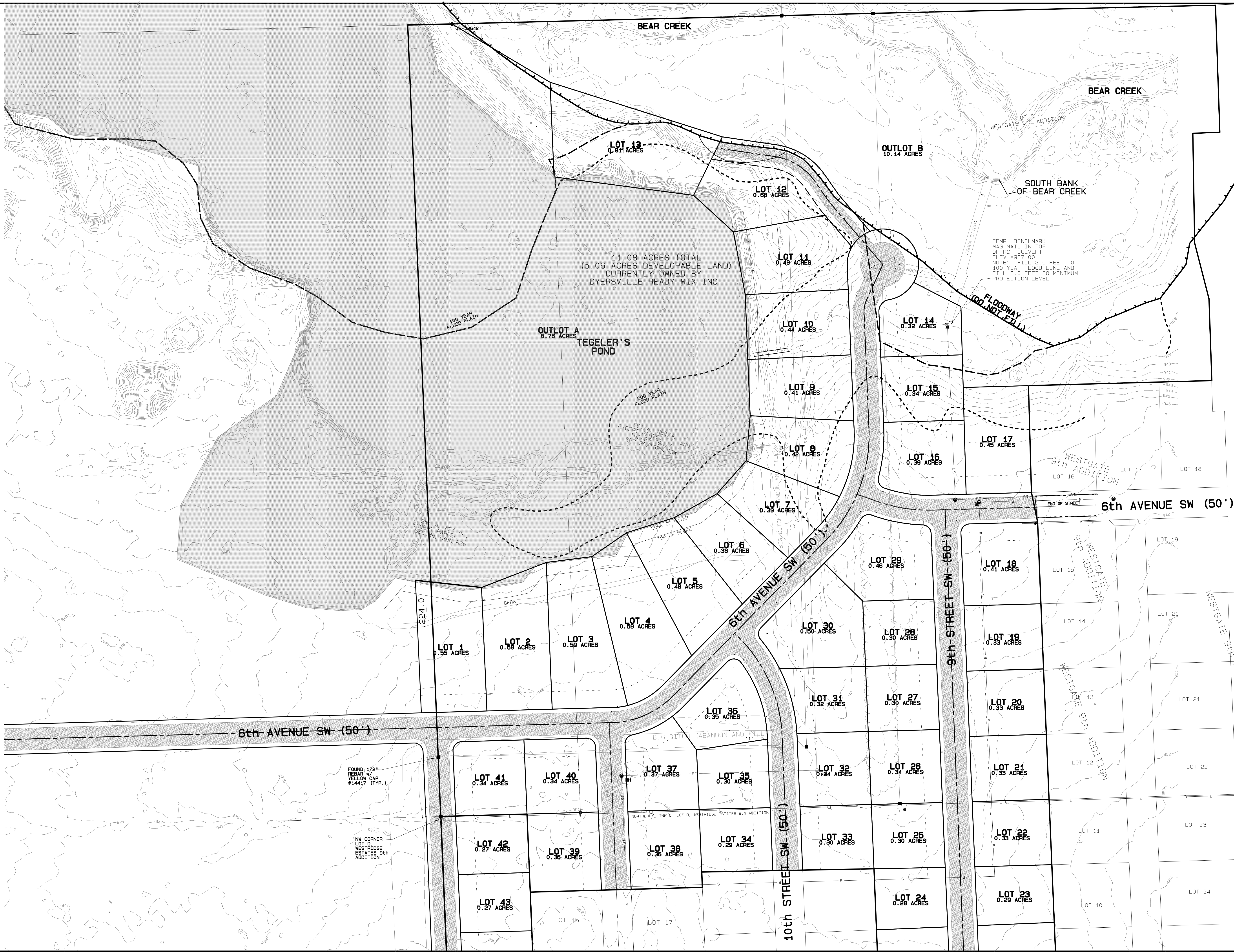




- LEGEND**
- BOUNDARY LINE
  - PROPOSED LOT LINE
  - EXISTING LOT LINE
  - SECTION LINE
  - STREET CENTERLINE
  - RIGHT OF WAY LINE
  - EASEMENT LINE
  - BUILDING SETBACK LINE
  - WATER LINE
  - ELECTRIC LINE
  - SANITARY SEWER
  - GAS LINE
  - TELEPHONE LINE
  - CABLE TV
  - STORM SEWER
  - SECTION CORNER
  - FOUND IRON PIN
  - SET 1/2" REBAR W/ CAP #14417
  - SET MAG NAIL
  - FOUND MAG NAIL
  - IRON PIPE FOUND
  - FOUND "X" CUT IN CONC
  - FIRE HYDRANT
  - POWER POLE
  - GUY ANCHOR
  - SPOT ELEVATION
  - GAS METER
  - WATER VALVE OR CURB BOX
  - POWERPOLE/LIGHT POLE
  - TELEPHONE PED.
  - ELECT. BOX

**PROPRIETOR:**  
**SURVEY REQUESTED BY:**  
**SURVEY DESCRIPTION:**  
**SEE SHEET 2**

Atiquot:  
Section:  
Township:  
Range:  
County:  
Lot:  
Block:  
Subdivision:  
City:  
Proprietor(s):  
Requested By:  
Survey Date:



CONCEPTUAL SITE PLAN

WESTRIDGE ESTATES 12th ADDITION

CITY OF DYERSVILLE,  
DELAWARE COUNTY, IOWA

SCNEIDER

Land Surveying & Planning, Inc.

P.O. Box 128 - 906 1st Street North  
Farley, Iowa 52046  
Ph# 563-744-3631 daves@yousq.net

I hereby certify that this land surveying document was prepared by me or under my direct supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.

DAVID P. SCNEIDER  
#14417

DAVID P. SCNEIDER P.L.S. #14417  
My license renewal date is December 31, 2019.

Project: 1904 CONCEPT Dwg

Date: 12/20/2018

Sheet: 1 of 1