



## Silver Springs Master HOA February 2010 NEWSLETTER

\*\*\*\*\*

**Feb 9, 2010**

### **MHOA Annual General Membership meeting - Outcome Facts and Ideas:**

1. Noland and Mooney reported that the costs to maintain the ponds will always be increasing. The reason: Liability insurance, chemicals, sterile grass carp, leeches, maintenance of dams, aerators, and deposits of phosphates, and other deposits by the inlet streams; and management costs to deal with all of it. [This year the proposed MHOA assessment increased more than 200%. See MHOA Bylaws Article III Section 5A.](#) All capital improvement assessments must receive 66 2/3% vote by the General Members.

2. Three condo subdivisions have relinquished participation in the Master Association: Ptarmigan, The Springs, and Quail Meadows II (who never was officially a member). There are also 4 houses on Quail Meadow Road who are not part of the MHOA. The MA charter documents do not address how MA Membership is achieved or relinquished.

3. In 2004 before the man-made ponds were [transferred](#) through the

efforts of lake front owners Eric Fraleigh and Les Carriel with the help of Commissioner Bob Richer. MHOA 2004 board president Anthony Sands signed the transfer contract from Mountain Regional Water to the MHOA, without General Member vote approval. Prior to this agreement there were 12 member subdivisions and the annual assessment was \$75 per residential unit. In 2009 there were 10 member subdivisions and the annual MHOA assessment was \$175. In 2010 the MA added a capital improvement assessment for \$182 totally up to \$357 for the MA annual dues.

4. Some lake view owners compare Member access to the old argument that everyone has to pay taxes for schools whether they have children enrolled or not. That is a “public good” scenario, and if you do gain children, your own, grandkids, foster care, student exchange, adopted, they are eligible to attend the schools. In regard to the pond/lakes, a private property issue, no matter how much you pay in assessments it is unlikely you will gain more access than you and your children have now.

To put it another way, paying taxes/assessments gives you something in return; school taxes give you an educated populace and potential for enrollment. MHOA lake assessments do not give you equal access and use of these man-made “Common Area” water amenities, though originally they were to be maintained for all residential unit Association Members use.

5. The ponds/lakes include [Exclusive “Private Enjoyment Easements”](#) for 54 pond/lake view lot owners, thereby excluding the majority of MHOA Members from use or access except along the Park’s 443’ frontage. The remaining 450 non-lake view owners are excluded from full access or use; yet carry the brunt of the cost.

[Berm Parcel R](#) could be developed as a lake access on the west side of the large lake. The MA built a locked gate in October 2009 to the most likely and safest access to this area through Park Place Court. See maps and photos on above link.

However, part of that berm area belongs to Mountain Regional for a well with a 100’ circumference restriction on the peninsula.

There is also [Parcel J](#) which may be useable as a fenced in dog park.

**6.** The 54 pond/lake view owners are very active at MHOA gatherings and meetings, making sure the ponds projects they so diligently work on, and are protective of, are financed by the General Members, while simultaneously asserting their rights of almost exclusive access and use. This situation is very divisive and unbalanced.

**7.** The [Little Pond/Lake](#) is entirely surrounded by 25 homes that have an exclusive “Private Enjoyment Easement” as a part of their pond/lake view lot ownership, see 1991 plat map. The Little Pond/Lake is pretty much cut and dry---it is possible to transfer the deed from the MHOA to the 25 South Shore homeowners.

**8.** The [Large Pond/Lake](#) was off-loaded by Mountain Regional to the MHOA, without Association Member vote or consent. No entity wanted this reservoir of ever enlarging problems. It was accepted based on the thinking that at least the MHOA would have control of the land and how it was used. At nearly every meeting since 1982, when the Large Pond/Lake is discussed members have suggested this man-made pond be drained, again, and made into a 20 acre Park, with streams, and playing fields for use by all the 512 residential unit owners in our Silver Springs Community. Ongoing costs for this Park transformation should not be as unwieldy as the costs of keeping this MHOA land, filled with Summit County Mountain Regional water. Some of the lake view owners have exaggerated the cost of this conversion and its maintenance. Also the conversion would lessen the ill-feelings and great debate in our Community, and provide fair access of this Common Area by

opening these twenty acres to use by all Community Members. It, at last, would be accessible to all the Community residents.

**9.** Transforming the pond/lake parcel into a Park would allow us to include the other adjoining parcels, those being the North Berm-trail, the west peninsula and Parcel J (for a dog park?), as well as the [existing 2-acre Park](#) and inlet parcels [P](#) and [Q](#).

**10.** Converting the Large Pond/Lake into a Community Park would greatly diminish the number of pond chemicals, and the escape of the new, potentially 4’-6, grass carp from being sent downstream to Swaner Nature Preserve. A Park would also eliminate the alarmist “threat” of dam leakage or breakage liability. No more concern for North Shore over an inundation plain and flood insurance. No more stinky pond smell.

**11.** Another topic: The MHOA board does little of their own work. Currently none of the board members have agreed to serve as board secretary. [The MHOA board president is an unelected volunteer \(link Item 1, 3\)](#). During most years the V.P. and Treasurer have been figureheads only. Read [Bylaws](#). The board hired a manager without a contract and without General Member vote. The MHOA records are to be in the secretary’s charge. The Treasurer is to have all financial records, but does not. These records, kept by the manager, have never been audited since 1990. “This is not implying criticism of anyone but only an interest in fostering transparency and accuracy for all association financial transactions.”

**12.** Getting any information from the manager is a difficult and lengthy procedure. The [2010 Budget](#) includes a 58% raise for the MHOA manager though her duties have not changed. Additionally, her mow and spray company receives a monthly stipend of around \$1,100 to mow a total of 2.7 acres and [additional pay](#) for “Miscellaneous” work she “manages” to have them do, like the [disastrous pruning](#) of our Park trees last August.

**13.** The MHOA’s sole responsibility is for the maintenance of the Common Areas, aka ponds/lakes and parks. The [Tennis Court Park](#), 0.67 acres, has two deeded parts. One part deeded in 1989 from Willowbend East to the MHOA. The other tennis court is shown in a [recorded Section map](#) as belonging to Meadow Wild Phase 1. The 1980-1987 deed stems from [Meadow Wild Condos](#) as the early phase of [Meadow Springs](#). In 2005 the MA paid \$70,000 for the repair of both tennis courts, though they only own one of them. Meadow Springs/Meadow Wild do not additionally contribute to the repairs and maintenance of the court they own.

**14. THOUGHT:** The Condo-Single Family MHOA was established, according to 1980’s correspondence, as a requirement from Summit County to the Developer of SouthShore, to be documented at his expense, to provide a means of communication and revenue. The communication has been minimal; the expense to the resident unit owners has been lop-sided at best. It is possible the Condo-Townhome owners form their own HOA, centered around the Tennis Court parcel. The Single Family subdivisions could decide whether their individual HOA’s could return to managing the Large Pond/Lake/Park contiguous to the SF subdivisions without the [\\$200,000+ annual cost of a MHOA](#). The SSSFHOA CCRs still include language giving the SSSF authority to manage the Common Areas.

