

18-0665

Sonja Birr

From: Lee Kummer - D5
Sent: Wednesday, August 08, 2018 7:13 PM
To: Greg Minikel; Elizabeth Majerus; Don Orth; Sonja Birr
Subject: Re: A18-00238 Drainage & Tree Issues at 5012 Cypress Court / 5066 Brookfield Circle

Thanks Greg and Liz. I am forwarding this to Don Orth and I spoke with him - he may be in touch with you. This will be on the Sept. PI agenda.

On Aug 8, 2018, at 9:55 AM, Greg Minikel <gminikel@manitowoc.org> wrote:

According to Liz we can require the tree to be removed.

That said, are we going to require them to do that and they pay for it. Or would this be a case where the City would pay to have it removed??

Removing the tree does not solve all the problems. His private pipe maybe heaved up and full of roots. However, future problems would be reduced by having the tree removed.

If the tree is removed, he still may need to relay a portion of the private mini-storm sewer/draintile in order to get proper drainage.

I guess we bring this issue back to the September PI Committee Meeting for a final decision??

We should probably invite the other neighbor to the next meeting.

From: Elizabeth Majerus
Sent: Friday, August 03, 2018 8:11 AM
To: Dan Koski; Greg Minikel
Subject: A18-00238 Drainage & Tree Issues at 5012 Cypress Court / 5066 Brookfield Circle

Good Morning,

Please see attached.

Thanks,

Liz

** Attached file(s):

Memo re Authority to Remove Willow Tree at Brookfield Circle.DOCX

<Memo re Authority to Remove Willow Tree at Brookfield Circle.DOCX>



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August 2, 2018

TO: Dan Koski, Director of Public Infrastructure
Greg Minikel, City Engineer

FROM: Liz Majerus, Assistant City Attorney

RE: Willow Tree Between 5066 Brookfield Circle and 5012 Cypress Court

Our office was asked to determine whether the City may order the removal of a Willow tree growing along the lot line between 5066 Brookfield Circle and 5012 Cypress Court. The tree is apparently obstructing the drain pipes laid within the easement causing water to pond on 5012 Cypress Court. The owner of 5012 Cypress Court has tried to encourage proper drainage by installing and maintaining drain pipes and by seeking guidance from private firms. Per the July 31, 2018 survey completed by Colin Rayford, the tree appears to primarily grow out of 5012 Cypress Court and it is fully within the public utility right of way.

Per the Willowcreek Subdivision Plat, the City has in place "Standard Utility Easement Conditions," which authorize trees "on, over, and/or under the area of a Utility Easement, provided, that these obstructions do not restrict Positive Surface Drainage within the Utility Easement area." Trees that restrict drainage are a violation of the standard conditions. City staff may "trim, and only when necessary in the good faith judgment of any Grantee, [] destroy or remove any trees... located on, over and/or under the Utility Easement." Further, whenever a property owner is found to violate a standard easement condition, the City may order the violation corrected. If not corrected within thirty days, the City may do so and assess the violating property owner. In this case, given the location of the tree on two lots, I believe the costs would be appropriately assessed against both property owners.

To conclude, the City may order the tree removed and may remove it assessing costs to the property owners if the residents fail or refuse to remove the tree.

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