September 2, 2014 STATUS OF GROUND WATER REMOVAL SYSTEM (UNDERDRAINS/FRENCH DRAINS)  
 IN SILVER SPRINGS

WHERE IT IS — 8’-10’ under the ground surface  
 -- on incomplete design maps for SS East (SF Phase 1A and 1B)  
 -- **design maps show 69 lots w/ UD along front of lot**  
 -- 17 lots w/ UD along the side easement  
 -- 12 lots w/UD along the back easement  
 -- 10 lots w/ UD on two sides of lot  
 -- **88 lots with no UD**  
 -- at least one lot with UD down the middle of Lot 36, others?  
 -- Ownership of the UD was assigned to S.S.D, Inc. Developer Association.  
  
WHERE IT IS NOT – The UDs are not on our subdivision recorded plat maps.  
 The UDs are not shown in the easements with the other utilities.  
 The UDs are not dedicated to the County nor to any HOA.  
 UDs are not included in any other subdivision in Summit County.   
 UDs or underdrain easements not in any SS**SF**HOA recorded docs.

WHAT IS IN THE EASEMENTS - Entry 190498, CCRs Article IX Easements, Secton 3:  
Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded tract plat and over the rear and side five feet of each lot.” Restricted uses of the five feet are listed, no use allowed “which may change the direction of flow through drainage channels in the easements or which may obstruct or retard the flow of water through the drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot.” Thirty-four lots have drainage channels. Five others are in close proximity.   
<http://www.silverspringscommunity.com/waterways/streams/> [Main Menu= Drainage Channels]

WHAT IS THE UNDERGROUND WATER SITUATION IN SILVER SPRINGS SINGLE FAMILY SUBDIVISION-  
In the late 1880’s the streams converged in the area of what is now Silver Springs Drive and Highway |224. Snyder’s sawmill and his flour mill were powered by water wheels turned by the energy of the |flowing water. The 1974 developers purchased 857 acres from P.I.C. that included high subsurface |ground water and a number of streams (White Pine, Spring Creek, Silver Creek) whose flow has been |diminished by development of upper elevation construction and by harnessing the streams inside concrete viaducts.

|During the process of issuing easements and building permits Summit County required Silver Springs |Development, Inc. president Vern C. Hardman to issue and record (Entry 157606 on July 6, 1979) a |“Special Notice” to all builders and lot buyers instructing them to use good design practices that |remediate the existing high subsurface water. Hardman was to design and install an underground |drainage system in Silver Springs East residential Phase 1A, Lots 1-64.   
|Development Subdivisions known as Silver Springs East (Entry 193368). In the Duties and Powers of the |S.S.D., Inc. Association, he provided **that** Association own, maintain, manage the common areas and all |the improvements, including private streets, street fixtures, underdrain system, and all other acquired |property. On the same day, Ray Fry, a builder, recorded an Agreement (Entry 193367) with the County |stating that he had the authority on behalf of **that SSD, Inc. Association** to acknowledge and **agree that |Association is and shall be solely responsible for maintaining the underdrain system in all of the |Silver Springs [East] Subdivision Phases.** The County then agreed to and released to Fry the remaining |$150,000 bond held by American Savings which represented the portion of the bond designated for |completion of the underdrain system in Phases 1A and 1B.

July 3, 1979 Commissioners agreement with S.D.D., Inc. Section (2.a) If any of the drains fail within 3 years the developers will fix them at their expense. The Summit County Development permit system stipulated at that time that maintenance be required for a period of one to three years depending on various designators and infrastructures. These time periods continue in the new 1985 County Code, Snyderville Basin Development Code, and the subsequent revisions.

In mid-1982 Alta Title recorded an Amendment and plat (Entry 194710 and Entry 194711) annexing Lots 174-185 Phase 1D to become subject to the original and subsequent Silver Springs Developers CCRs. **This Phase 1D containing Lots 174-185 became a part of NorthShore** subdivision, one of eleven Parcels purchased by Barnes-Widdows-Spieker. **Underdrain construction was not a requirement by the County for any of the other Silver Springs East parcels or new subdivisions (Northshore, Southshore, Park Place.** Not required for Willow Creek, Ranch Place, Snyder’s Mill, etc.).

In 1985, Vern C. Hardman, developer of Silver Springs East called together the first house residents of the Silver Springs Subdivision to form a separate homeowners association. Newly formed association’s new documents do not mention under drains system.

In 1989, the County required SSE buyers and developers, Barnes-Widdows-Spieker, to form the Silver Springs Master Association to take over all of the developers responsibilities in SSE. Bankrupt seller American Savings & Loan’s parcel map shows parcels throughout the 857 acres of Silver Springs East.

1990, the Silver Springs Subdivision[East] Master Association was incorporated as the Silver Springs Master Homeowners Association to hold title, manage, maintain all of SSE common recreational areas for the (500+) housing units. The name “Silver Springs Homeowners’ Association” is yielded by house subdivision to the Master Association and becomes known as the Silver Springs Single Family Association.

1991, Declaration of CCRs for Southshore at Silver Springs Subdivision Plat A is recorded Entry 347495. Articles VIII and IX are identical to the 1979 CCRs for SS Development Subdivisions Entry 157620. (Pages are out of order on County website.)

1994, the Silver Springs Single Family Homeowners’ Association revises CCRs and Arch Rules. BOT does not include any mention of the under drain system.

2007, retired engineer on East Meadows Drive, lost a second water heater in his crawlspace to rust. Decides to undertake the project to remedy his problem. He collects anecdotal evidence of random high water problems in a handful of neighbor lots. Assists in drainage channel clean-up.

A number of attorneys (Hobbs, Smith, Barnes, Rosing, more?) provide inconclusive opinions and advice.

2013, the hobby is out of control; UD proponents vote not to disclose information to homeowners; HOA is funding rooting without Membership knowledge or information or vote. Commercial Roto Rooter clears some isolated drain blockages that reduce or end crawlspace water (owner responsibility; sump pumps); large expenditures by BOT’s for “discovery” is entertained.

2014, new BOT is more transparent and seeks confirmation of responsibility.

HOW SERIOUS IS THE GROUND WATER – fewer than a dozen homes have had a problem out of 188 lots over a period of thirty-six years.

**IS THE “DRAINING” FUNCTION OF UNDERDRAINS SYSTEM DESIREABLE** –

* Read “Disadvantages to Subsurface Drainage”
* UD is equally a relegated past issue and an engineering system
* Existence of high ground water is lessening due to developments up the mountain.
* Mountain Regional Water rates are increasing annually for the most expensive water in the second driest state.

THE SKY IS FALLING

* Liability for ?
* High potential for future system related problems?
* If homeowner doesn’t want to fix property problem the HOA should do it for them.
* Pursue UD system ownership…..Why?
* Do repairs without informing Members or receiving their vote.