

RESOLUTION NO. 167A RESOLUTION TO CREATE A GRANT PROGRAM FOR CERTAIN DRAINAGE WORK  
ON PRIVATE PROPERTY ADJACENT TO PUBLIC ROAD RIGHT OF WAY

WHEREAS, certain property owners in the Village have requested that the Village construct certain stormwater drainage facilities within certain Village right of way, to allow water to drain off of, across, and onto certain private property, and the work contemplated by the property owners includes the construction and maintenance of certain stormwater drainage facilities on their private properties; and

WHEREAS, the Village Board finds that a public purpose is served by attempting to alleviate drainage concerns on lands in the vicinity of public right of way; and

WHEREAS, the Village Board hereby intends to create a public funding grant program, to pay certain costs toward work conducted on private property for the construction stormwater drainage facilities, subject to the terms and conditions described herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, that a Grant Program for Drainage Work Adjacent to Public Works Projects in Public Right of Way is hereby created as follows:

**Grant Program for Drainage Work Adjacent to Public Works Projects in Public Right of Way**

1. **Application.** Private property owners wishing to participate in the grant program herein described shall apply in writing to the Village Administrator. Such application shall include a statement that the applicant has received a copy of this policy, and that they understand the policy and accept all terms and conditions described herein.
2. **Eligible Work.** The grant program is available only for work that will be conducted adjacent to and in conjunction with a Village public works project, and only when the Village Administrator determines the work on private property will serve the public interest by alleviating drainage from the public right of way. The Village Administrator, or designee, will define the scope of work for any such project in writing, including all work conducted within the right of way and on the private property, in consultation with the private property owner (the "Work").
3. **Grant Amount.** The Village Administrator, when defining the Work, shall specify a maximum

grant amount that the Village will pay for performance of the portion of the Work located on any private property (the "Maximum Grant Amount"). Such Maximum Grant Amount shall not exceed \$2,500 for any one private property absent specific prior authorization of the Village Board.

4. **Drainage Facility Agreement and Limited Temporary Easement.** The property owner seeking a grant must enter a Drainage Facility Agreement that includes the grant of a limited temporary easement to the Village, in a form approved by the Village Attorney. Such agreement shall empower the Village to enter the private property to ensure the private facility is constructed and maintained to convey drainage away from the public right of way to the satisfaction of the Village, shall place all risk of the drainage improvements on the private property owner, and be recorded against the private property to run with the land prior to the grant funds being released.
5. **Contracting.** The Village will hire a contractor (the "Contractor") to perform the portion of the Work that is located within the public right of way. The Owner shall hire the same Contractor hired by the Village, for completion of the portion of the Work located on the private property.
6. **Grant.** Once the portion of the Work located on the private property is completed to the satisfaction of the Village, the Village shall reimburse the property owner for the actual amounts charged by the Contractor to perform the portion of the Work located on the private property, up to the Maximum Grant Amount. In the event the Contractor provides the private property owner labor or materials beyond the Work as defined by the Village, the private property owner shall be solely responsible to cover costs associated with such additional labor and materials performed on the private property.
7. **Property Owner Responsible, and No Village Assumption of Risk.** Although the Village defines the Work in consultation with the property owner pursuant to the terms of this policy, ultimately all work conducted on the private property is conducted by the private property owner with their contractor. The private property owner controls the means and methods of performing such work and are responsible for compliance with the terms of all applicable laws. Any approval of an application by the Village for participation in this grant program shall not be interpreted as acceptance of any such risks or responsibilities. The water conveyed as a result of the Work is and remains a private concern, and the conveyance is a private drainage facility.
8. **Code Compliance Required and not Waived.** Nothing herein shall be construed as limiting, modifying, revising, or affecting in any way the responsibilities of private property owners as described in the Village of Oconomowoc Lake Village ordinances, Waukesha County ordinances, State and Federal laws and regulations, or the penalties for noncompliance.

9. Subject to Change. The Village reserves the right to reconsider, amend, suspend, or terminate, the grant program and this policy, from time to time as the Village deems appropriate.

This resolution shall take effect immediately upon passage as provided by law.

Dated this 16<sup>th</sup> day of September, 2019.

VILLAGE OF OCONOMOWOC LAKE

  
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Michael Bickler, Village President

ATTEST:

  
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Katelyn Vaughan, Village Clerk-Deputy Treasurer