

## Notes for meeting after the adjournment of the July 16, 2008 board meeting.

- **UnderDrain System:** Bill Noland stayed to answer Board questions regarding the underdrain system. Sue Pollard, Clay Archer, Lucy Archer, Lyn Cier remained until 9:30 p.m. to review Bill's findings. Bill has learned much about French drains, drainage, water issues, location of pipes and caps, wells, and many other like subjects. Sue stated that she was sorry that five or six homeowners in Silver Springs out of 188, were having seasonal high water issues, mostly in recent years, but she felt that did not justify tearing up fences, trees, landscaping, other private property to find the underdrains and repair them. The group agreed this could really get out of control and Silver Springs could become stigmatized. Clay said that the system had been put in the ground in 1978 or 1979 and had been completely abandoned for thirty years. Though the system may still be healthy in some areas it may be mostly absorbed by nature in other areas. Bill said that the drainage routes, ground table levels, and run-off were evidently changing as construction at the Canyons and other areas changed and snowfall fluctuated. He is finding that plats of underground systems and ground truth location of these systems are not always in sync. We agreed that recorded documents and the lack of verbiage on the recorded plats place the responsibility on the individual owners for surface water and easement issues.

We agreed that it would be better for five or six owners to buy sump pumps than to get into what might become a multi-million dollar tear up of the neighborhood. For sure the damage to trees, property, subdivision reputation, would greatly exceed the expected benefits.

There is also a [1982 recorded Agreement Between Ray Fry and Summit County](#). This agreement is binding on successors but there is a question whether our 1985 re-organized HOA is considered a successor of Ray Fry the Developer and Ray Fry the HOA President entering an obligation for future Homeowners. We agreed all succeeding and present recorded CCRs do not mention the underdrain system therefore making the 1982 agreement forfeit.

Somewhere else [add here] there is a recorded section stating that all utilities and easements within a property owners lot are the sole responsibility of the individual homeowner. This would include the abandoned underdrain system.

However, no other recorded documents mention the underdrain system or who is responsible for it. There is also a repeal by unanimous vote of the Home Owners on [October 14, 1985](#). See Entry 244975 Book M370 Pages 267-275. [“All Declarations relating to the Silver Springs Development Subdivisions were repealed.”](#) Which intends to remove the 1982 Developer agreement with Summit County from any liability from the Homeowners or their Association.

Sue voiced her concern that if Bill has a personal interest in the underdrain system (water in his crawlspace and replaced two water heaters) and he is the one presenting the issue to the Board's legal counsel, then that could be interpreted as a conflict of interest when Bill and counsel then advise the Board on defining the Board's responsibility for the underdrain system. We all agreed that someone else on the Board needed to contact Lincoln to give him another Board member perspective.

At the end of the meeting Board members left concerned that more damage could be done than was advisable and that the handful of property owners that were having seasonal high water needed to deal with it on an individual basis.