

Stormwater line blockage

By Reed Hardesty

At 3 a.m., Jerri was awakened by her neighbor alerting her that water was surcharging out of a stormwater manhole outside her house. The water rose up in a fountain of water rushing out of the manhole. Jerri's home was the first house in the direct path of a river of water that quickly formed and began ponding, subsequently entering 14 residences in a six-block radius. Water rose to a level of about 36 inches in Jerri's finished space. Member employees responded to the scene but were unable to clear the blockage until 8 a.m. Once the blockage was cleared, the water subsided.

A field adjuster was assigned to contact Jerri and inspect the damages to her home, investigate the cause, and analyze legal liability. An inspection was done with photos of the damage and Jerri prepared a list of personal property that was damaged by the water. In liability claims, it is improper for claimants to recover replacement costs for damaged items but they can make a claim for the depreciated value of personal items and goods like appliances and carpet. The labor to remove and install new products is not discounted or depreciated, however the specific item is subject to depreciation.

In addition to typical flooring, drywall, and other remediation and restoration costs, the claimant also received compensation of \$250 for the electrical cost to run the air movers, dehumidifiers, and thermal heater during dry out. She was also without her laundry room for eight weeks, for which she was compensated \$30 a week.

In most stormwater claims due to periods of heavy rain, the water is a common enemy for all landowners and, as such, the city is not legally liable for damages. However, in this event the capacity of the city stormwater system was not exceeded. An obstruction was located in the city stormwater line, which caused the surcharge. While it is not known what the obstruction was or how it entered the system, it appears it become lodged when it reached tree roots clustered within the system near Jerri's house. Because the city had no maintenance schedule to inspect and flush the stormwater sewer line, WCIA resolved the claim with payment to Jerri and her contractors of \$38,520 under a release that protects the member from future liability payments.