

BOARD OF COMMISSIONERS



Established in 1854

Bob Richer-Chair
Sally Elliott
Ken Woolstenhulme

April 6, 2005

Anthony Sands
President
Silver Springs HOA
1403 W. Quail Meadows Rd.
Park City, Utah 84098

Re: Drainage System

Dear Mr. Sands:

Thank you for taking the time to send your concerns regarding the "underdrain" system within the Silver Springs development to the Summit County Board of Commissioners.

We have discussed this issue in detail with our staff and understand your concerns. In July of 1979, the then sitting County Commission had the same concerns over the high water table. In fact, the Commission was concerned enough to suggest that the County be indemnified by the developer for any water problems originating from the underdrain system. The County wanted no misunderstandings at that time that the County was not assuming responsibility for the underdrain system. It is general practice for the County to assume dedication of stormwater drainage systems. However, an underdrain system has never been accepted by the County for maintenance and liability. In 1985, the then attorney for the Silver Springs HOA was similarly informed that the underdrain system was the responsibility of the HOA. In our opinion, it would send a dangerous precedent for the County to begin assuming liability for these types of private drainage systems.

By letter dated December 28, 2004, our attorney informed Mr. Smith that the underdrain system had not been dedicated to Summit County and that our policy was not to maintain such types of private drainage systems. The Commission agrees with the position of the County Attorney.

Although the Commission understands the valid concerns of the HOA, we cannot in good conscience agree to taking over ownership in or maintenance of the underdrain system.

Sincerely,


Robert Richer, Chairman


Sally Elliott, Commissioner


Ken Woolstenhulme, Commissioner