

**City of Manitowoc
RESOLUTION**

A RESOLUTION that the City of Manitowoc will take over legal ownership of property in which lies a stormwater pond two years after subdivision acceptance by the City in accordance with the following:

WHEREAS the storm water pond is located on property that has single ownership.

WHEREAS, the pond must be a regional pond serving multiple parcels and the City's right-of-way.

WHEREAS, the Regional Pond is required to be constructed per current DNR technical standards and is in compliance with Municipal Code Chapter 28 and NR 151.

WHEREAS as-built plans of the pond shall be provided to the City by the OWNER/DEVELOPER.

WHEREAS, it is the responsibility of the OWNER/DEVELOPER to provide the CITY a CSM and/or legal description of pond property which shall include any access or maintenance easements in or around the pond for future maintenance accessibility.

WHEREAS all fees and costs of assuming the pond shall be covered by OWNER/DEVELOPER.

WHEREAS the following must be provided by the OWNER/DEVELOPER in relation to the condition of the pond; documentation the pond is in good working order; documentation that sediment levels are at as-built condition or to 1 foot maximum accumulation; all banks and vegetation shall be composed of stable grasses or native prairie, well established and adequately maintained, stable and free of any erosion; shall be clean and debris-free.

WHEREAS, the CITY Attorney is directed to modify city ordinance, Chapter 28 to reflect the CITY assuming ownership of storm water and the conditions listed above.

THEREFORE BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF MANITOWOC will take over legal ownership of property in which lies a storm water pond two years after subdivision acceptance by the City.

INTRODUCED _____

ADOPTED _____

APPROVED _____

Justin Nickels, Mayor

This resolution was drafted by
Valarie Mellon, P.E., Director of Public Works/City Engineer

Options for Future Stormwater Pond Maintenance:

- I. Stormwater Maintenance Agreement between City and owner/developer – Maintenance is the responsibility of the owner (current standard)
- II. Require the development of a Homeowners Association
- III. City takes over ownership of ponds that meet the below requirements with an upfront payment from the owner/developer to offset future maintenance cost
 - a. Upfront payment would be determined by the City based on current estimated maintenance cost.
- IV. City takes over ownership of pond meeting the below requirements with a storm water utility covering future maintenance cost.

Requirements for City Assumption of Ponds:

- I. Requirements
 - a. Must be a regional pond with drainage area that includes City Right-of-Way (ROW).
 - b. Accessible, must be accessible from City ROW or by a permanent maintenance easement.
 - c. Constructed per WDNR Wet Detention Pond Technical Standard 1001
 - d. As-builts required to ensure that it was constructed as per the plan
 - e. That the forebay, if so constructed with one, is to pre-development conditions (i.e. dredged if necessary).
 - f. Current sediment levels need to be documented prior to City assuming ownership.
 - g. Vegetation has been established and maintained as per the plan.
 - h. In overall good working and acceptable conditions (erosion, debris, etc).
- II. Ownership
 - i. Ownership shall be deeded to City by the owner/developer.
 - j. CSM or legal description of the pond is to be provided by the owner/developer.
 - k. All cost of owner transfer shall be the responsibility of the owner/developer.

General Maintenance Requirements for Ponds:

- I. Pond Maintenance:
 - a. Inspections, semi-annually
 - b. Mowing (if not native type vegetation), semi-annually
 - c. Debris clean-up, semi-annually
 - d. Brush removal
 - e. Erosion
 - f. Invasive species
 - g. Survey sediment levels, annually/biennially
 - h. Dredging