

## April 8 SSSFHOA Board letter regarding underdrain system

Apr 8, 2013

From: Lucy Archer <lucya0104@gmail.com>

To Dwight Hibdon <[Dwighthibdon@gmail.com](mailto:Dwighthibdon@gmail.com)> SSSF Board President

Hello Dwight,

I am writing this email as a follow up to the call I made to you today regarding the aforementioned letter. [The sentence in the first paragraph of this recent board letter is incorrect, "The Silver Springs Homeowner's Association is responsible for maintaining the system." Summit County would like the board to feel responsible for the underdrains when in fact it is the County itself who negligently passed on a system that was never completed by the contractor, and never accepted by the 1985 newly re-formed resident operated Silver Springs HOA.]

I have been very concerned regarding the selective, incomplete, and incorrect information that is periodically disseminated to the SSSF property owners since 2008. I find that the whole story and implications of the existence and abandonment of the French drains or underdrain system within the Silver Springs Single Family subdivision are not being fully disclosed to the property owners by the SSSFHOA Board.

I was a founding member of the Silver Springs Single Family subdivision HOA in 1984, a mistake that will haunt me forever. I placed a large amount of information on a website addressed as <http://www.silverspringshoa.org> and then I was forced to change the address to [www.silverspringscommunity.com](http://www.silverspringscommunity.com). This second address remains active to this date.

This S.S. community website includes all the information I have been able to gather regarding the underdrain system and posted it at <http://www.silverspringscommunity.com/utilities/water/underdrain-system/>. I have requested correspondence and new information regarding work pursued by Bill Noland in his effort to reestablish a system that was abandoned by the majority vote of the property owners in 1985 and 1994. The emails and requests for dialog I have sent to Bill Noland and the past boards have been completely ignored.

The SSSFHOA documents support my assertion that the SSSF board are working against the wishes of the property owners and their advisers for the benefit of a very few (5?) property owners who have artesian spring, high seasonal water table, or springs run-off on their respective lots. What many of the SSSF property owners have not missed noticing is that the handful of property owners with these water issues have been the ones who have had the board working to alleviate issues that are individual property issues rather than subdivision or HOA issues. Of the 14 or 17 subdivisions in this community SSSF is the only one that has an underdrain system, a system that was abandoned by the

vote of the property owners, when the subdivision HOA CCRs were written and recorded, by the overwhelming majority of the SSSF property owners in 1985 and 1994.

I surmise that the county has been led to believe that this subdivision cannot function without the underdrain system; that has been proven incorrect. When the underdrain was designed (c. 1977) the area was much different. Now we are in the 8th or 9th year of "drought", recent water collection systems are in place: storm drains, drainage ditches, retention ponds, man-made ponds (lakes), sewer lines, and an uphill development of thousands of houses and businesses that now have diminished the waterflow to such an extent that many of our community streams are running dry almost year round. The three major streams of the earlier era are now contained in underground concrete viaducts.

What the past boards have not disclosed to the whole of the property owners is that the property owners 1985 and 1994 vote to abandon the underdrain system has been ignored and disenfranchised for the benefit of those who want the HOA to pay for reparations for the natural conditions on their personal property.

<http://www.silverspringscommunity.com/wp-content/uploads/document-history-per-underdrains.pdf>

There are valid and legitimate concerns against the retrenching of a defunct 30+ year-old underdrain system. If you read the underdrain page you will read several reasons why this systems creates more problems than solutions.

- The underdrain system is superfluous for the majority of property owners.
- The underdrain system was never completed, is outdated and defunct for the most part.
- The underdrain system removes, leaches, and percolates lawn and landscape purchased water away from these beneficial plants.
- The underdrain system endangers the presence of established trees and landscaping growing on what has been considered since 1985 as a defunct and abandoned system.
- The cost of landscape water in our community has been reported as the most costly in the state of Utah, yet this water is being removed by this underdrain system.
- The process of roto-rooting to locate "plugged" sections of the underdrain on private property includes damage and destruction of property owner driveways, fences, trees, landscaping, patios, storage sheds, play areas, etc., anything in the way of the abandoned and defunct unfinished alleged "system". This has been and would continue to be undertaken in the pursuit of relief to a few properties who could find relief by the use of a sump pump on their own property.

More to come,

Lucy Archer

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April 8 SSSFHOA Board letter regarding underdrain system

Second email on Apr 8, 2013

From: Lucy Archer <lucya0104@gmail.com>

To Dwight Hibdon <[Dwighthibdon@gmail.com](mailto:Dwighthibdon@gmail.com)> SSSF Board President

<http://www.silverspringscommunity.com/wp-content/uploads/document-history-per-underdrains.pdf>

Hello again Dwight,

I am glad we found the line in the October 1985 Declaration of CCR's that stated that all the previous Declaration of CCRs that had been recorded by the developer up to 1985 were repealed at the September 1985 First Organizational Meeting of the SSSF HOA.

**"All [prior] Declarations relating to the Silver Springs Development Subdivisions were repealed."**

In a meeting at Bill Ligety's house on September 4, 1985 [See link: <http://www.silverspringscommunity.com/wp-content/uploads/1985-sept-4.pdf> ] The following paragraph is found at the bottom of the first page and continues to page 2: **"We determined that we need Don [Winder, HOA attorney] to file a retraction concerning the underdrain system stating that we are not responsible for it, if we have a problem we could sue Summit County for releasing the \$150,000 bond without inspecting actual completion and function of the supposed underdrain system."** The result was that the underdrain system was removed from all subsequent SSSFHOA CCRs – recorded prior to the September 1985 organization.

["There was a meeting with county commissioner Tom Flinders and a committee for this purpose on September 5, 1985 at 7 pm at the Redpine Condos Clubhouse."]

This link lists documents that inform us that a homeowner steering committee was formed in September 1985 to establish the Silver Springs Homeowners Association, any documents recorded by the developer prior to this establishment are no longer valid or in force. <http://www.silverspringscommunity.com/wp-content/uploads/1985-minutes-etc.pdf>

Dwight, the HOA President's Message letter received today lists committees which are in need of volunteers. I will volunteer to be on the Underdrain Committee in search of who and why this 30+ yr abandoned and defunct system has been unceremoniously dredged up and placed on the shoulders of the SSSF property owners without notification nor their consent, especially when the underdrain system was repealed and abandoned by the property owners at the inception of our HOA, and again in 1994 when the CCRs were revised, and when the underdrain is a detriment to the trees and landscape of our neighborhood. One of the best attributes of our community are the trees and maturing

landscape, the letter we received today left me feeling like board plans will destroy our best features.

I wish I had more meeting minutes from the early years. I know I typed them up however when I left office I gave them to my successor, as officers changed over the years much of the early information was lost. I am lucky to have the records that I have. I have posted these for all board officers and property owners to access and refer to at <http://www.silverspringscommunity.com/our-community/silver-springs-sf/bd-mtg-min/>

Best regards,

Lucy Archer

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April 8 SSSFHOA Board letter regarding underdrain system

Apr 10, 2013

Lucy Archer <lucya0104@gmail.com>

To Dwight Hibdon <[Dwighthibdon@gmail.com](mailto:Dwighthibdon@gmail.com)> SSSF Board President

<http://www.silverspringscommunity.com/wp-content/uploads/document-history-per-underdrains.pdf>

Dwight,

I did not finish a number of my thoughts when we were talking on the telephone.

One important event occurred in 1994 under SSSFHOA Board President Fred Stayrook. This board undertook the task for bringing up-to-date the CCRs for our subdivision. I have copies of many draft versions they produced, and I gave copies of all of them to Bill Noland. The work was tedious and required months of consideration by the board trustees and their attorney. One draft version considered including the underdrain system in the new revised CCRs. However, when the board reviewed the history of the unfinished and abandoned underdrains and the advise from attorney Don Winder that taking responsibility for these underdrains would put the property owners and board in jeopardy of possible lawsuits and costly responsibility and liability for something the County failed to oversee and then refunded the bond money to the developer though the system was incomplete; and also the fact that at the inception of the HOA in 1985 the parties closest to the situation had voted against including the abandoned underdrains in the resident owners revised CCRs, Stayrook and his board decided the liability was too great, benefited too few, and then did not include the underdrains in the updated 1994 version of the SSSFHOA CCRs. The final twenty pages of the 1994 CCRs were then

condensed to six pages when they were recorded. Both versions are on the <http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/index-hoa-docs/>

The twenty page version is at <http://www.silverspringscommunity.com/wp-content/uploads/covenants.PDF>

My view is that the only property owners who are insisting on the HOA taking responsibility for the underdrains are the owners who want the HOA to pay for issues on their personal lots. These few individuals are taking the County's side (for their personal benefit) in stating that the HOA "should" be responsible, when in fact the County can be shown to have been negligent in not requiring the developer to complete the system before returning his \$150,000 bond. After the County returned the bond to the contractor the underdrain system and the irrigation system were never completed and were abandoned around 1979-1980. Since that time our community has completed the lakes/ponds, drainage ditches, retention ponds, streams and inlets and outlets, and have storm drains throughout the area, etc.

The major and damaging function of the underdrains at this point is that they leech away our landscaping water, threaten our valuable trees with stressful drying conditions and drought, and dries out the costly water we irrigate our lawns, gardens, and landscaping.

I am again answering the board's request for a volunteer to head the underdrain system committee. In this way I expect to gain access to all the underdrain information gathered at HOA expense, that has been held undisclosed by an unelected homeowner, and to explain and provide ALL the information regarding this community liability to all the HOA property owners. The proponent of the underdrain system has ignored my requests for information, correspondence, and his engineering reports. I can only surmise that these recent reports cannot support the HOA involvement with the underdrain system. Therefore, I have addressed this situation from the point of view of a former SSSFHOA trustee, secretary, and record keeper since 1982, as well as a proponent for the rights of all the SSSFHOA property owners to have access to this information.

Sincerely,

Lucy Archer

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From Dwight Hibdon <[Dwighthibdon@gmail.com](mailto:Dwighthibdon@gmail.com)> SSSF Board  
President

Apr 10,  
2013

to me, Lucy Archer

Thanks, I pass this on.

Dwight -----Sent from my iPad