

FMW Pond History and Purpose

A discussion was held with a representative of the City of Springfield, Department of Public Works regarding the pond in Fox Meadows West. Key points from that discussion are as follows:

1. Creating a pond was required by the City of Springfield as part of the initial approval of the development of the subdivision. The developer (Stelle Development Co.) ensured compliance with this requirement.
2. The pond's primary purpose is to serve as a rainwater detention basin for the entire subdivision.
3. Surface water from all properties, streets, and easements in Fox Meadows West feeds to the pond via City owned infrastructure.
 - a. On the north part of Fox Meadows West (including Grey Stone, Blue Stone, Silverstone, two houses on Lindsay and the portion of Interlacken north of Greenbriar), water follows surface drainage ditches or depressions along backyard property lines to drainage tiles that move the water to the pond.
 - b. On the south part of Fox Meadows West (including Aaron Ct., Amber Ct., Argonne, Charlack, Connie, Lillian, Madeline Ct., Wydown, and the portion of Interlacken south of Greenbriar) water flows into the system from street drainage openings. This surface water also flows to the pond.
4. The pond has five drainage inlets feeding surface water into the pond and one overflow drain to ensure the pond does not overflow during heavy periods of rainfall.
5. Surface water from all properties and streets bordering Fox Meadows West that are part of the original Fox Meadows subdivision (Warson, Greenbriar, Huntleigh and Lindsay except as noted above), as well as Interlacken north of Silverstone are on an infrastructure system that is separate from the system serving Fox Meadows West.

While the Association has approved limited recreational use of the pond for members and guests, the fundamental purpose of the pond is to accommodate surface water from the entire subdivision. Accordingly, the Association has a responsibility to maintain the pond to ensure it remains functional and in compliance with City requirements. This includes ensuring the shoreline does not erode and encroach on individual properties, that the water does not become overwhelmed by weeds, pond scum, or algae, and that there are no obstructions interfering with the waterflow as it enters and exits the pond. The Association works with pond management vendors to accomplish these objectives and has installed two underwater aerators to maintain appropriate oxygen levels below the surface and one fountain to assist with surface aeration during the warmer months.

The Association also ensures all homeowners who border the pond fulfill their responsibilities as set forth in the Covenants. Specifically, Article VIII, Section 23 stipulates “Each lot owner with lots fronting on the retention pond shall maintain the area of ground between their rear lot line and the pond edge, defined by an extension of their side yard lines to the edge of the pond.” No other property owner in Fox Meadows West is personally responsible for maintaining any property, fence, easement, or landscaping outside their property lines. The Association Board and Officers have taken this into consideration when establishing dues and has not assessed a premium for members living on the pond perimeter.

While there is no clear definition of “pond edge” in the covenants or by-laws, the Association has historically and consistently treated the “pond edge” as being marked by the top border of the rip rap that was put around the pond by the Association to maintain the integrity of the pond perimeter. This entire area (the pond itself and land between the water and homeowner property lines), is identified as Lot 1001 on the official plat of the subdivision. Both Lot 1001 and Lot 1002 (an area on the east side of the pond also designated on the official plat) remain owned by Stelle Development Co. The Covenants specifically stipulate “Owners of lots 36 and 37 shall maintain lot 1002 to the center line of lot 1002 adjoining the side lot line of each lot.”

It is, therefore, the position of the Association that maintenance of Lot 1001, except for responsibilities specifically placed with homeowners in the Covenants, is the responsibility of the Association.