

Notice of Claim

November 21, 2015

Per Colorado Statue 24-10-109, this communication represents a Notice of Claim for Injury/Damages.

(2a) William C. Klingensmith III and Georgeanna J. Klingensmith, 4720 East Oxford Avenue, Cherry Hills Village, CO 80113.

(2b) Following heavy rains on the morning of Friday, June 12, 2015, at about 8:30 AM, sewage backed up into the lower levels of 6 homes in the Mansfield Heights Water & Sanitation District (Mansfield) and 1 home in the Hillcrest Water & Sanitation District (Hillcrest) with devastating consequences.

Based on an evaluation by Kennedy/Jenks engineering, data from the Hillcrest-Metro flow meter, and other information there is a consensus that the cause of the sewage backup was significant infiltration and inflow of rainwater into the sanitation Hillcrest system. In turn, the infiltration was due to rainwater that entered residential service lines through defects in old clay pipes, and the inflow was due to rainwater that was illegally pumped into the service lines via sump pumps or illegally discharged into the sanitation system from other sources such as downspouts.

The infiltration and inflow of rainwater into the sanitation system exceeded the capacity of the Hillcrest outflow line and caused the pipes to completely fill with sewage and rainwater, converting them from a gravity gradient system to a pressure gradient system, which in turn caused a functional obstruction in the Hillcrest outfall line. Sewage then flowed retrograde into the lower levels of 7 homes along the outflow line (6 in Mansfield and 1 in Hillcrest).

There are three other sanitation districts, other than Mansfield and Hillcrest, that connect to the Hillcrest outfall line and likely contributed to: flow of rainwater into the sanitation system, creation of a functional obstruction, and retrograde flow of sewage into homes. The three other sanitation districts are Cherry Hills North Metropolitan District, Devonshire Sanitation District, and Cherry Hills Village Sanitation District.

The Standard Special Connector Agreement between Metropolitan Wastewater and Reclamation District (Metro) and Hillcrest Water & Sanitation District (Hillcrest), signed in 2008, in Section 301 states, "The Special Connector [Hillcrest] shall require and enforce conformity to these regulations with respect to the tributary system and its parts and, where applicable, with respect to individual contributors or groups of contributors thereto. Local sanitary systems shall receive no stormwater directly or indirectly from surface drains, ditches or streams, storm or combined sewers, roof, areaway, or foundation drains, or from any other means, except that the minimum practicable infiltration of groundwater (in any case not to exceed 200 gallons per twenty-four [24] hours per mile of sewer) will be permitted."

In addition, the Amended and Restated Intergovernmental Agreement between Hillcrest and its sub-connectors including Mansfield, signed in 2009, in Article 4 states, "Each District recognizes a responsibility to continually evaluate its individual sewer collection system and taps made into same to prevent groundwater infiltration or the discharge of water other than sewage into the collection systems from residential sump pumps, swimming pools or other sources. No sump

pumps, swimming pool connections or other water sources are permitted to discharge water into any sanitary sewer collection facility which in turn discharges into the Outfall Line. Each District agrees that infiltration or introduction of water from sources other than domestic sewage into its collection system increases the flow measured at the Metro wastewater metering facility resulting in increased service fees paid by all property owners served by the Outfall Line.”

“It is further agreed by all Districts that should evaluation of the Outfall Line determine that extraneous water is entering the Outfall Line, that the District(s) responsible will take appropriate action within its service area(s) to substantially eliminate such water. It is also agreed that each District will adopt Rules and Regulations pertaining to the introduction of extraneous waters.”

(2c) None known.

(2d) Approximately one (1) inch of sewage backed up into my walk out lower level on June 12, 2015 destroying the wall to wall carpet and pad, damaging baseboard, dry wall and studs. Several visits by a reclamation/hazmat company were required to make the lower level safe again. We have done partial repairs, but have not completed all of the repairs at this time.

(2e) We estimate that the amount of unreimbursed damages is approximately \$15,000.

Please acknowledge receipt of this Notice of Claim.

Sincerely,

William C. Klingensmith III

Georgeanna J. Klingensmith