



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

OFFICE OF THE CITY ATTORNEY

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MEMORANDUM

TO: Public Works Committee

FROM: Joel P. Landeen, Assistant City Attorney

DATE: 2-4-09

RE: James Flynn, 1221 Kansas City Street

Mr. Flynn has contacted our office to request that the City do something about his neighbors non-conforming sewer service line. Mr. Flynn lives at 1221 Kansas City Street. His neighbor at 1225 Kansas City Street has a sewer service line which crosses his property and connects with the City's sewer main in the alley east of their properties. This line has caused him numerous problems. The sewer service line from 1225 does not conform to current City standards. The only option to legally correct this problem is to have the owner of 1225 extend a main and install new service line which conforms to City standards. The City could achieve this through an assessed project. The only property involved would be the owner of 1225 Kansas City Street so the project would not qualify for City participation in the costs. The cost is likely to be significant. Staff requests direction on whether or not the Council wants to proceed with an assessed project.

To: Public Works Committee,
Rapid City, South Dakota

From: James Flynn
1221 Kansas City Street
Rapid City, SD 57701
26 January, 2009



To Whom It may Concern;

I have been trying to get a problem with a sewer line on my property resolved for approximately 2 years and would like to get the matter taken care of. Two years ago my sewer line backed up into my basement causing a lot of damage because my neighbor, 1225 Kansas City, was connected to my line and for a couple of days their sewage, along with mine, backed up into my basement. The sewer line was scoped and showed two breaks, one where the neighbor had his line repaired and reconnected to my line and the other about 10 foot from the city line. I had a local company come here to replace my line. I talked to a Mr. Ted Vore and was told it is illegal for my neighbor to be hooked to my line. At that time he stated that if I gave the neighbor an easement to cross me property we could put two lines in the same ditch. I offered to do this and the neighbor went to the city to see what was required. He was told there was no way possible his line could cross my property, easement or not. At that time the ditching company said it would be easier to put me a new line in going thru my basement since my neighbor would have to put in a new line on his property. I have a new line and my neighbor said he would start working on his. To this date he does not have a new line and my property continues to sink where the break at his connection is. My insurance Company has told me that any further damage to my property will not be covered because of the illegal sewer line. I have talked to Mr. Dave Johnson at the Public Works several times and have been told the city cannot force my neighbor to get his own line. Why not if it is illegal? Why should he pay for a new

line if all he has to do is clean out my old line every few months.!!

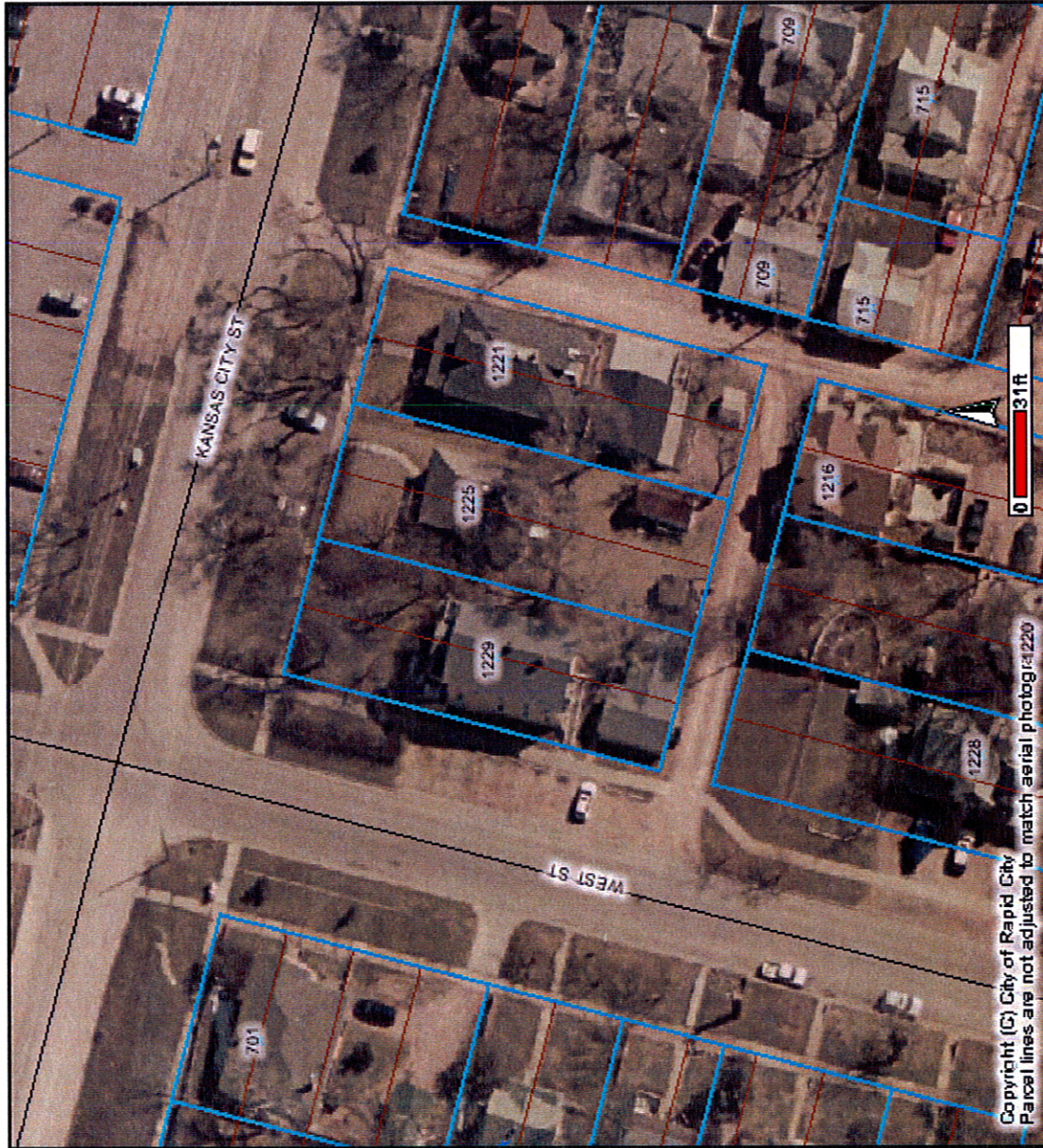
I would like to sell my property but at this time I cannot without something positive from the City and my neighbor, that the problem will be resolved soon. I cannot put on a disclosure Statement that there is an illegal Sewer line on my property causing some of the dirt to sink and could crack the floor in the Garage and possible the wall to the basement and that some day it might be repaired the way the City code requires. Until this is resolved I feel that I'm being penalized by the city for doing my Sewer line the right way and my neighbor can continue to be wrong. Without any enforcement or request from the city to get off my line and get his own I feel that it will never be done.

James Flynn

A handwritten signature in cursive script that reads "James Flynn". The signature is written in black ink and is positioned below the printed name.

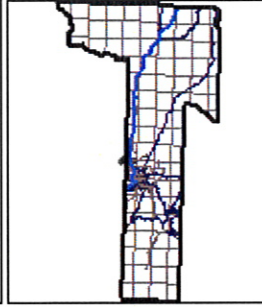
Pennington County - Rapid City Geographic Information System

Print Close



Roads

Not classified	~
Interstate	==
US Highway	==
SD Highway	==
County Highway	==
Main Road	==
Minor Arterial	==
Collector	==
Ramp	==
Paved Road	==
Unpaved Road	==
Unimproved Road	==
Trail	==
other	==



-RapidMap

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