

6TH MERRYWOOD SUBDIVISION
PRESENTATION TO CITY COUNCIL
OF JONESBORO
MONDAY, MAY 6TH, 1985

SUBJECT: GENERAL DRAINAGE PROBLEMS INVOLVING THE MERRYWOOD
SUBDIVISION, WARD 5, OF JONESBORO, ARKANSAS

PAST SITUATION AND CURRENT SITUATION:

A GROUP OF RESIDENTS OF MERRYWOOD SUBDIVISION AGREED ON NOVEMBER 5, 1984, TO A PROPOSAL BROUGHT FORWARD BY THE MAYOR AND CITY ENGINEER OF JONESBORO, TO PROVIDE RELIEF FROM INADEQUATE SURFACE WATER DRAINAGE IN THE SUBDIVISION.

THE INADEQUATE DRAINAGE WAS CAUSED BY: 1) THE FAILURE OF THE DEVELOPER (JOHN MARCOM) TO INSTALL THE MAPC APPROVED, AND ORDINANCE REQUIRED, DRAINAGE SYSTEM; AND 2) THE CITY'S FAILURE TO PROPERLY INSPECT FOR COMPLIANCE DURING CONSTRUCTION.

THE ACCEPTED PROPOSAL WAS TO PROVIDE THE FOLLOWING:

- AN ADDITIONAL 28,000 FEET OF WATER RETENTION ON LOT 19, WHICH WAS INTENDED TO PROVIDE A BUFFERING EFFECT FOR THE 35 CU. FT./ SEC. EXCESS FLOW THAT THE NETTLETON AVENUE CONDUIT IS UNABLE TO ACCOMMODATE DURING HEAVY RAINS.
- STREET COLLECTORS AND SEWER LINES FOR TWO (2) LOCATIONS ON MERRYWOOD, TO DRAIN INTO THE RETENTION BASIN DIVERSION BOX TO ELIMINATE ACROSS LOT DRAINAGE.
- 36" CONDUIT EXTENDING FROM THE POINT AT LOT 15 AND 16 INTERSECTION AND ENDING AT THE NORTH LINE OF LOT 17. THIS WORK IS NEAR COMPLETION EXCEPT FOR SOME DITCH RE-ALIGNMENT.
- ALL PLANS WERE TO BE BASED ON CERTIFIED AND COMPETENT ENGINEERING WORK PROVIDED BY THE DEVELOPER.

COVERAGE OF WORK AND MATERIALS WAS PROVIDED IN THE CITY'S PROPOSAL AS FOLLOWS:

- 1) JOHN MARCOM WOULD DEED TO THE CITY AN ADEQUATE PARCEL OF LAND FOR CONSTRUCTION OF A RETENTION BASIN FOR THE ADDITIONAL 28,000 FT HOLDUP VOLUME.
- 2) THE DEVELOPER WOULD PROVIDE NO LESS THAN \$20,000 FOR PURCHASE OF MATERIALS FOR THE PROPOSAL.
- 3) THE CITY OF JONESBORO WOULD PROVIDE THE LABOR AND EQUIPMENT TO PERFORM THE WORK.

WORK HAS BEGUN IN EXCAVATING THE RETENTION BASIN ON THE PARCEL DEEDED TO THE CITY, BUT THE CITY'S INTENT HAS CHANGED FROM THE ORIGINAL AGREEMENT.

THE CITY ENGINEER AND MAYOR HAVE CHOSEN NOT TO TRANSPORT THE REQUIRED EARTH AWAY FROM THE RETENTION BASIN AREA, AND ARE PRESENTLY RAISING THE LEVEL OF LOT 19.

WE HAVE ALSO FOUND NO INTENT ON THE CITY'S PART TO INSTALL THE NEEDED COLLECTORS, AS AGREED.

ALSO, SINCE OUR LAST PLEA FOR HELP TO THE CITY COUNCIL ON 4/15/85, THE DEVELOPER HAS BEGUN TO BRING IN ADDITIONAL FILL DIRT ON WHAT APPEARS TO BE A HIGH PRIORITY BASIS. THE VOLUME IS WELL IN EXCESS OF 10,000 CUBIC FEET OF ADDITIONAL DIRT DUMPED ONTO LOT 19 (THIS BRINGS THE LEVEL OF LOT 19 FAR ABOVE THE 311 HIGH WATER LEVEL IN THE AREA).

AGAIN, THE PROBLEM IS AS FOLLOWS:

LOT 19 HAS BEEN, IN THE PAST DURING HEAVY RAINS, APPROXIMATELY TWO (2) OR MORE FEET UNDER WATER AND HAS, IN THE PAST, BEEN A NATURAL DRAINAGE RETENTION AREA FOR EXCESS WATER THE NETTLETON CONDUIT CANNOT HANDLE.

OUR EFFORTS AND YOUR EFFORTS IN THE PAST -- LAST NOVEMBER -- WAS TO CORRECT THIS SITUATION, BUT TO TAKE DIRT FROM THE BASIN AND DEPOSIT IT IN THE ADJACENT AREA THAT FLOODS TO THE SAME LEVEL DOES NOTHING TO REDUCE THE FLOOD THREAT TO THE AREA HOMES.

TO ALLOW THE DEVELOPER TO RAISE THE GROUND LEVEL OF LOT 19 FOR FUTURE HOUSES AT THE EXPENSE OF THE EXISTING HOMES IS NOT IN THE RESIDENT'S BEST INTEREST AND IS A VIOLATION OF CITY ORDINANCE #21-15, E, 11:

- (E) THE FINAL PLAT AND PLANS SHALL SHOW, WHEN APPLICABLE:
 - (11) ADEQUATE PROVISION FOR DRAINAGE OF SURFACE WATER AND SHALL BE MADE BY THE SUBDIVIDER AND SHOWN ON THE PLAN, AND HE SHALL, WHEN REQUIRED, FILE WITH THE PLANNING COMMISSION A DESCRIPTION, SPECIFICATIONS AND DRAWINGS PREPARED BY A REGISTERED CIVIL ENGINEER, WHICH SHALL BE ADEQUATE TO PROVIDE DRAINAGE FOR AREA SUBDIVIDED AND FOR ADJACENT AREAS AFFECTED BY DRAINAGE ACROSS OR FROM SUCH TRACT.

AND SAID VIOLATION MUST BE DEALT WITH ACCORDING TO CITY ORDINANCE #909 JONESBORO CODE SECTION 21-56, PAGE 254:

SEC 21-56. BUILDING PERMITS; UTILITY SERVICES.

NO BUILDING PERMIT SHALL BE ISSUED, NOR SHALL ANY UTILITY LINE OR SERVICE BE EXTENDED TO NOR SERVE ANY STRUCTURE, AND NO PERSON SHALL SELL OR OFFER ANY LOT OR PART OF ANY SUBDIVISION FOR SALE, NOR CONSTRUCT ANY BUILDING, UNLESS:

- (A) THE LOT, BUILDING OR STRUCTURE WAS ESTABLISHED BEFORE SEPTEMBER 19, 1955.

SEC 21-56. BUILDING PERMITS; UTILITY SERVICES. CONTINUED. . .

(B) ALL REQUIREMENTS OF THIS CHAPTER AND REGULATIONS
HEREUNDER HAVE BEEN DONE. (ORD. No. 909, VI, 9-19-55)

AS IN THE LAST CITY COUNCIL MEETING, 4/15/85, WE AGAIN ASK THE CITY COUNCIL TO TAKE ACTION TO INSURE THE PAST AGREEMENT WITH THE COUNCIL, MAYOR AND ENGINEER BE HONORED.

THE ONLY OTHER ALTERNATIVE, AND ALWAYS VIEWED AS THE BEST SOLUTION, WOULD BE FOR THE CITY TO INSTALL THE 4' X 4' CONDUIT UNDER NETTLETON AS FALSELY SHOWN TO BE IN PLACE IN THE DEVELOPER'S ORIGINAL MAPC DRAWING IN 1972.

THE NEW 36" CONDUIT BEHIND THE STEM'S SPEC HOME DOES NOT, IN ITSELF, ADEQUATELY TAKE AWAY THE LARGE WATER FLOW OR REDUCE THE FLOOD POTENTIAL TO ADJACENT HOMES. WE FEEL IT WILL BE ADEQUATE ONLY IF THE CITY INSTALLS THE NECESSARY MERRYWOOD DRIVE SEWER AND COLLECTION SYSTEM AS AGREED TO ON NOVEMBER 5, 1984. THE 36" CONDUIT WAS NEVER INTENDED AS A STAND ALONE CORRECTION, WITHOUT THE STREET IMPROVEMENTS.

WE FEEL THE CITY NEEDS TO STOP ALL HESITATION AND FULFILL ITS AGREEMENTS WITH THE COMMUNITY. THE CITY'S RESPONSIBILITY IS CLEAR.

IN SUMMARY:

THUS FAR, ONLY A PORTION OF THE AGREEMENTS OF NOVEMBER 5, 1984 HAVE BEEN MET.

AS A RESULT OF THE CITY'S AND DEVELOPER'S FAILURE TO COMPLETE THE DRAINAGE PLAN, AS AGREED, RESIDENTS ACTUALLY FACE GREATER THREAT FROM WATER DAMAGE THAN BEFORE WE CAME SEEKING YOUR HELP.

SHOULD PROPERTY DAMAGE RESULT, THE CITY WILL BE VIEWED AS ACCOUNTABLE.

WE ASK YOU TO HELP US AND CORRECT AN UNNECESSARY SITUATION ONCE AND FOR ALL!