

# When good intentions go awry

By Kayla Countryman

We have all heard the saying "no good deed goes unpunished" - a quote from Oscar Wilde that rings true when a well-meaning act backfires. This adage is especially relevant when cities get involved with issues on private property. There are good reasons why municipalities need to tread carefully in such situations.

## A Cautionary Tale

To illustrate the potential pitfalls of working on private property despite good intentions, let us examine a recent claim. A city crew responded to a report of a water leak to check if it originated from the city's pipes. After excavating, they realized the leak stemmed from the homeowner's side of the property line.

Since the crew was already on site, they decided to continue digging to pinpoint the exact location of the leak on the homeowner's pipe. Lo and behold, the homeowner's aging pipe was about to burst. Not wanting to leave the homeowner without water service, the crew quickly made repairs.

The following day, the homeowner experienced a toilet issue and called a plumber. It turned out that a small rock had gotten into the plumbing during the city's repair work, causing damage. Consequently, the homeowner filed a claim against the city, as the crew's actions had introduced the rock into the system. While this particular claim ended up being relatively minor, it could have easily escalated into a much larger exposure.

## Limiting Risk and Proper Use of Funds

Situations like this exemplify why cities need to exercise caution when considering work on private property, even with the best of intentions. Once city workers cross that line onto private land, they open themselves up to liability risks they would rather avoid.

There is also the matter of appropriate use of public funds. Cities cannot utilize tax dollars to maintain or repair private property, as that would be considered an improper allocation of public money intended for community needs.

Therefore, when a property issue clearly falls within private boundaries, the best policy is for the city to halt work and advise the owner to hire their own repair professionals. This approach limits the city's risk exposure and ensures public funds are properly allocated.

## The Tree Hazard

Another common scenario that highlights the risks of municipal involvement on private property is the removal of fallen trees. In regions like the Pacific Northwest, where such occurrences are frequent, cities must exercise caution and refrain from entering private property to clear downed trees. Doing so not only increases the risk of additional claims but can also be interpreted as an implicit admission of liability, further compounding the potential legal and financial consequences.

By adhering to a policy of non-intervention on private property beyond what is strictly necessary to address immediate public concerns, cities can effectively mitigate their exposure to liabilities. This approach also ensures that public funds are allocated responsibly and transparently for the benefit of the broader community.