



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

August 3, 1993

2251
Scott St.

Mayor
Steven Lankenau

Members of Council
Dennis L. Filgor, President
John E. Church
Michael J. DeWit
Robert G. Heft
James Hershberger
Terri A. Williams

City Manager
Terry Dunn

Finance Director
Rupert W. Schweinhagen

Law Director
Michael J. Wesche

Prosecuting Attorney
David M. Grahn

City Engineer
Marc S. Gerken

Mr. Ronald P. Lankenau
Lankenau, Wesche & McColley
105 West Main Street
Napoleon, Ohio 43545

Re: Subway Building
Sanitary Sewer Lateral

Dear Mr. Lankenau:

This letter is in response to your July 19, 1993 correspondence and should better clarify the City of Napoleon's position regarding the above referenced project.

In your response, you indicate that the sewer problem exists within the City right-of-way, which it does, and therefore your interpretation is that the City of Napoleon is responsible for its maintenance and/or rehabilitation.

First, please let us explain the situations leading up to the previously mentioned dilemma.

During the initial stages of the Owners purchase and subsequent site design, the City of Napoleon indicated to the Owner's representatives that the sanitary sewers were on the east side of North Scott Street (please see a sketch of the proposed sewer and cleanout that this writer had in their file from initial design considerations).

During the demolition of the residential home on the site, it was found that a sanitary sewer lateral did exist, but that it angled in a northeasterly direction and it was found to tie into the sewer lateral from the house just north and adjacent to the property line.

It was at this time, that the City of Napoleon indicated that access onto the northerly property would be required to utilize the existing sewer.

The City made contact with the adjacent Owner and was told that the access was granted.

When the Owner's Contractor finally made the tie-in and utilization of the existing sewer, it was found that the inverted crown existed.

It was at this time that we notified the Owner's Representative (Rupp/Rosebrock).

We have included a highlighted copy of our Code of Ordinances which should justify our position. That position is, that it is each individual owner's responsibility to construct a sewer from its own building to the public sewer and this would include the physical tapping of the sewer also.

Under Definitions you will note that a public sewer is defined as "a common sewer controlled by a governmental agency or public utility".

Based on established practice, it is the property owner's responsibility to repair and maintain its own sewer lateral to the public sewer.

We feel that based on Mr. Boes concern, that it would be in all parties best interest to install a new sewer lateral as Section 52.13 paragraph (F) allows.

This proves even more evident when one considers that this sewer is being utilized by the property adjacent to the north.

Unfortunately, the Owner in its design and construction practices tried to control costs, but further investigation did not allow this to happen.

Should you have any questions, please call.

Respectfully,

*Marc S. Gerken, P.E.
City Engineer*

MSG:rd

Enclosure

*cc: Terry Dunn, City Manager
Mr. John Rosebrock, Rupp/Rosebrock
Mr. Jerome Boes*

Lankenau, Wesche & McColley

Attorneys at Law

PAUL R. LANKENAU (1904-1982)
RONALD P. LANKENAU
MICHAEL J. WESCHE
DENISE HERMAN MCCOLLEY
JEFFREY R. LANKENAU

105 WEST MAIN STREET
NAPOLEON, OHIO 43545-1797

TELEPHONE: (419) 592-0010
FAX: (419) 599-2873

July 19, 1993

Mr. Marc Gerken
City Engineer
City of Napoleon
255 Riverview Avenue
Napoleon, Ohio 43545-0151

Re: Subway Building
Sanitary Sewer Lateral

Dear Marc:

We represent Boes Subway, Inc. who is constructing the new Subway building on North Scott Street through Rupp-Rosebrock Contractors.

Your letter of July 2, 1993 to John Rosebrock regarding the problem with the sewer lateral has been referred to us for reply.

As we understand your aforementioned letter, the problem with the sewer lateral is located on City property and not on the property of or not part of the sewer belonging to the property owner. It would appear that the lateral was not properly constructed in the first place and this should be the City's responsibility, not that of the property owner. If this is the case, and a problem does occur because of the inverted crown, then our client, Boes Subway, will expect the City to correct it by replacement or by such maintenance as will provide them with proper sanitary sewer drainage.

Certainly Boes Subway will maintain a grease trap/oil interceptor in an attempt to forestall any problems of future blockage, but they cannot be responsible for any blockage which occurs through no fault of their own in the City's sewer.

If you have any additional thoughts on this matter, please let us know.

Very truly yours,

LANKENAU, WESCHE & MCCOLLEY

Ronald P. Lankenau

Ronald P. Lankenau

RPL:bb

cc: Mr. John Rosebrock
Mr. Jerome Boes



City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

July 2, 1993

Mr. John Rosebrock
Rupp-Rosebrock
7-464 U.S. Rt. 24
Liberty Center, Ohio 43532

Re: *Subway Building*
Sanitary Sewer Lateral

Dear Mr. Rosebrock:

On July 1, 1993 our City of Napoleon wastewater collection crews attempted to clean the sewer lateral in which your proposed building is to tie into.

During our sewer cleaning operation, we found that the sewer has an inverted crown in it and that approximately nine (9) inches of water will stand on the west side of Scott Street. (We have attached a hand sketch).

It is our opinion that this line will function as it exists now, but two (2) problems will occur.

Initially, solids will buildup in the line and then if the Owner of the restaurant does not maintain a grease trap/oil interceptor, this will also cause additional blockage.

If the Owner does not elect to correct this problem via replacement, then the City of Napoleon will not be held responsible for any future maintenance beyond cleaning the mainline sewer.

We are forwarding this correspondence to you so that you can expedite the completion of waste.

Respectfully,

Marc S. Gerken, P.E.
City Engineer

MSG:rd

Attachment

cc: *Sonny Helberg*
Brent Damman
Jeff Marihugh

Mayor
Steven Lankenau

Members of Council
Dennis L. Filgor, President
John E. Church
Michael J. DeWit
Robert G. Heft
James Hershberger
Terri A. Williams

City Manager
Terry Dunn

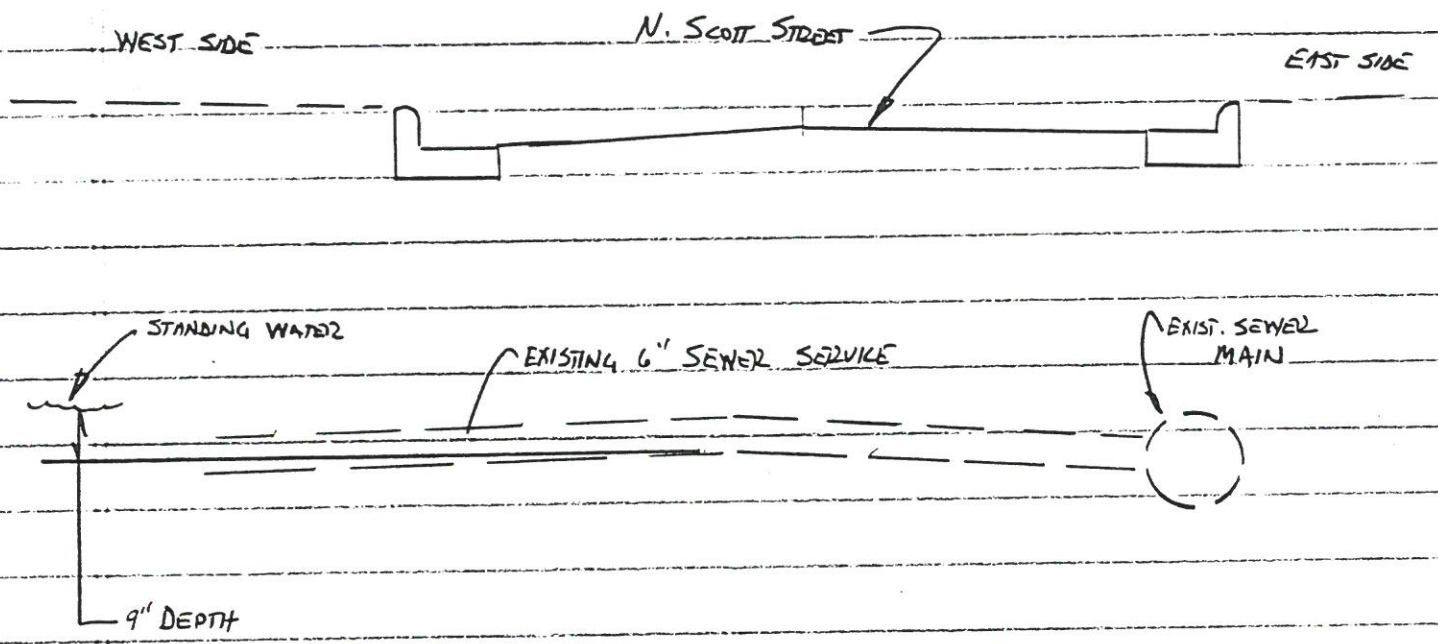
Finance Director
Rupert W. Schweinhagen

Law Director
Michael J. Wesche

Prosecuting Attorney
David M. Grahn

City Engineer
Marc S. Gerken

SUBWAY RESTAURANT
SANITARY SEWER LATERAL





City of NAPOLEON, OHIO

255 RIVERVIEW AVENUE - (419) 592-4010
NAPOLEON, OHIO 43545-0151

2251 N. Scott

July 2, 1993

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Rupp-Rosebrock
7-464 U.S. Rt. 24
Liberty Center, Ohio 43532

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Respectfully,

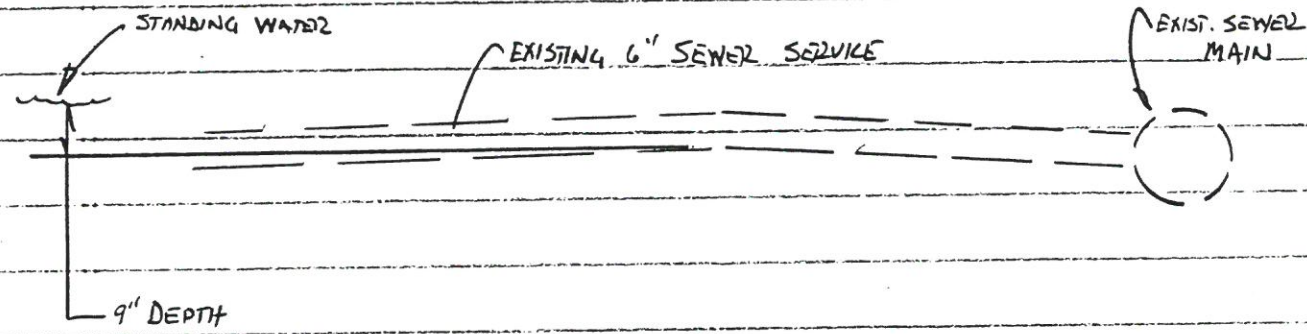
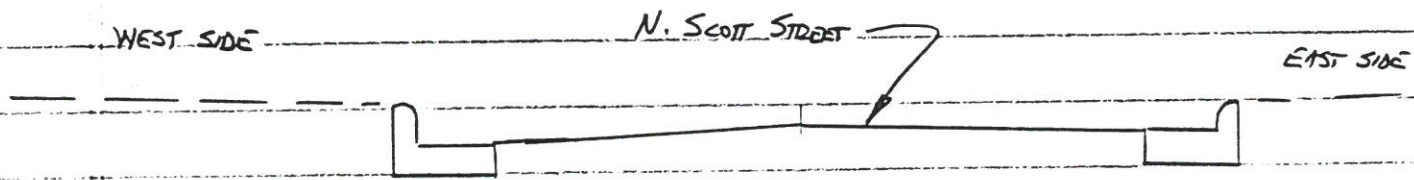
Marc S. Gerken, P.E.
City Engineer

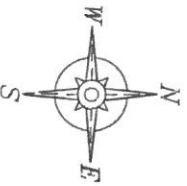
MSG:rd

Attachment

cc: Sonny Helberg
Brent Danman
Jeff Marihugh

SUBWAY RESTAURANT
SANITARY SEWER LATERAL





CONTRACTOR TO INSTALL THE CONDUIT. WE WILL PULL IN THE UNDERGROUND WIRE.

INSTALL A 40' POLE, ANCHOR & DOWN GUY, BANK OF 3-25 KVA 120/208.

INSTALL #2 ACSR PRIMARYS & NEUTRAL

TAP PRIMARYS ON THE LOAD SIDE OF THE DIL SWITCH

PARKING LOT

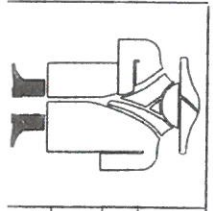
SUBWAY

2251

N. SCOTT ST.

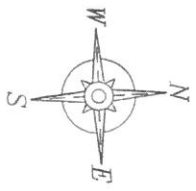
INSTALL 3-10 KVA TRANS & LT. ARRESTERS ON NEW POLE

AMVETS



Napoleon Power & Light

ITEM	1775 Industrial Drive	Napoleon, Ohio
DATE	NORTH SCOTT ST. "NEW SUBWAY"	
4/28/93	W.O.#	J.O.#
		101917
	DRAWN BY	ATTN



2251

NEW
SUBWAY

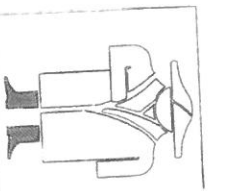
SET A 45' POLE
INSTALL A BANK OF
3-25 KVA 7200-
120/208

REMOVE 45' POLE
IN WAY OF NEW
DRIVEWAY

AMVETS

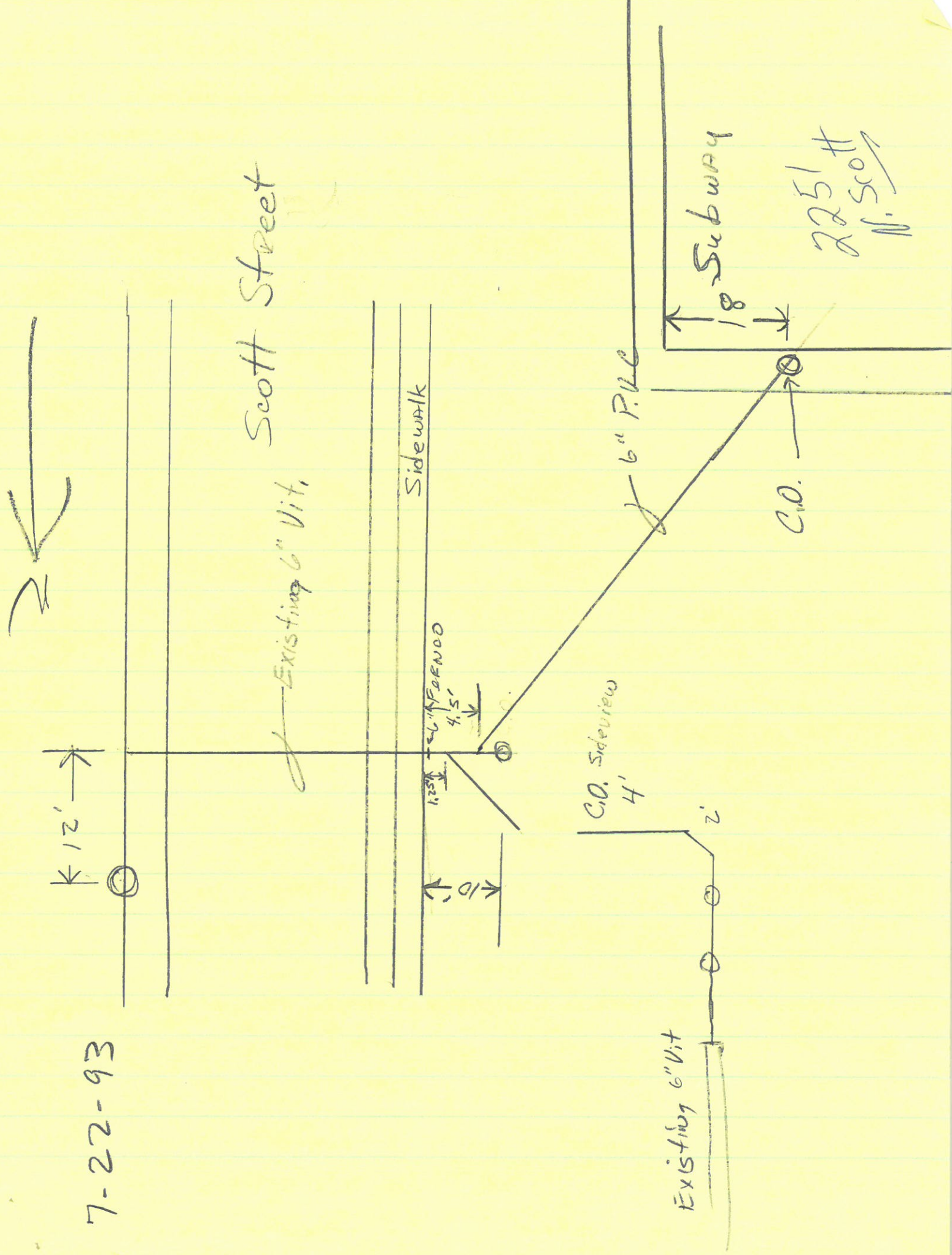
N. SCOTT ST

CONTRACTOR TO INSTALL NEW
UNDERGROUND TO THE POLE



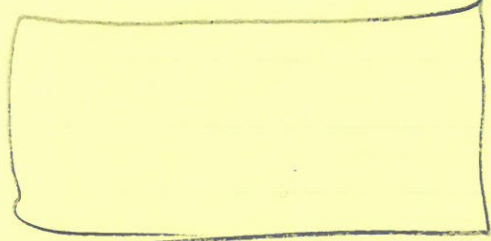
Napoleon Power & Light
 1775 Industrial Drive Napoleon, Ohio
 ITEM NORTH SCOTT ST. "NEW SUBWAY"
 DATE 4/8/93 W.O.# J.O.# J01210 DRAWN L

7-22-93



2251 N. Scott

Subway Shop



6" P.V.C.

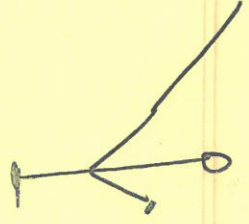
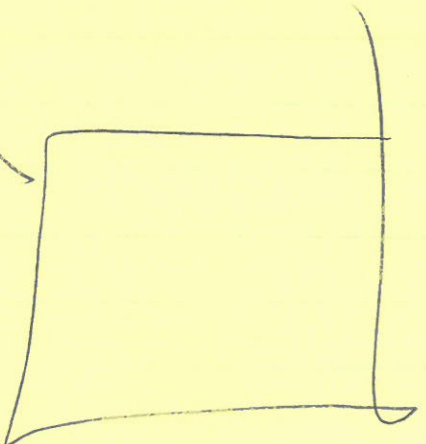
14.0°

Fence 4.5' off R on line of Pipe

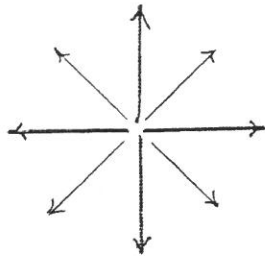
Existing 6" Vit

3.5'

R/W



5.0'



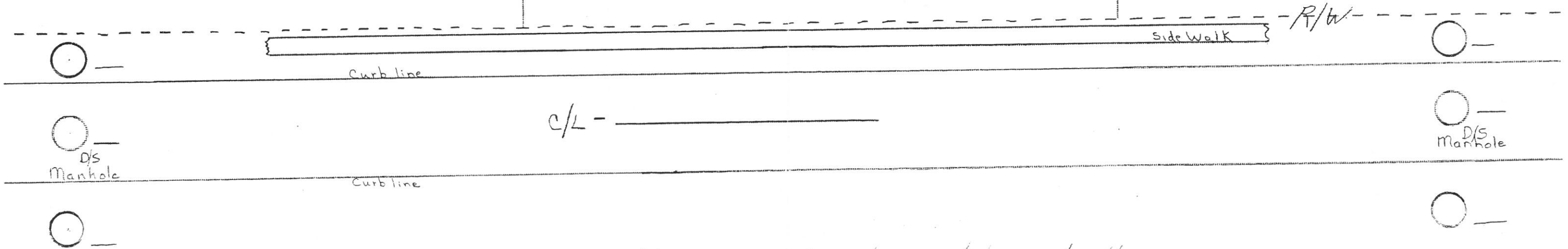
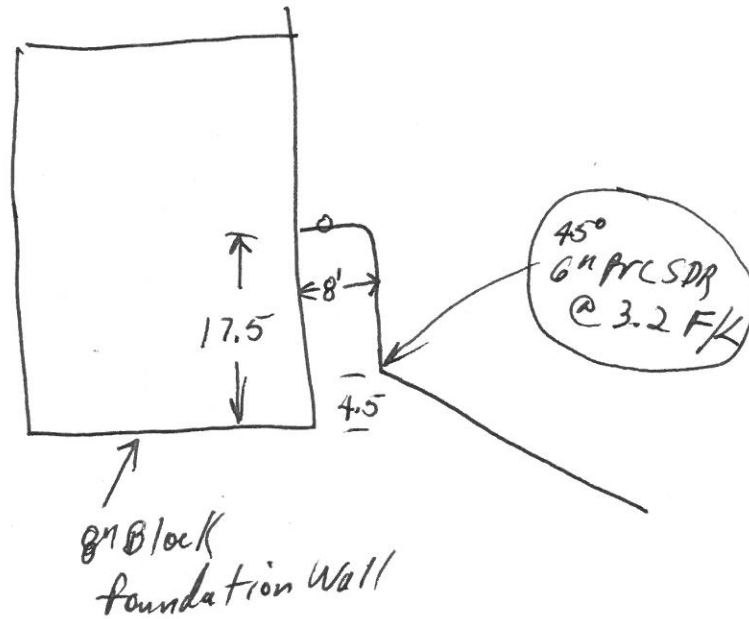
2251
N. Scott

Date - 4/13-93
Location - 2251 N. Scott
Owner - Boes Subway
Address -
Contractor - Whitmer PTH
Address -
Work Discip. _____

13

P/L

P/L



Place an X for the manhole applicable.