

October 14, 2016

Copies presented for all Council Member at City Council meeting on Monday, October 17, 2016

Ms. Lisa Daugherty, Duquesne City Mayor; and City Council Members

Dear Mayor and City Council Members,

In 2012 I corresponded by phone and e-mail with Mr. Jerry Lewis of JML Inc., one of the owners of the property located at 3715 E. 16th St. in Duquesne, regarding the potential sale or development of the acreage located between and behind the current home on that property and my property at 3801 E. 16th St. in Duquesne.

My purpose in corresponding with Mr. Lewis was to determine if the intended sale or development would affect the flow and/or direction of storm water run-off through his property and onto mine, as my property is of a lower elevation and already receives storm water run-off through its northwest corner. This run-off is substantial at times (as can be seen by the attached photos) and an increase from nearby development or building could have an unacceptable negative impact on and devalue my home and property. I also inquired about the option of my friend (now fiancé) purchasing the property, but the asking price was out of reach due to the owner having larger profit goals through subdivision development.

I addressed my concerns in an e-mail to Mr. Lewis (attached) and when I did not receive a timely reply from Mr. Lewis, I brought my concerns to the City. I do not recall the exact date, or if my concerns were voiced at a Council meeting or at a Planning and Zoning committee meeting.

Mr. Lewis did eventually reply to my e-mail (attached). You will see that, in his reply, Mr. Lewis has confirmed that the City of Duquesne did at one time review and address this issue by requiring the storm water run-off solution be made part of his development plan. Sometime after I brought my issues to the City in 2012 I did also receive notification from the City of the requirement and this eliminated my concern.

Kurt Higgins at Allgeier Martin & Associates also confirmed via phone on 10/14/16 that when considering the original subdivision proposal that the city did review the request and required that in order for the property to be developed there would be a requirement for curb and gutter, concrete flumes, and 2 storm water retention basins. Designs were drawn by Allgeier Martin & Associates for a storm water run-off solution at that time.

When a "For Sale By Owner" sign was recently placed on the property, I called the number on the sign to inquire about the asking price and how the property was being sold. I was advised of the asking price and informed that it was available as one parcel or could be purchased in one of several separate lots. I was also advised that the owner is negotiating with several of the properties neighbors about purchasing the adjoining land. I am evidently not one of those neighbors.

My concerns regarding potential negative impact to my property were immediately re-kindled because I did not know if the City would hold to its previous storm water run-off requirements for the property if it were sold to another party who then wanted to build on or develop the property. After visiting with a potential purchaser one evening I discovered that the potential purchaser had not been advised of the storm water run-off issues or any possible run-off containment requirements. This potential purchaser was considering purchasing and building on the portion of the property which would have the most potential for negatively impacting my property if there is no preventative storm water run-off measures taken by the developer or builder. The impact will be there on some level rather the development and building is a single home or an entire subdivision.

My concerns turned into fear after being advised by a Duquesne city employee that there were no previous official records or minutes of this issue being brought to the City, nor any record of the City's previous requirement regarding the storm water run-off requirement if developed. I understand that this was a chaotic time for the City, just as it was for myself, as we were all still rebuilding and addressing many issues and concerns from the May 21, 2011 tornado. Please understand that my concerns about the lack of records are not of an accusatory or judgmental nature.

As a Duquesne City resident and constituent of this council I respectfully request the support of the Mayor, City Council Members, any sub-committee members, and employees in my goal to protect my property and investment by requiring that any future development of or building on any portion of the property now currently collectively known as 3715 E. 16th St. (regardless of the who owns the property, or sections of the property, in the future) be required to install a storm water run-off solution approved by an engineer retained by the City or property owner. I would also request that this letter, all the attached documents provided, and my open requests be made part of these meeting minutes, and that I receive a copy of the minutes.

I don't know what my precise legal rights are in this matter, and I hope not to have to go to the expense of finding out. I also don't know what the City of Duquesne's rights and responsibilities are in this matter. I would like to know that. It is also my understanding that a City Employee has been actively involved in attempting to purchase this property, and encouraging prospective purchasers/builders for the property as he believes it would be beneficial for the city. Therefore, I respectfully request that if a Duquesne City Employee feels that it is appropriate to do this, that in fairness to myself, a current City of Duquesne property owner, as well as any prospective purchaser of the property, that there be full disclosure of the potential storm water run-off concerns I have presented here today.

I would also like to inquire of the City Attorney as to the legal and ethical responsibilities of a City Employee, the current property owner, and/or the current property owner's legal counsel to notify prospective purchasers or developers about these known storm known water run-off concerns.

As of 10/14/16 the Jasper County Assessor and Jasper County Recorder of Deeds have no record of a lot split of the property known in their records as 3715 E. 16th St, Duquesne, MO. It is my understanding that a lot split would be required to sell individual lots to third parties who do not currently own adjoining property, but I ask the City Attorney to correct me if I'm wrong. I am requesting from the Duquesne City Council that if a lot split of that property is requested - that I be notified of the dates of any City Counsel or sub-committee considerations of a proposed lot split.

Please understand that it is not my intention to impede the City from acquiring potential revenues that may stem from development of the land. It is not my intention to prevent or discourage JML Inc., or Jerry Lewis, from selling or developing their property, nor is it my intention to prevent any future owner from doing the same. I consider myself to be a good citizen and a good neighbor. I am respectful of others and do my best to always treat others as I want to be treated. My purpose here is simply to be proactive in protecting my property from a known potential threat that can be avoided if it is specifically and adequately addressed now.

Thank you for your time and consideration.

Respectfully,

Melissa Wakefield
3801 E. 16th St.
Joplin, MO 64801

Melissa Wakefield

From: Melissa Wakefield
Sent: Thursday, May 03, 2012 11:49 AM
To: 'Jerry Lewis'
Subject: RE: DUQUESNE PROPERTY

Good Morning Jerry,

I did share this information with my friend, but the price is well above what he had anticipated. He asked me to thank you for the option, but he will have to pass.

After looking at your Plat though, I am quite concerned.

Where you have Lot 7 located is currently a drainage ditch. You probably already know that this drainage already cuts through the far northwest corner of my property regularly when it rains. This wet weather drainage then flows heavily through the area directly north of my property and out into the wooded area. To build a house on Lot 7 the land would have to be built up to re-directed the current drainage away from the building site. Doing so, would push the drainage into a much greater portion of my property, and this wouldn't be acceptable to me and devalue my property.

Are you planning to install some type of deep permanent drainage ditch along the east side of your property leading out to the wooded area so that this lot can be buildable without causing this problem for me?

I hope you don't find my questions intrusive or out of line, but I certainly don't want my property to be negatively affected by any intended development.

Thank you,
Melissa Wakefield

From: Jerry Lewis [mailto:jerry@jmlconstruction.com]
Sent: Monday, April 30, 2012 1:42 PM
To: Melissa Wakefield
Cc: JML Inc
Subject: DUQUESNE PROPERTY

Please find attached the surveyed plat for the property next to yours. As you can see, the intent is to make 7 lots of the approximate 4 acres sum, however it has not went to the city for approval yet but that is the next step in the process.

Should I sell the East portion of the property, { 3.10 acres } It would leave the area behind our existing house inaccessible so I would rather sell it all to 1 owner.

The tract has survey pins at each corner and brush has been cleared to the north property line. Engineering and survey has been completed in anticipation of the final development. All this information would go with the sale. If only 1 home is to be built on the property then the lot division would be null and void. If your friend is interested, we would entertain a price range of 95000.00 for the total or 85000.00 for the east portion.

As you know , all utilities are available to the site.
Feel free to contact us if we can be of any assistance.
Best regards,

Jerry Lewis
Superintendent

Subject: Fwd: Duquesne Property

From: Melissa Wakefield (mwakefield@DOWNSTREAMCASINO.COM)

To: curlysunshine@ymail.com;

Date: Saturday, June 23, 2012 5:37 PM

Melissa Wakefield
Executive Administrative Assistant

sent from my iPhone

Begin forwarded message:

From: Jerry Lewis <jerry@jmlconstruction.com>

Date: June 13, 2012 9:41:33 AM CDT

To: Melissa Wakefield <mwakefield@DOWNSTREAMCASINO.COM>

Cc: JML Inc <jmlinc.pb@gmail.com>

Subject: Duquesne Property

Hi Melissa,

Sorry about the long delay in answering your question on the water drainage. First off, thanks for your response and no, I do not think your question is intrusive. Let me explain how I envision the drainage working for Lot #7.

The intent is to remove the drain tile currently under the drive lane that runs parallel to your west line and bring the berm dirt to the front and east of lot #7 which should force the flow line away from instead of toward your property. Additional dirt would probably need to be brought in to make the finish grade suitable for building. This would not lessen the amount of water that now backs onto your property but I don't see it increasing it. You may also note that the City is requiring that I build a low berm retaining basin directly behind your property to temporarily hold water in a flash flood situation. That is something I did not want to do, but would have to in order to meet their requirements. All this, together with the New water, sewer, electric and street construction makes the development pricey. This would I believe increase rather than devalue your property, especially if you owned lot #7. I have been so busy at home that I have not had time to move forward on this, but I need to do it this summer.

My wife, Carolyn is encouraging me to get offers on the property before pursuing the development any further so I am going to ask the agent that sold the house to see if he has any prospects. If you want to ask your friend about it again, tell him to not be reluctant to make an offer if he is interested.

We are due to come over and mow but I thought as dry as it's been, that grass was not growing too well. Let me know how it looks.

May see you soon,

Jerry Lewis

Disclaimer

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Downstream Casino and Resort

Attachments

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