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Clarification of responsibility for storm drain easements

By Vera Kochan



Typical storm drain in a Moraga neighborhood.
Photo A. Scheck

With rain finally falling once again, storm drain topics began to take a front seat in town council discussions once again. During Moraga's March 11 town council meeting a private drainage easement ordinance update was on the agenda.

The town doesn't maintain such facilities on private property unless an easement has been accepted through a resolution by the town council or by the Contra Costa County Board of Supervisors before Moraga's 1974 incorporation. Such is the case with Lafayette, Orinda and Contra Costa County jurisdictions.

Public Works Director Shawn Knapp stated, "The staff report is based on clarifications about private storm drain easements. We are not changing how the town operates regarding subdivisions, but providing some additional information in our code for residents, property owners and developers to understand a little bit about

how the town functions when it's creating storm drain easements and other types of easements within subdivisions. We're not changing how we normally do business."

Some property owners may not understand their maintenance responsibilities in regards to their own storm drain facilities, leading to unanticipated costs and garnering confusion as to what's expected from the town's services. The public works staff report recommendations attempt to clarify the town's limited responsibilities for private storm drain systems.

Minimal standards such as creating a legal document noting where the location of the easement and ensuring materials in construction of the type of drainage facility are to current standards, must be met before the town would step in, Knapp explained.

The town council cast four votes in favor with one absentee vote, as Council Member Roger Wykle was not present, to approve a resolution amending the Moraga Municipal Code to clarify the town's policy regarding drainage easements with amended language. The resolution also clarifies that the town will only take responsibility for easements that have been accepted by the council. Any easements offered to the town that haven't been accepted by the council will be the responsibility of the property owner. The council additionally allowed for a process and established an acceptance prioritization whereby the town can accept easements of dedication in the future if any funding becomes available.

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