

## CITY OF GASTONIA

### POLICY REGARDING INSTALLATION OF STORM DRAINAGE IMPROVEMENTS

#### I. NEW SUBDIVISIONS AND NEW CONSTRUCTION

- (a) Storm drainage systems in any new subdivision shall be the entire and sole responsibility of the developer and shall be provided and installed by the developer in accordance with specifications of the City Engineer pursuant to the Subdivision Ordinance of the City.
- (b) Street storm drain systems that discharge water onto lots within the subdivision will be extended by the developer at his expense to the boundary line of the subdivision or to a natural watercourse. If, in the opinion of the City Engineer, it is necessary to cross intervening property to reach a natural watercourse, the developer may be required to secure drainage easements and install underground drainage structures across the intervening property to assure discharge into a natural watercourse.
- (c) The City will not open, clean, or maintain open storm sewer channels or creeks, even if drainage easements have been dedicated by a recorded plat.

#### II. PRIVATE PROPERTY-OTHER THAN NEW SUBDIVISIONS

- a) The City will participate with property owners in the installation of underground storm drains crossing private property (other than in new subdivisions) within the City's corporate limits under the following conditions:
  - 1) The storm drain to be installed will carry storm drainage water discharged from an existing city street or city streets dedicated for public street purposes and accepted for maintenance by the City.
  - 2) The property owner(s) will furnish to the City without cost therefore a duly executed good and sufficient easement, conveying the City such perpetual right-of-way determined by the City Engineer as necessary for the installation and maintenance of the storm drain, the form and sufficiency of such easement for such purpose to be as determined by the City Attorney. The City will not be responsible for any shrubs, trees, or structures built within the right-of-way and no permanent structures may be built by owner(s) over right-of-way.
  - 3) At the time of the property owner's Application to the City, the storm drain system to be installed is to be located on property on which a residential, commercial or industrial building has existed for a period of 60 months and the desirability or necessity for such installation is not due to a planned expansion or modification of such existing building nor to an expansion or modification made to such existing building within a 60-month period prior to the date of such Application.
  - 4) The installation of the storm drainage system will extend to a natural watercourse or existing storm drain, or across the entire lot in the event there is no natural watercourse or existing storm drain on the property.
  - 5) The pipe size, alignment, grade, length, discharge point, structural accessories (such as manholes, headwalls, catch basins, junction boxes) and other specifications shall be as determined by the City Engineer.

- 6) The storm drainage system to be installed must consist of reinforced concrete pipe and conform to the most recent City of Gastonia Standard Details and Specifications.
- 7) In the event the reinforced concrete pipe to be installed does not exceed 36 inches in diameter, the City will furnish the necessary labor and equipment to install the storm drain and the property owner(s) will be financially responsible for all required pipe and all materials for related accessories (such as manholes, headwalls, catch basins, and junction boxes). The City will purchase on behalf of the property owner(s) such pipe and materials upon the owner(s) depositing in cash the necessary purchase cost of the same, or at the direction of the City furnishing certified or cashier checks payable to the suppliers to cover the cost thereof.
- 8) In the event the reinforced concrete pipe to be installed exceeds 36 inches in diameter, such installation shall be in accordance with specifications and subject to the inspection and approval of the City but shall be done solely by a licensed Contractor approved by the City Engineer and the cost shall be borne by the property owner(s). After completion of the installation in accordance with such specifications and the approval thereof by the City, the City will reimburse the property owner(s) toward the cost thereof an amount equal to what would have been the purchase price cost to the City of reinforced concrete pipe of 36 inches in diameter if such size had been installed in lieu of the larger size pipe actually installed, such purchase price for such quantity of pipe 36 inches in diameter to be as determined by the City and such determination to be binding on the property owner(s).
- 9) Upon completion of the storm drain the same shall be the entire and sole property of the City, and the City will thereafter maintain the same.
- 10) Any construction to be done by the City under subdivision (7) above will be done on a scheduled basis by the City so as not to interfere with other public work projects of the City and then as budgeted funds of the City are available. If the City has not commenced such construction within 180 days after the execution and delivery of good and sufficient easement(s) for the storm drain, then the property owner(s) at the entire cost and responsibility of the property owner(s) may cause such installation to be done by a licensed Contractor approved by the City Engineer in accordance with specifications and subject to the inspection and approval of the City. In such even, after completion of the installation in accordance with such specifications and the approval thereof by the City, the City will reimburse the property owner(s) toward the cost thereof an amount equal to what would have been the purchase price cost to the City of the reinforced concrete pipe used in such installation, such purchase price for such quantity by the City and such determination to be binding on the property owner(s).
- 11) Any reimbursement to be made by the City to the property owner(s) under the terms of subdivisions (8) or (10) above will be made from budgeted funds in the first of August following the first April 1<sup>st</sup> date prior to which date any such installation was completed.
- 12) In the event the property owner(s) desire that the City participate in the installation of a storm drain, such property owner(s) shall execute and deliver to the City a written Application for such participation, together with an

Application Fee of \$100.00 to cover the cost of processing the Application, which fee shall be non-refundable.

- b) The City will participate with property owners in the construction of non-piped storm drainage improvements crossing private property (other than new subdivisions) within the City's corporate limits under the following conditions:
- (1) The storm drainage improvements to be installed will carry storm water discharged from an existing city street or city streets dedicated for public street purposes and accepted for maintenance by the City.
  - (2) The property owner(s) will furnish to the City without cost therefore a duly good and sufficient temporary right-of-way and easement determined by the City Engineer as necessary for the construction of the storm drainage improvements, the form and sufficiency of such easement for such purpose as to be determined by the City Attorney.
  - (3) At the time of the property owner's Application to the City, the storm drainage improvements to be installed are to be located on property on which a residential, commercial or industrial building has existed for a period of 60 months and the desirability or necessity for such installation is not due to a planned expansion or modification of such existing building nor to an expansion or modification made to such existing building within a 60-month period prior to the date of such Application.
  - (4) The storm drainage system components such as riprap size, slope protection means, bio-engineered applications and other specifications shall be as determined by the City Engineer.
  - (5) The City will furnish the necessary labor and equipment to construct the storm drainage improvements, and the property owner(s) will be financially responsible for all materials and accessories. The City will purchase on behalf of the property owner(s) such materials upon the owner(s) depositing in cash the necessary purchase cost of the same.
  - (6) Upon completion of the storm drainage improvements, any and all maintenance to the above mentioned improvements shall be the responsibility of the property owner(s).
  - (7) Any construction to be done by the City under subdivision (5) above will be done on a scheduled basis by the City so as not to interfere with other public work projects of the City and then as budgeted funds of the City are available. If the City has not commenced such construction within 180 days after the execution and delivery of good and sufficient easement(s) for the storm drain, then the property owner(s) at the entire cost and responsibility of the property owner(s) may cause such installation to be done by a licensed Contractor approved by the City Engineer in accordance with specifications and subject to the inspection and approval of the City. In such even, after completion of the installation in accordance with such specifications and the approval thereof by the City, the City will reimburse the property owner(s) toward the cost thereof an amount equal to what would have been the purchase price cost to the City of the materials used in such installation, such purchase price for such quantity by the City and such determination to be binding on the property owner(s).

- (8) Any reimbursement to be made by the City to the property owner(s) under the terms of subdivisions (5) or (7) above will be made from budgeted funds in the first of August following the first April 1<sup>st</sup> date prior to which date any such installation was completed.
  - (9) In the event the property owner(s) desire that the City participate in the installation of storm drainage improvements, such property owner(s) shall execute and deliver to the City a written Application for such participation, together with an Application Fee of \$100.00 to cover the cost of processing the Application, which fee shall be non-refundable.
- c) Storm drainage improvements crossing private property, which do not carry storm water from an existing City street or City streets dedicated for public street purposes and accepted for maintenance by the City, is the responsibility of the property owner(s), and the City will not participate in the installation of storm drains.

**POLICY FOR CITY FINANCING OF THE COSTS OF IMPROVEMENTS IN  
ACCORDANCE WITH THE POLICY REGARDING INSTALLATIONS OF STORM  
DRAINAGE IMPROVEMENTS**

The City Council wishes to amend its Policy Regarding Installation of Storm Drainage Improvements set forth below whereby property owners may pay the participation costs in installments.

**SECTION III-FINANCING THE COSTS OF IMPROVEMENTS**

The City recognizes the economic hardship, which may be placed, on property owners who wish to participate in the City's Policy Regarding Installation of Storm Drainage Improvements.

- a) Only owners of single family residential property, which is owner occupied, and who, in addition, meet the eligibility requirements of the City's Policy Regarding Installation of Storm Drainage Improvements may finance the costs for participation in said Policy.
- b) Financing will only be allowed when project costs exceed \$500.00.
- c) Eligibility to finance the costs under this policy shall be subject to a satisfactory credit check by the City. The City Treasurer shall have authority to allow or disallow the City financing of an account on the basis of this credit check. If requested by said Treasurer, the property owner must give consent to additional credit investigation by the City.
- d) Before the City will authorize proceeding with construction, any owner eligible to finance costs must have executed the Agreement and Deed of Trust described in paragraph (e); must have paid all fees described in paragraph (f) and must have paid the required deposit described in paragraph (g).
- e) The owner will execute a financing agreement and promissory note (the Agreement) and a Deed of Trust, granting the City an interest in the subject property, to secure payment of the amount owed under the Agreement. The legal department will prepare the Deed of Trust and file it in the Gaston County Registry. When full payment of the obligation has been received by the City, and upon payment by the owner to the Register of Deeds of any fee for cancellation, the Deed of Trust will be promptly canceled by the Legal Department.
- f) The owner will pay an administrative fee of fifty dollars (\$50.00) for preparation of the Agreement and the Deed of Trust, in addition to the recording fee for filing the Deed of Trust in the Gaston County Registry.
- g) A deposit of at least twenty percent (20%) of the total costs must be paid before the construction will be authorized by the City. The balance of the costs may be paid in no more than (4) four annual installments which shall be due each year on the anniversary date of the agreement, regardless of whether a City invoice is generated or received.
- h) Interest will be charged on the unpaid balance at the rate of ten percent (10%) simple interest per annum.
- i) The City Manager shall have authority to execute any agreements on behalf of the City in furtherance of this policy.
- j) The following events will accelerate the loan period, causing all installment payments to become due and payable immediately:

- 1) Failure to pay an installment payment when due;
  - 2) Transfer of the subject property by gift, conveyance, devise or descent.
- k) The owner shall be required to agree that if the owner does not pay all installments owed within ten (10) days of receipt of the City's notice of intent to accelerate the loan, all City utility services to the subject property will be disconnected. The City will not authorize reconnection of any City services to the property owner, successors or assigns until all amounts owed under the Agreement and all reconnection fees have been paid.
- l) This policy shall be effective February 4, 2003.

Adopted this 4<sup>th</sup> day of February, 2003.

**APPLICATION FOR STORM DRAINAGE SYSTEM PARTICIPATION**

**TO THE CITY ENGINEER OF THE CITY OF GASTONIA:**

The undersigned (the Applicant, whether one or more) hereby makes application to the City of Gastonia (the City) to participate with the Applicant under the principals set forth in the City's Policy Regarding Installation of Storm Drainage on Private Property (the Policy) in the installation of a storm drainage improvements crossing the property of the Applicant at

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within the City's corporate limits, and herewith delivers to the City the sum of \$100.00 to cover the City's cost of processing this Application, which sum the Applicant understands is non-refundable. The Applicant does hereby represent as follows:

1. The Applicant has read and is familiar with the City's Policy, which Policy by reference is incorporated and made a part of this Application, and the storm drain if installed will carry storm drainage water discharged from an existing City street or City Streets.
2. The proposed storm drainage improvements, if installed, are to be installed in accordance with specifications as approved by the City.
3. The storm drainage improvements which the Applicant proposes to be installed, the property which the same shall cross, the owners thereof, and the location, size, and the easement therefore being as shown and described on the plat or map attached hereto; provided however, the same shall be subject to change as directed by the City Engineer.

	<u>Grantor</u> <u>(Previous Owner)</u>	<u>Grantee</u> <u>(Applicant)</u>	<u>Date of</u> <u>Deed</u>	<u>Recorded</u> <u>Book</u>	<u>Page</u>
(1)	_____	_____	_____	_____	_____
(2)	_____	_____	_____	_____	_____
(3)	_____	_____	_____	_____	_____
(4)	_____	_____	_____	_____	_____
(5)	_____	_____	_____	_____	_____
(6)	_____	_____	_____	_____	_____

4. In the event the City agrees to participate with the Applicant in the installation of said proposed storm drainage improvements, then prior to such participation, the Applicant will execute and deliver to the City such necessary perpetual or temporary easement as specified by the City Engineer for the installation and/or maintenance of said proposed storm drainage system, which easement shall incorporate the terms and conditions under which said storm drainage improvements are to be installed and the basis on which the City shall participate therein.

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Application for Storm Drainage System Participation

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of Applicant(s)  
(If corporation, must be executed in corporate name by an officer)

Address

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CERTIFIED AND APPROVED BY CITY ENGINEER:

\_\_\_\_\_  
City Engineer

\_\_\_\_\_  
Date

Policies/Storm Drain Policy