

Ratermann, Tom

From: Dan Hagan <dhagan1225@gmail.com>
Sent: Friday, November 10, 2023 12:08 AM
To: Boone County Sewer
Cc: Ratermann, Tom; Cunningham, Daniel; Dan Hagan
Subject: Re: Waters Edge Sewer Improvements - Easement

****EXTERNAL E-MAIL**** Verify before clicking links or attachments.

Daniel and Tom:

I am willing to provide a temporary and permanent easement to allow extension of the sewer line across the dam as shown, including extending across most of Lot 9. Refer to the below screenshot. This will allow BCRSD to replace the current sewer line that needs to be replaced, installation of rip rap to protect the dam, and provide sewer access so my property can be developed. However, I will not provide additional easements beyond Lot 9 since the easements appear to be in buildable areas, thus preventing future development. Future easements can be provided by the new owner, or by me if the line is going to be installed in a timely manner. Obviously, I would provide a temporary access easement across my adjoining property so the line can be extended access the dam as drawn, since this is something that needs to be done ASAP.

I haven't reviewed the legal descriptions.

To be clear, prior to providing any easements, temporary or permanent, we must execute an Agreement that includes:

1. A firm commitment from BCRSD as to when the work will be performed and the new sewer line placed in service, including a Timeline for completion of the work. With none of the escape clauses contained in prior agreements.
2. If the work is not completed by the agreed upon date, the provided easements shall be null and void.
3. The Construction Plans must be approved by both parties and attached as a part of the Agreement, with any variances from the Plans requiring written approval of both parties.
4. The Agreement must confirm that once the new sewer line has been placed in service, my property will have access to the sewer line so my property can be developed.
5. Sewer easements for vacated sewer lines shall be vacated when the new sewer line is placed in service.
6. Manholes no longer needed after the new sewer line has been placed in service shall be removed to three feet below the ground surface, then the disturbed area shall be properly backfilled, graded, and seeded.
7. The dam riprap and concrete spillway installed in accord with the Plans shall not be impaired subsequent to the installation of the new sewer line.
8. Any dispute that cannot be resolved by the parties shall be resolved by a jury trial held in the Boone County Circuit Court.

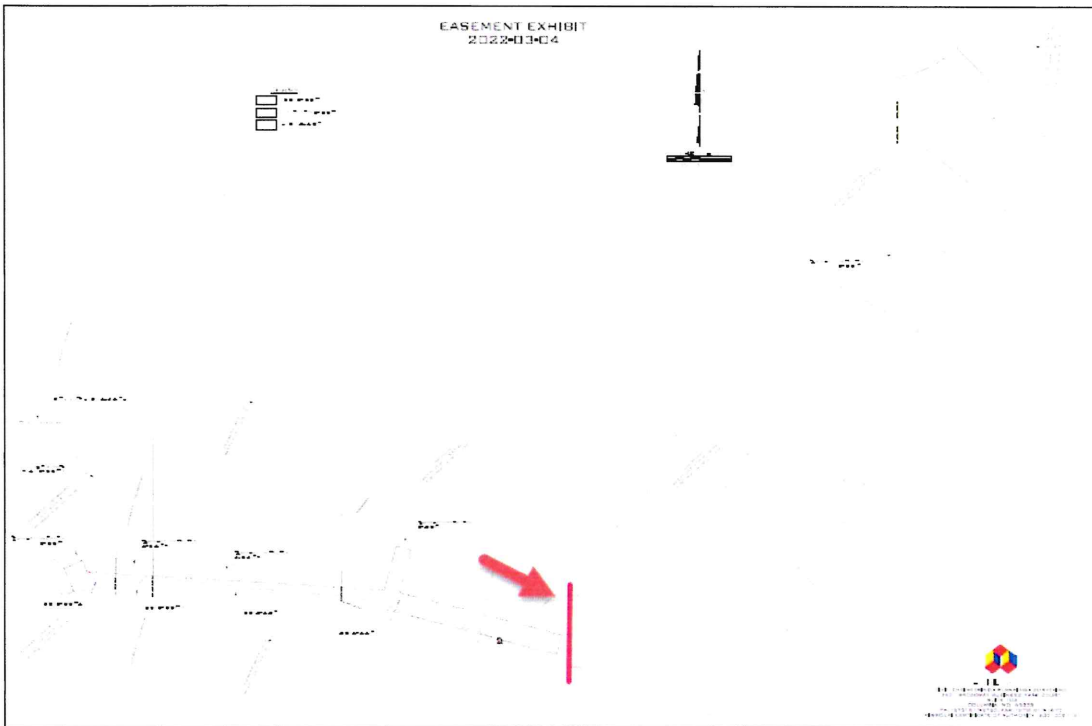
If you are agreeable to what I have outlined, I will request my attorney to prepare an Agreement that will be fair to BCRSD and me, without the cunning language contained in prior proposed Agreements.

Obviously, there will be timing issues. Such as how can BCRSD enter into an Agreement without having an acceptable proposal for completing the work, etc. I am open to discussing these side issues, but, the bottom line is this, I will not be tolerant of proposals that are self-serving to BCRSD at my expense.

I look forward to getting this issue resolved in a good way for BCRSD and me.

Thank you for your consideration,

Dan



On Wed, Nov 8, 2023 at 12:34 PM Boone County Sewer <bcrsdsewer@gmail.com> wrote:

Dan,

Please see the attached revised sanitary sewer easement and temporary construction easement for the Waters Edge Sewer Improvements project. Would you be available to meet Tom and I at the Sewer District office on November 15th, 16th, or 17th, in the afternoon, to discuss any questions you might have concerning the easement request? Please let me know if these dates don't work for you and I can propose an alternate date & time.

Thank you,

Daniel Cunningham
Boone County Regional Sewer District
Project Manager
Cell: (573) 540-3211
dcunningham@bcrsd.com

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