

MEMORANDUM

DATE: August 31, 2022

FROM: Fox Meadows West Board of Directors and Officers

RE: Surface and Sump Drainage

Over the last several years we have seen unusual rain patterns resulting in more rain coming down in shorter periods of time. Just recently we had more than ten inches of rain over a three-day period. Unfortunately, these rain events are coming more frequently. These occurrences have strained our surface water drainage swales and exposed potential problem areas in our subdivision. As a result, potential issues have also been raised about our sump tile system. These problem areas are a concern for both our individual homeowners and the Association as a whole. We are trying to address these concerns in a manner that is both responsive to the homeowner and responsible for the Association.

There are several factors impacting the surface drainage and sump tile concerns, including, but not limited to:

1. Surface drainage elevations were established when the plat for the subdivision was approved have been changed during construction or in later landscaping of lots without appropriate authorization.
2. Trees and other landscaping have been planted in or next to the drainage easements, affecting the flow of surface water to City storm sewer drains by causing heaving of the surface of the easement or lawn. This acts as a dam for surface waters and the extensive root systems can invade or compromise the sump tiles clogging them.
3. Sump connections to the Associations sump tile were not done properly, thus compromising sump discharges.
4. Downspouts have been improperly connected to the Association sump tile.
5. The age of our infrastructure could potentially result in compromised sections of the Associations sump tile or the homeowner's line running through the sump pump.

Among the challenges we face are determining the underlying cause of the specific problem in each location, finding an appropriate solution to the problem and assigning the responsibility for the remediation. Article VIII, Sections 19-21 of the Association covenants gives guidance on these issues as follows:

Section 19. Easements. Drainage in a designated "Easement" area shall not be blocked or impaired, either intentionally or by negligent maintenance on any Lot or Lots. Drainage swales shall not be filled with excavation materials.

Section 20. Sump Pump Discharges. Each Lot is served by a sump pump drainpipe located in the rear lot drainage easement that is owned and maintained by the Association. Each basement sump pump shall be connected to the drainpipe by a licensed plumber, and only the sump pump may be so connected. No other drain of any type may be connected to this drain.

Section 21. Lot Contours. No owner of any Lot shall change, or allow to be changed the contours of such Lot, without the express consent of the Architectural Control Committee. Each Lot owner shall maintain rear lot drainage swales at grades established during the original subdivision construction. Fences, gardens, structures, or other features that obstruct drainage through the easements are prohibited. Established grades that are disturbed by construction or other activities shall be restored. Drainage monuments are installed at a maximum interval of 300 feet for use in reestablishing grades.

The Board believes these provisions are clear in establishing responsibility for remediations that become necessary to resolve problems with our drainage infrastructure. What is not as easily determinable with respect to the sump discharge provisions is the cause of problems associated with such discharges. To help investigating these problems, the Board has authorized the installation of clean-outs to be placed at intervals that will allow for inspection of the sump drainpipe. This will be a multi-year project with priority to areas of known or suspected drainage concern. The cost for this project will be covered by the Capital Improvement assessment. As drainage issues are found, the sump drainpipe can then be inspected to determine if the pipe has been compromised through no action (or lack of action) by the current or any prior homeowners. If that determination is made, the Association will cover the cost of the remediation. If it is determined the sump tile has been compromised by matters caused by the current or any prior homeowner, it will be the responsibility of the homeowner to remediate the problem (repair any sump connection not done properly or clear/repair clogged sump discharge tiles in the affected area).

To date, with issues that have been brought to our attention, the Board has sought input from multiple contractors and from the City of Springfield Department of Public Works. We have been assured that the sump drain tile met City Code when installed and continues to be in compliance with current City Code. We have further been informed the size of the sump drain tile is adequate to handle the sump discharge. It was noted, however, that surface water entering the sump drain tile through bad sump connections, unapproved drains attaching to the tile or other means could cause the system to not function as effectively as intended. The City of Springfield has advised us that the surface drainage system is deemed adequate if water is no longer standing in the easement after a couple days. We believe the areas brought to our attention thus far have met this criterion.

For all areas of concern, the Board is committed to working with our members to find an appropriate resolution to issues in our neighborhood. There are various considerations involved,

such as, a surface drainage problem in one homeowner's lot may be caused by elevation changes made to lots several houses away or trees/gardens in the easements, or along the drainage swales.

We believe the Association has been and continues to be responsive to the needs of the members and the overall well-being of our neighborhood. We ask for your patience and understanding as we work with you to address your concerns as these matters involve considerable assessment of the underlying problem. To that end, we are compiling a list of approved plumbers who are to be used if you think you have a sump drain issue relating to the connection to the Association sump drainpipe. This will allow the Association to oversee the remediation to ensure the connection meets our requirements and specifications. We want to ensure any remediation undertaken does not cause unintended problems in other areas.

Lastly, if you are aware of blockage of surface waters and easement swales on your property caused by trees or landscaping planted in the easement or alongside of it, it will help all concerned if affected residents took part in voluntary corrective action by taking remedial steps. This could include opening the drainage easements by removal of heaved soil which impedes the free flow of water through the easement or, otherwise, making it possible for those surface waters to flow across the easement on the lot without ponding up resulting in standing water on lots.

If you want to undertake corrective action for a sump connection or surface drainage issue, you are to contact Peter Levan or a member of the Architectural Control Committee so your plans can be reviewed to ensure the corrective action is coordinated for a uniform result within the subdivision at large.