

# The Cove at Turkey Creek HOA

November 16, 2015

Dear Neighbors,

Many of our lawns suffer from poor drainage. Our heavy clay soil retains water near the surface; our small lot sizes limit the scope to establish sufficient gradients to drain water away effectively; and, most unfairly, gravity will always carry the water downhill, so that lower lying properties are soggy than neighbors with even slightly higher elevation. Sad but true.

Unfortunate disagreements between neighbors have arisen perhaps because of misunderstandings about the drainage plan for the Cove and what the responsibilities of each homeowner are with regard to the drainage situation on his or her property. In an effort to clarify homeowner responsibility, the HOA Board of Directors is providing the following information.

There is a "Site Grading and Drainage Plan" approved by the Town of Farragut—it lays out the major storm water infrastructure including the diversion ditches that can be found on our common area. In addition, although not shown on the plan, Knox County and Farragut require drainage easements around the property lines of each residential lot in the Cove. These easements are 10' in width along the back property line of each lot, and 5' in width from side property lines that abut another lot. Given the narrow distance between our houses, you can see that almost the entire area between our homes can be viewed as a drainage easement!

The final landscaping of our homes included the establishment of drainage enhancing features within these drainage easements: primarily grassed swales—which are the low channels that should be running between all the houses as well as behind them; and often berms too. Due to the presence of driveways, swales do not exist between many properties. These features are designed primarily to slow water run-off and avoid erosion and secondarily to carry run-off to the street or to another drainage easement. Many of us have observed that they do not work very well because: the gradient running from the back property line to the sidewalk is nearly flat, so the water doesn't flow well, and/or the swale itself has been damaged or filled in over time. Often, we see the water pooling at the sidewalk because even if the water is being carried through the swale, it can't "get over" the sidewalk into the street and eventually the storm drain.

But the general plan is that each property is encircled by drainage easements (swales, French drains) that connect to neighboring properties both along the back property lines and the sides. In many cases in the Cove, water from the back easement is channelled down the side easements to the street, but making this work has often required homeowners or their builders to enhance drainage by the installation of French drains.

Here are two key points we all need to remember: (1) the existence of the drainage easements with their swales and berms are mandated by Knox County and the Town of Farragut and are part of the covenants we accepted when we bought our homes in the Cove, and (2) the maintenance of the swales and berms within these easements is the responsibility of the homeowner. A homeowner is not free to interfere with the functioning of the existing

easements, although a homeowner is free to improve the drainage on his or her property as long as any water is channeled into existing easements. What this means, of course, is that gravity will carry water from one property into the drainage easement of the contingent lower-lying property. There is no other place for the water to go. Should disagreements between homeowners arise regarding the drainage easements, the municipal authorities of Farragut have advised that they will not act as enforcement officers; should homeowners be unable to resolve their differences cooperatively, their only recourse is civil litigation. The HOA Board sincerely hopes that our own homeowners never reach such an impasse and further hope that the information provided here can help homeowners sort out their obligations regarding maintaining the operation of the drainage easements.

As noted, many homeowners have improved their drainage with French drains. The swales are supposed to remain in a vegetative state and homeowners should consult the Town of Farragut before attempting any change to the swales themselves. If a homeowner is contemplating a landscaping solution for a drainage problem that creates a significant visible external change in the existing landscaping, or alters the swale, such a change requires the approval of the HOA and possibly the Town of Farragut.

If any homeowner would like to recommend landscapers who have helped with their drainage problems, please let us know, and Susie will be happy to publish those names in the next CoveNet.

Sincerely,

Board of Directors  
Cove at Turkey Creek HOA