

Dec 14, 2018

Re: Charges to Repair Water Line

Dear Jeff,

I recieved your demand letter on December 1, 2018. I am extremely troubled by how this matter was handled.

Your letter was the first and only notice I recieved from the Town claiming my responsibility for this repair. Two days later you ambush my sale and take \$1,697.00 from my closing proceeds.

During my previous conversations with the Town about this particular curb stop, I was told the Town would assume the costs to repair or replace the service line because the town had paved over the curb stop against my recommendations. I relied on these conversations.

This whole process was done  
badly. According, I am asking  
the Town refund my \$1,697.00

Jay G. Clough



November 26, 2018

Jay Clough  
PO Box 188  
Fraser, CO 80442-0188

Dear Mr. Clough,

The Town of Fraser would like to inform you about a recently repaired leaking service line on property 110 Railroad -237 Mill Ave. This service line was an exposed vulnerability to winter conditions and in vital need of repair before the winter season arrived. After the Town inspected the situation in more depth and were unable to access or operate the shut off, they noticed that the exposed service line had already frozen. Since the exposed service line was already leaking at this point, the Town had to take action and hire a contractor to complete the required repairs. Nick's Dirt Works, LLC was hired to insert a curb stop/shutoff on the service line and to insulate the line by mounding dirt on it.

Below I have provided you with the necessary information from the Town of Fraser Municipal Code regarding exactly whose responsibility it is to maintain the service lines. As stated below "the owner of any property connecting to the water utility shall be responsible for the maintenance of the water service line". I have included the invoice from Nick's Dirt Works, LLC with the total costs of repairing the exposed service line. The total balance of \$1,697.00 will be added onto property address 110 Railroad -237 Mill Ave. account number 1.2530.00 on November 26, 2018. "The Town reserves the right to shut off the water service, effect a repair and collect the cost thereof from the customer".

[Town Code Chapter 13 Water Utilities, Article 2 Water System, Sec. 13-2-50. - Service connections](#)

(e) Owner to maintain service line. The owner of any property connecting to the water utility shall be responsible for the maintenance of the water service line from the corporation stop on the main to the structure being served and shall keep such line in good condition at his or her expense. The property owner shall, at his or her expense, at all times keep all pipes, fixtures, and appliances on said property leak-free and in good working order so as to prevent waste of water. Leaks or breaks in any portion of the water service line shall be repaired by the property owner within a reasonable period of time after notification of such condition by the Town, or within the time specified in the notification from the Town, if applicable. The Town reserves the right to

Nick's Dirt Works LLC  
PO Box 245  
Fraser, CO 80442 US  
(970)531-0977  
nick@nicksdirtworks.com



## INVOICE

### BILL TO

Jeff Durbin  
Town Of Fraser  
153 Fraser Avenue  
PO Box 370  
Fraser, CO 80442

INVOICE # 947

DATE 11/16/2018

DUE DATE 11/16/2018

TERMS Due on receipt

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### P.O. NUMBER

The depot

ACTIVITY	QTY	RATE	AMOUNT
<b>11/13/2018</b>			
<b>Mobilization</b>	2	125.00	250.00
Mobilization			
<b>Mini-excavator</b>	5	125.00	625.00
Mini-excavator			
<b>Labor</b>	8	55.00	440.00
Labor			
<b>Supplies</b>	1	182.00	182.00
Piper, installation, curb stop and fittings			
<b>11/16/2018</b>			
<b>Pit Charges</b>	1	200.00	200.00
Pit Charges and delivery of bedding and berm material			

Thank you for your business.

Interest accrued at 1.5% per month after 30 days.

BALANCE DUE

**\$1,697.00**

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Legend

- FR\_Service\_ED - CurbStops
- FR\_Service\_ED - CleanOuts
- FR\_WaterDistribution\_ED - Hydrants
- FR\_WaterDistribution\_ED - Valves
- FR\_WaterDistribution\_ED - BlowOffs
- FR\_WaterDistribution\_ED - Waterlines
- FR\_SanitarySewer\_ED - Manholes
- FR\_SanitarySewer\_ED - Collection Lines

Parcels



Parcels (Features: 1786, Selected: 1)

PIN	SCHEDULE	STREET NUMBER	GRAND CO ROAD NUM	STREET NAME
158719115021	R029800	110, 237		RAILROAD AVE, MILL AVE

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The property at 110 Railroad Ave/237 Mill Ave has two physical service lines and is served by the town water supply. One of the service lines is exposed and vulnerable to winter conditions.

The property had two dwellings, a multi-unit stick built structure and a trailer, each served by separate services. The trailer (now removed) service line, tap, and shutoff to the trailer were of unknown location and condition.

The property owner is aware the service line is owned by and is the responsibility of the property owner. The property owner is aware of the lack of detail for the trailer service and appurtenances and has solicited the towns help in locating. Going back at least four years, the Town has repeatedly tried to assist the owner in these efforts at his request with internal resources. Additionally, The Town has paid for locating and leak detection services. At this time, we believe we have correctly identified the private services location and potentially a non-working curbstop for the property owner.

In the Spring of 2018, the trailer was removed leaving a live service line open to the elements. Over the summer, several conversations have taken place about the exposed unprotected service line, potential risks, and responsibilities.

Currently, the property is for sale. The property owner hand delivered a letter absolving themselves from their responsibility (letter attached). Our discussions were clear they felt they have done what they can and were walking away from the situation. The situation is seen as belonging to the new owner's issue and or the towns, depending on timing.

Sept. 18, 2018

Town of Fraser  
Public works

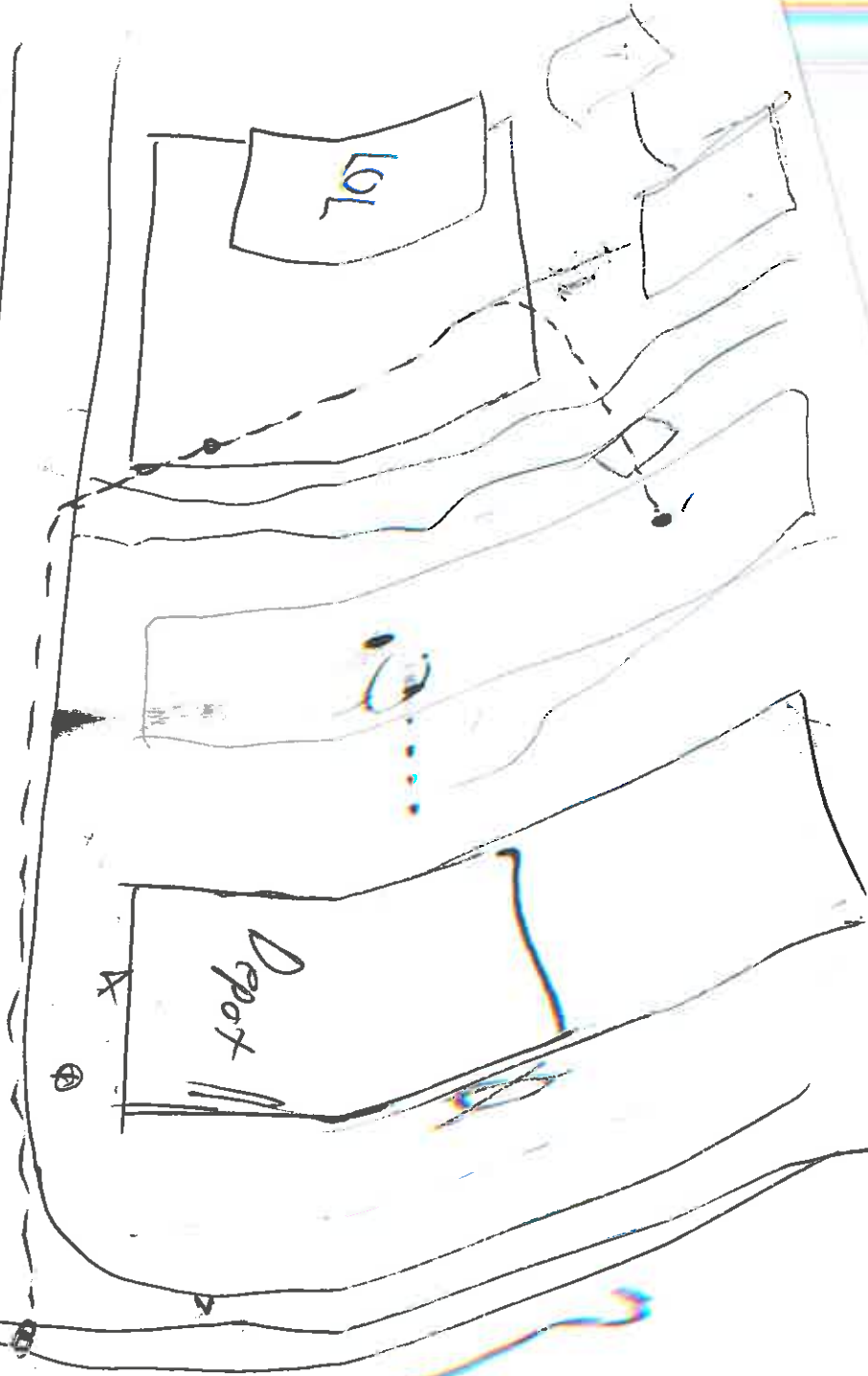
This correspondence is to inform you that the water curb-stop for 110 1/2 Railroad Ave appears to be located on town property and has been paved over on Mill Ave.

My concern with this issue is as winter approaches, the ability to turn off the water supply is not my responsibility.

Thank you for your attention to this matter.

Respectfully,  
Jay Long

Rail Road



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