

Lisa Clausen

From: Jim Ogden [ogdenjg@yahoo.com]
Sent: Sunday, January 11, 2009 9:53 PM
To: Council; Mike Martin
Cc: Samir Basmeh
Subject: URGENT: Home Flooding Due to Street Drainage System
Attachments: Burien City Council.doc

Dear Mayor McGilton, Deputy Mayor Clark, Council Members, Blazak, Keene, Krakowiak, Nelson, Shaw and City Manager Martin:

Please see the attached letter which outlines an ongoing issue that requires immediate resolution.

Jim and Desiree Ogden

CFTR: 2-23-09

CC: Stephen Clark for response

**Jim and Desiree Ogden
16048 9th Avenue SW
Burien, WA 98166
206.439.9235 (h)
253.261.2328 (Jim cell)
E-mail: ogdenjg@yahoo.com**

Dear Mayor McGilton, Deputy Mayor Clark, Council Members, Blazak, Keene, Krakowiak, Nelson, Shaw and City Manager Martin:

My wife (Desiree Ogden) and I (Jim Ogden) purchased our home at 16048 9th Avenue SW, Burien, WA 98166 in 1994. During the summer of 2007, our neighbor directly across the street from us and the neighbor just south of them filled in the drainage ditch in front of their homes without obtaining permission from the City of Burien. This ditch tied into the ditch running along the north side of 162nd from 10th Avenue down to 9th Avenue. From there, the ditch ran to the north down 9th Avenue to 160th where it ties into the storm drains. In November 2007, we, along with our neighbor (to the south) experienced major flooding in our basements and similar problems throughout the winter/spring months. It was apparent that the cause of the flooding was the river of water that was flowing from the NW corner of 9th Avenue and 162nd then down and across 9th Avenue directly into both of our yards. This had never occurred in prior years and was a direct result of the ditch being filled in. This is a tremendous amount of surface water that historically would have gone into the storm drain system, but now flows freely onto our properties. We don't know how much water is flowing under the surface as well.

In December 2007, we left our first of numerous voicemail messages with the City of Burien Public Works Department (some were voicemail messages and others I left with Val; I don't have her last name). We finally received a telephone call from the Public Works Department Maintenance Manager, Richard, on March 7, 2008. Richard informed my wife that he would send an Engineer out to assess the issue. Unfortunately, we never did hear back from Richard or anyone from the Public Works Department. I was finally able to contact Val, she informed me that Richard was no longer with the Public Works Department and to leave a message with the new Manager, Sam Basmeh. I left a few more messages over the course of several weeks. Mr. Basmeh called me back and stated that he would send another Engineer out to assess the issue.

After approximately a month of not hearing back from anyone and periodically leaving voicemail messages with Mr. Basmeh, I received a call from the Engineer that conducted the site visit. The Engineer stated that they did not have any records of a drainage ditch along 9th Avenue. He scoped the drain located at the SW corner of 9th Avenue and 162nd SW and did not find any obstructions. I attempted to explain to him that this particular drain actually serviced the south side of 162nd and the water runs to the north on 9th, not south and the drain he is referring to has no bearing on this issue. He did not seem to understand my explanation, so we agreed to meet on-site. At the meeting I showed the Engineer where the drain had been filled and cut-off on the NW corner of 162nd and 9th, but he stated again that they did not have any records of a drainage ditch on file, so basically there was nothing they could do to help us. I asked him to please send me a copy of their report and asked him to have Mr. Basmeh contact me. I never did receive a report, but did receive a phone call from Mr. Basmeh and he stated that the Engineer that came out was new on the job. He also said he understood the issue and he might be able to put in a drain someday if they could find the budget to do it. I explained that one drain would help, but would not alleviate the entire problem and recommended that if more than one drain could not be installed then the ditches located in front of both houses should be opened up as they initially were. This

would be a low cost alternative to installing new drainage. I also said this needs to be remedied prior to the coming winter and he said he would look into it and get back to me.

In addition, I also spoke to both the neighbors that filled in these ditches last summer and explained what happened last winter as a result of them filling them in. They both apologized and said that they would install drains that would tie into the original storm drain system, unfortunately this never transpired.

Needless to say our basement sustained major flooding again last week. This time was the worst flooding we have experienced so far. Last winter, we shop vacuumed up the water and shampooed the carpets several times. This time it was so bad we had to pull up all our carpet and Pergo flooring. Our home smells like a cesspool and after removing the floor covering we discovered that mold had grown throughout our basement. This is a very serious health hazard that could have been avoided. We spent the entire weekend moving furniture, cleaning and removing wet toxic flooring materials and now we are in a position that we need to find a temporary storage facility for our furniture and other items until this problem has been resolved. I have also videotaped the damage and clean-up process, but have contacted Paul Bing at PuroClean to acquire a professional assessment of the damage and what our best course of action should be for clean-up.

Unfortunately, we have not kept records of the dates and times of all the voicemail messages we have left with the Public Works Management staff at the City of Burien, but I can conservatively state that I have left well over 30 messages including, but not limited to the following individuals:

Richard (Maintenance Manager)

Sam Basmeh

Steve Clark

Mike Martin

We have been put in a catch twenty-two situation. We need to replace the floor coverings in our finished basement, replace damaged fixtures and walls/trim as needed, but it would be pointless to do so until the root cause of the flooding problem has been remedied. At this point the only immediate fix that seems viable would be to have an asphalt curb/berm installed along the front of our properties (my neighbor to South and us) but then this would only move the problem from our homes to a neighbor further down the block.

My wife and I have both been experiencing health issues for some time, especially since my wife is very allergic to mold. After pulling up the flooring and finding the mold/mildew, it has become apparent why. It has become so bad that my wife is contemplating finding alternative housing. We haven't yet, but we plan to obtain legal advice on how to proceed with this matter if we do not hear back from the City by Wednesday, January 14, 2009 with a solution for this issue. Please refer to our contact information above.

Sincerely,

Jim and Desiree Ogden

cc: KOMO TV Problem Solvers



Burien

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February 5, 2009

Jim and Desiree Ogden
16048 9th Avenue SW
Burien, WA 98166

RE: Filled-in Drainage Ditch

Dear Mr. and Mrs. Ogden:

I would like to take this opportunity to follow-up on your letter concerning the drainage ditch on 9th Avenue SW.

In response to your letter, we met with the adjacent property owners on January 16, 2009, who confirmed that they had filled in the ditch in 1999 without first obtaining a Right-of-Way Use Permit. In addition, my staff prepared a design to correct the drainage problem.

On the afternoon of January 16th, I called and updated you regarding the corrective actions that would be taken, including repairing the ditch and pipe, during the week of January 19, 2009. On January 21st, I called to inform you that the work could not begin until the week of January 26th; the repair work began on January 27th and was complete as of February 4, 2009. A Claim for Damages form was also sent to you on January 21, 2009.

Finally, as we discussed, you are requested to contact the City's Right-of-Way Inspector, Rick Atkinson (206/439-3161) to obtain a permit for the shoulder work you did on 9th Avenue SW in front of your property.

On behalf of the City of Burien, I wish to express our apology for the time taken to complete the repairs to the storm system on 9th Avenue SW. I also want to thank you for working directly with me on this matter. If you have any questions, please do not hesitate to call me at 206/248-5514.

Sincerely,

Stephen R. Clark
Public Works Director

Cc: Honorable Mayor and City Council
Mike Martin, City Manager