

ORDINANCE AMENDING SECTIONS 75-35(1)(g), 75-35(1)(k), 75-35(2)(h), 75-35(2)(i), AND 75-35(2)(k) OF THE CITY CODE RELATING TO CITY PARTICIPATION IN DRAINAGE PROJECTS ACROSS PRIVATE PROPERTY

BE IT ORDAINED, by the City Council of the City of Winston-Salem as follows:

SECTION I. Sections 75-35(1)(g), 75-35(1)(k), 75-35(2)(h), 75-35(2)(i), and 75-35(2)(k) of the City Code, relating to City participation in drainage projects across private property, are amended by deleting the stricken language and adding the underlined language below:

Sec. 75-35. - City participation in drainage projects across private property.

The city may participate in the correction of private storm drainage problems which occur on private property as follows:

(1) *Single owner problems.* Single owner private storm drainage problems may be addressed when the following conditions are met:

...

g. If the value of the property owner's single-family residential dwelling is greater than the median value of a single-family residential dwelling within the city's corporate limits, then, the city's contribution to the project shall not exceed seventy percent (70%) of the cost of improvements, or \$35,000.00, whichever is less. If, instead, the value of the property owner's single-family residential dwelling is equal to or less than the median value of a single-family residential dwelling within the city's corporate limits, then, the city's contribution to the project shall not exceed eighty percent (80%) of the cost of improvements, or \$35,000.00, whichever is less.

...

k. If the value of the property owner's single-family residential dwelling is greater than the median value of a single-family residential dwelling within the city's corporate limits, then, The property owner, upon, once the project being has been approved by the city council, the property owner must pay to the city thirty percent (30%) percent of the estimated project cost, including clearing and grubbing, purchasing and installation of pipe, and dirt to cover the pipe, and enter into an agreement satisfactory to the city attorney for the completion of the project, or in lieu of such payment, must enter into an agreement satisfactory to the city attorney, which shall be in the form of a note and deed of trust with an interest rate as provided by law for assessments, the payment schedule of which shall not exceed five-ten (10) years. If the value of the property owner's single-family residential dwelling is less than or equal to the median value of a single-family residential dwelling within the city's corporate limits, then, The property owner, upon, once the project being has been approved by the city council, the property

owner must pay to the city twenty percent (20%)~~percent~~ of the estimated project cost, including clearing and grubbing, purchasing and installation of pipe, and dirt to cover the pipe, and enter into an agreement satisfactory to the city attorney for the completion of the project, or in lieu of such payment, must enter into an agreement satisfactory to the city attorney, which shall be in the form of a note and deed of trust with an interest rate as provided by law for assessments, the payment schedule of which shall not exceed ~~five-ten (10)~~ years.

...

(2) *Multiple owner problems.* Multiple owner problems may be addressed when the following conditions are met:

...

h. If all owners of the properties involved request the improvement, payment of the owners' shares shall be made in the ~~same following manner as provided for payment by single property owners in subsection 75-35(1)(k) of this section.~~ and ~~In that event,~~ all storm drainage improvements shall be deemed to be the property ~~of and the~~ responsibility of the private property owners, and shall not become a part of the storm drainage system of the city.:

i. If the average value of all the single-family residential dwellings involved in the project is greater than the median value of a single-family residential dwelling within the city's corporate limits, then, once the project has been approved by the city council, the property owners must, collectively, pay to the city thirty percent (30%) of the estimated project cost, including clearing and grubbing, purchasing and installation of pipe, and dirt to cover the pipe, and enter into an agreement satisfactory to the city attorney for the completion of the project, or in lieu of such payment, must enter into an agreement or agreements satisfactory to the city attorney, which shall be in the form of note(s) and deed(s) of trust, with an interest rate as provided by law for assessments, the payment schedule of which shall not exceed ten (10) years.

ii. If, instead, the average value of all the single-family residential dwellings involved in the project is equal to or less than the median value of a single-family residential dwelling within the city's corporate limits, then, once the project has been approved by the city council, the property owners must, collectively, pay to the city twenty percent (20%) of the estimated project cost, including clearing and grubbing, purchasing and installation of pipe, and dirt to cover the pipe, and enter into an agreement satisfactory to the city attorney for the completion of the project, or in lieu of such payment, must enter into an agreement or agreements satisfactory

to the city attorney, which shall be in the form of note(s) and deed(s) of trust, with an interest rate as provided by law for assessments, the payment schedule of which shall not exceed ten (10) years.

- i. If fewer than all of the owners of all properties involved in the project request the improvement, the city council may order down the project as an assessment project pursuant to the provisions of Private Laws of 1927, chapter 224. In such circumstances, the requesting property owners shall provide the city with both construction and permanent easements in amounts sufficient for the project, in the opinion of the assistant city manager, and the costs of the project shall include the cost of acquisition or condemnation, if necessary, of similar easements across the property of non-requesting property owners. The cost of acquisition or condemnation shall be included in the project costs for purposes of proration between the city and the property owners. The assessments, in such cases, shall be for (i) thirty percent (30%) percent of the estimated project cost for those projects in which the average value of all the single-family residential dwellings involved in a project is greater than the median value of a single-family residential dwelling within the city's corporate limits and (ii) twenty percent (20%) of the estimated project cost for those projects in which the average value of all the single-family residential dwellings involved in the project is equal to or less than the median value of a single-family residential dwelling within the city's corporate limits. Such assessment projects will only be undertaken where closed system storm drainage improvements are undertaken. In such cases, the permanent easement and all improvements included within the project shall be deemed to be the property and responsibility of the city, such improvements shall become a part of the storm drainage system of the city, and no private property owner shall have any interest therein.

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- k. If the average value of all the single-family residential dwellings involved in the project is greater than the median value of a single-family residential dwelling within the city's corporate limits, then, ~~the~~ the city's total contribution to the project shall not exceed \$35,000.00 per property, or seventy percent (70%) percent of the total cost of improvements, whichever is less. If, instead, the average value of all the single-family residential dwellings involved in the project is equal to or less than the median value of a single-family residential dwelling within the city's corporate limits, then, the city's total contribution to the project shall not exceed \$35,000.00 per property, or eighty percent (80%) of the total cost of improvements, whichever is less.

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SECTION II. This Ordinance shall take effect on September 18, 2017.