

DURHAM



CITY OF DURHAM

Public Works Department

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[www.DurhamNC.gov](http://www.DurhamNC.gov)

1869  
CITY OF MEDICINE

September 28, 2011

Mr. Brian Mulligan  
3118 Marywood Dr.  
Durham, NC 27712

RE: Alleged Erosion and Flooding Issues at 3118 Marywood Drive, Durham

Dear Mr. Mulligan:

As requested during our on-site meeting on August 31, 2011 at your property located at 3118 Marywood Drive, this letter is to document the City of Durham's position with regards to your claim of erosion and flooding on your property.

After researching your claim further, I have found that the concerns that you raised during our on-site meeting have been previously answered by City staff in a letter from Paul Wiebke to you dated October 5, 2010. As stated in the letter from Mr. Wiebke, your concerns over erosion and flooding are a private property matter. As such, the Public Works Department does not have any liability or responsibility for remedying any damages to your property that may have been caused by stormwater runoff from adjacent sites, and we will not take any further action at this time.

The drainage system that we discussed during our on-site meeting (located at 8 Firethorn Court) is a privately owned system, whose ownership and maintenance is the responsibility of the property owner. The placement of rip rap along the private drainage system at 8 Firethorn Court does not extend a City owned drainage system. This work was not performed by the City and the City never accepted ownership or maintenance responsibility for this private system.

While I understand that the condition of your property and drainage system is not to your liking, there are no actions that can be taken at this time by the Public Works Department to remedy the alleged erosion and flooding on your property. As you have been previously informed, ownership, maintenance and repair of drainage systems located on private property are the responsibility of the property owner.

If you have any additional questions or concerns, please feel free to contact me at (919) 560-4326 or by email at [marvin.williams@durhamnc.gov](mailto:marvin.williams@durhamnc.gov).

Sincerely,

Marvin G. Williams  
Director of Public Works

- c: Christy Sokol – Civil Engineer  
Paul Wiebke, Assistant Stormwater Manager  
Ed Venable, Engineering & Stormwater Manager  
Don O'Toole – Senior Assistant City Attorney  
Theodore L. Voorhees – Deputy City Manager