

Document History on the Underdrain System

Within Silver Springs Subdivision

<http://www.silverspringscommunity.com/our-community/silver-springs-sf/hoa-docs/index-hoa-docs/>

1979 July 11 - Escrow Fund Agreement for Improvements to Silver Springs Phase 1A. Entry 157609 Book M137 Pages 81-86 . Signed by Vern C. Hardman (developer), Bill Wallin (Summit County Commissioner), Robert L. Ford (American Savings & Loan Association). Agreement between S.S.D., Inc. and Summit County, a political subdivision of the State of Utah. Escrow agreement and obligations of S.S.D., Inc. to complete within twenty-four months those improvements, Excavations, and other construction specifically described in Exhibit A which include roads, curb & gutter, sidewalk, water mains, fire hydrants, **underdrains**, storm drains, sewer lateral etc., street signs and lights, staking, etc. Funds to be held in "Trust Account of Silver Springs Development." by American Savings and Loan Association of SLC. Utah.

1982, June 25 -- [Agreement Between Ray Fry and Summit County](#) Entry 193367 Book M225 Pages 191-193. Signed by Raymond D. Fry (Pres. RDF, Inc.) and Bill Wallin (Chairman Summit County Commission).

1. Responsibility. Association hereby acknowledges and agrees that Association is and shall be solely responsible for maintaining the **underdrain** system in Silver Springs Subdivision Phases 1A and 1B, and such future phases of such subdivision as may be approved by County hereafter. 2. Amendment to Covenants. Developer agrees to amend the Declaration of Covenants, Conditions and Restrictions of Silver Springs Development Subdivision to clarify the responsibility for maintaining the **underdrain** system. Developer further agrees that any similar Declaration of Covenants, Conditions and Restrictions filed for future Phases will clearly provide that Association is responsible for maintaining the **underdrain** system. 3. Release. Subject to any other conditions of such bond, County hereby agrees to release \$150,000.00—of the escrow being held by American Savings & Loan Association, which represents that portion of the bond designated for completion of the **underdrain** system in Phases 1A and 1B.

1982, June 25 -- [Amendment to the Amended Declaration](#). Entry 193368 Book M 225 Pages 194-197 Signed only by James V. Cretani, of Alta Title Company.

Adds the three words "the **underdrain** system" to Article VIII Duties and Powers of the Association. Section 1 (a). Own, and/or maintain and otherwise manage all of the *common areas* and all facilities, improvements and landscaping *thereon*, including but not limited to the private streets and street fixtures, and the **underdrain** system, and all other property acquired by the Association. [Repealed on Oct 14, 1985]

Approval by a majority of HOA members was neither solicited, nor gained as the developer had the majority of the votes. This amendment was recorded on the same day as the above Agreement.

1985, October 14 - Columbus Day - [Amended Declaration of CC&Rs](#). Entry 244975 Book M370 Pages 267-275. Signed by Silver Springs Board of Trustees: Bill Ligety, Dale Boschetto, Ron Kobler, Lucy Murphy (Archer), Fred Wasilewski, Gregory Vinson, Elmer "Buz" Sandberg.

This Amended Declaration revises wording within the Amended Declaration of 04/15/1982. and states that: "All [former] Declarations relating to the Silver Springs Development Subdivision were repealed" at this meeting and approved by a majority of the association members. **All references and responsibilities for the underdrain system were therefore repealed. The 1978 underdrain system and irrigation system were abandoned by a majority vote of the Association.** The Subdivision has a storm drain system, sewer system, and ditches as conduits used to collect seasonal flowing water and snow melt. CCRs state that each individual homeowner is responsible for their own irrigation and anything within their property lines and easements.

1994, November 17 - [1994 Silver Springs SF CCR's](#) Entry # 419440, Book M851, Pages 334-339

During 1993-1994 written responsibility for underdrain system "maintenance" was worked out by the presiding board in various CCRs draft documents referencing the underdrain then again removing any reference to the underdrain system. The ending document that was approved by a majority of Association Members at the Annual Meeting and recorded on November 17, 1994 as Entry # 419440, Book M851, Pages 334-339, without a reference to any responsibility to an underdrain system by the Association, supporting the 1985 Association vote to abandon the system. No subsequent HOA documents include any reference to the underdrain system, which has been abandoned by the Association as defunct, and we imagine the system has for a great part returned to nature.

THE ASSOCIATION MEMBERS AND BOARD HAVE TWICE BEFORE STUDIED THE RAMIFICATIONS OF THE UNDERDRAIN SYSTEM AND FOUND THEM TO BE DAMAGING TO THE NEIGHBORHOOD AND THE RIGHTS OF INDIVIDUAL PROPERTY OWNERS.

2009, October 12 – Annual Association Meeting.

The usurper members of the SSSFHOA 2009 board had an opportunity to include the underdrain system on the ballot and obtain a vote by the Association Members to re-establish this defunct system. The board did not bring this issue to a vote before the Members and have instead allocated over \$5,000 to roto-drill the 1982 system, therefore, overriding the votes and will of the Association Members, and intruding on private property.