

## August 5, 2014 SSSFHOA Meeting Minutes

Underdrain System: Bill Noland and Bill Gunter met with Derrick Radke, Summit County Public Works Director, to discuss the agreement in place between the County and SSSFHOA. The goal was to affirm the agreement signed on the 25<sup>th</sup> of June, 1982 (Entry No 1S3367 Book M225,

copy attached to these minutes) was still considered the prime directive in regards to the underdrain maintenance. It was affirmed that this agreement is still valid. The HOA is responsible for the maintenance of the underdrain system. The discussion did involve the possibility of cost sharing with the County for some of the maintenance since the system does run under/near/over County infrastructure. A proposal needs to be written and submitted to the County for consideration.

Lucy Archer talked to Derrick Radke on August 7, 2014. Lucy asked Derrick if he had found any documents during the last year that would indicate that the SSSFHOA held ownership or responsibility to maintain the under drains in the SSSFHOA. Lucy and Derrick had talked around a year previously when Derrick took over for Kevin Callahan as Public Works Director. Lucy had asked Derrick the same question. Derrick told Lucy he had searched the office on a number of occasions and had found nothing about the SSSFHOA underdrains. He said he did not find anything in the office computer files and nothing recorded.

Derrick then told Lucy that he had met with Bill Noland and Bill Gunter last week to discuss our under drains. He said they came with their rolled up maps and they discussed where to proceed with the underdrain work, and that was about it. He said he did not give them anything because he had not found anything. Derrick said he has never given Noland or Gunter any documents or letters of any kind.

Lucy Archer told this information to Rick Hovey on Friday, August 8, 2014.

Lucy Archer was surprised to read the above statement in the meeting minutes.

This is Archer's response to Noland's "prime directive" [Entry 193367](#) dated June 25, 1982:

July 3, 1979 "The Summit County Board of County Commissioners, after discussing the ground water problem, approves beginning of work on the Silver Springs Subdivision [East] with the following conditions...3) If any of the **drains fail within the three years, the developers will fix them at their expense.** 4) Notification will be given to buyers that basements will be **built at the owners risk**, foundation drains will be required for basements, and footings will be extra wide or placed in gravel.'

This covers 4) from the above statement, the notification the County required Vern Hardman, S.S.D., Inc. to record a "**Special Notice**" to builders and lot buyers telling them "that basements will be **built at the owners risk**, foundation drains will be required for basements, and footings will be extra wide or placed in gravel" with consideration to subsurface water conditions, etc. Recorded 7/6/1979 [Entry 157606](#).

(Note from Clay: This needs to be made very clear to the uninitiated reader/listener: The 1979 Silver Springs East HOA is the "Developer Association" and is in no way

associated with the Silver Springs Single Family HOA that will be formed in 1985 or the Silver Springs Master Association that will be formed in 1989-1990).

Most interesting was the careful reading of the 1982 Agreement between the Silver Springs [East] Homeowners Association (S.S.D, Inc. "Association") and by RDF Associates, Inc. ("Developer"), and Summit County recorded 6/25/1982. [Entry 193367](#) "NOW THEREFORE, in consideration of their mutual promises and covenants set forth hereinafter, the parties agree as follows:

1) *Responsibility.* Association [SSE - SSD, Inc. and RDF claiming to be the president] hereby acknowledges and agrees that Association is and shall be solely responsible for maintaining the underdrain system in Silver Springs Subdivision Phases 1A and 1B, and such future phases of such subdivision as may be approved by the County hereafter."

(Note from Clay: Again this needs to be made very clear: the 1982 Silver Springs [East] Homeowners Association is still the "Developer Association", RDF was claiming to be its president. Neither is in no way associated with the Silver Springs Single Family HOA that will be formed in 1985 or the Silver Springs Master Association that will be formed in 1989-1990 at which time our subdivision was dubbed the Silver Springs **Single Family** Homeowners Association.)

If the County approved commencement of work on Silver Springs Subdivision in July 1979 stipulating a **three year developer fix-responsibility** time frame and then three years later in June 1982 released the bond money to "**that** Association" president. That is a smoking gun that from 1979 to the present – 36 years later “**that** Association” no longer exists. The requirement to maintain the UD's was for three years and the County considered it fulfilled to the tune of releasing the \$150,000. bond three years from the date of the mutual promises. [Entry 193367](#)

Another search of the recorded Silver Springs 1A plat [Entry 157619](#) shows the *Legend* stating "8' wide non-exclusive utilities and drainage easement along all side lot and back lot lines as shown.....Lots grant 30' easements for interior roadway on which they abut. Lot dimension are to center of roadway." When you look at the plat and apply this information it is evident that there is no undeeded ground, no common areas. **The entire recorded plat is private homeowner property.**

The County Commissioners have already stated that it would be foolhardy to get involved by placing the under drains under the auspices of the HOA or the County. See Summit County Commission Minutes on this topic at:

<http://www.silverspringscommunity.com/utilities/water/underdrain-system/>

Submitted for inclusion as a correction to the August 5, 2014 SSSFHOA Minutes.  
By: Lucy Archer on September 2, 2014.