BUTLER COUNTY ENGINEER'S OFFICE

BCEO

GREGORY J. WILKENS, P.E., P.S. BUTLER COUNTY ENGINEER

November 3, 2017

Cinnamon Woods Homeowner's Association
Attn. Lawrence Jones, HOA Member
7306 Tarragon Court
West Chester, OH 45069-5543

Re: Cinnamon Woods Subdivision
Retention Pond Maintenance

Dear Laurence:

As discussed during our November 2, telephone conversation, the Cinnamon Woods HOA is responsible for maintaining the retention pond located on Parcel M5620245000053 and other properties, and/or easements, in the subdivision as defined by plat or covenant.

You inquired as to the HOA's duty to perform maintenance of your community's retention pond. There are multiple reasons why repair of a pond is important however; I can only discuss a few. The pond on Sage Meadow Court serves as your community's storm water management facility. While some people view this pond as an aesthetic feature; the reality is this pond was designed to attenuate increased runoff due to development. A retention pond is built to provide downstream owners some form of protection or reduced risk of flooding. By choosing to ignore or defer repair of the outlet structure the HOA maybe increasing its risk and liability, especially if an adjacent owner is damaged. That owner, who has been damaged, could potentially sue the HOA. The subdivision record plat provides language stating property owners are responsible to maintain the easement area, and improvements in it continuously. In reviewing ownership on the Butler County Auditor's website, the Cinnamon Woods Home Owners Association is the owner of record for the referenced parcel.

Understand this is correspondence is not intended to be a legal opinion or serve as legal guidance – but rather a discussion of viewpoint.

Sincerely,



Eric J. Pottenger
Development / Storm Water Manager

cc: file