

# **(Storm)water, water, water everywhere, plus appliance conveyance and possible scams | Home & Living**

*Courtesy*

**Q.** *Who is responsible for maintaining ditches, stormwater piping and retention ponds in my neighborhood if we have a homeowner association? – Chris Boucher, Chesapeake*

**A.** Chris, there are many others with those same concerns. Let's address each question.

Who is responsible for maintaining the ditches in my neighborhood? Maintenance of ditches is a shared responsibility between the property owner and the city. Each city has a Stormwater Management Department. That department maintains public ditches, e.g. ditches that collect runoff from public property such as sidewalks and public roads. Private drainage systems, those used to collect runoff from private property, are the responsibility of the property owner so his or her lot drains. Most side ditches between houses and rear ditches are not city-maintained because they do not carry "public" water.

In either case, the property owner is responsible for maintaining the ditch banks, mowing and maintaining proper vegetation. Each city has thousands of miles of ditches and not enough staff to maintain them all each year, so unless you have a problem, expect to only see your ditches cleaned once per five-year period. Blockage of ditches is the most common cause of neighborhood flooding. If you are experiencing that problem, you may call your city office and make a special request for the sediment to be removed. And remember, it is illegal to dump anything into a ditch, including grass clippings, leaves and other debris.

If you own property in a homeowner association, the land that contains your house is usually deeded to you, not the association, different from the common areas. The association has covenants and operating procedures describing the benefits you receive for the monthly dues you pay. Each association is different. You should read the documents provided by your association to determine if they take responsibility. If your land borders a public roadway and there is a ditch, chances are that the information provided above remains true even if you own in a homeowner association.

Who is responsible for maintaining storm water piping in my neighborhood? Stormwater piping moves the collected ditch water to larger bodies of water. If these pipes become clogged with debris, flooding can occur. Pipes of 12-inch diameter are used for this purpose and are usually buried 3 feet deep.

The city's Stormwater Management Department maintains and is responsible for public drainage piping, underground piping that carries public water. City crews will flush sediment from clogged drainage pipes with special equipment. Again, if the drainage piping is private, installed by the property owner, the property owner must maintain his own private system.

Who is responsible for maintaining stormwater ponds in my neighborhood? Retention ponds are a permanent pool of water that allow time for sediment to settle before the water is discharged into another larger body of water. These ponds hold the public water removed from ditches by drainage piping and are referred to as stormwater ponds.

Detention ponds temporarily hold runoff water for two to six days, then go dry and remain dry until more runoff builds up.

Stormwater ponds on a residential lot may be the responsibility of the property owner, the homeowner association or the city. Pond ownership and maintenance responsibility should be outlined in the property deed. Within the deed, the deed restrictions or the declaration of restrictive covenants should identify the owner, how maintenance will be funded, who will perform inspections and who is responsible for maintenance.

In most cases, the homeowner association is responsible for the correct operation and proper maintenance of the pond. When no homeowner association exists, maintenance responsibility may be the property owner or the city.

First, locate and read your homeowner association documents. If the answer is not there, read your Deed. If you still have no answer, call your city's Stormwater Management Department for clarity and assistance. – *Sandy Schneirla, ABR, SFR, MRP, CSSA, RELO, is a member of the Hampton Roads Realtors Association and Realtor with Berkshire Hathaway HomeServices Towne Realty in Chesapeake*

**Q.** *If I offered full asking price for the house, am I entitled to the washer and dryer? – Matthew Askew, Newport News*

**A.** Not necessarily. It all depends on what was written in the standard purchase agreement and what was agreed upon during the initial ratification. Of course, an addendum can be added during the transaction to include such items.

However, generally speaking these appliances and other requested items in the home should be listed in the agreement. Not only does it make for a clear and concise contract, it helps to establish good communication between all parties involved.

Regardless of what is written in the Multiple Listing Service, or MLS, I have found that clearly stating every appliance, window treatment, trash receptacle, smoke alarm, etc. should all be written into the agreement so that there are no misunderstandings. You want your buyer to be protected and the listing agent to understand all that you are trying to achieve. The better you communicate with the listing agent, the better the end result .

Something else to think about is the actual value of the appliances your buyer is hoping to gain with their offer. Traditionally, the home comes with a refrigerator, stove/oven and a microwave – but not always. Sometimes there's an extra refrigerator or deep freezer in the garage. Should your buyer be entitled to those items, too? Unless it's negotiated into the agreement, the answer is no.

Most often, I try to keep my buyers thinking realistically about the value of all the “extra” items they want included and work with them to come up with a fair asking price. The last thing we want is to have the seller feeling disgruntled with our offer and possibly refuse to do repairs or negotiate with us later in the transaction when we may need it

most. – *Suzie Harris is vice chair of the Hampton Roads Realtors Association's Your Professional Network and a Realtor with RE/MAX Central Realty in Virginia Beach*

**Q.** *I get letters and calls from people who want to buy my house. How do I know if they are a scam? – Nancy Rogan, Norfolk*

**A.**

If you are considering selling your home, these calls and letters may pique your interest. There are many types of scammers, and there are legitimate ways to sell your home. For example, sometimes I have a buyer looking in a specific neighborhood, so I will typically send a letter to see if a homeowner might be thinking about selling. This is legitimate as I always do have a buyer.

But not everyone has a buyer. If you have a hunch something is wrong, always have a trusted friend or neighbor be with you for any meeting. Always have a third party look over your paperwork. An attorney is highly suggested. If anything sounds suspicious, proceed with caution and warn your friends and neighbors. – *Cindy Caskey, CRS, ABR, SRES, SFR, MRP, e-PRO, is a member of the Hampton Roads Realtors Association and a Realtor with Berkshire Hathaway HomeServices Towne Realty in Virginia Beach*

*This column is relative to the real estate industry and only reflects the opinions and knowledge of those answering the questions. To submit a question to be answered by Hampton Roads Realtors Association Realtors, email [vhecht@hrra.com](mailto:vhecht@hrra.com).*