

MY SUMMARY REVIEW ADDRESSING STORM WATER ISSUE @ 2566 CHESTEA LN

During our board meeting the motion was made seconded and approved to have a survey/storm water engineer review the parcels involved. As I committed to do, I contacted David Breaden, Director Storm Water Management, Cobb County

These are the two Survey & engineering companies David Breaden recommended

Gaskins Surveying

3.513 [Google reviews](#)

Land surveyor in the Cobb County, Georgia

Address: 1266 Powder Springs Rd SW, Marietta, GA 30064

Hours:

Open · Closes 5PM

Phone: (770) 424-7168

Centerline Surveying & Land Planning, LLC

4.36 [Google reviews](#)

Land surveyor in the Cobb County, Georgia

Located in: [Wade Green Business Park](#)

Address: 1301 Shiloh Rd NW # 1210, Kennesaw, GA 30144

Hours:

Open · Closes 5PM

Phone: (770) 424-0028

I have not yet contacted either of these companies. Prior to receiving Andy's video, June 1st, we had had no complaints of excessive runoff during heavy rains. After the unapproved tree removal, Andy began receiving unprecedented volumes of runoff during heavy rains and submitted the June 1st video. Which resulted in our meetings with Andy, Eric (Aiping Guo), David Breaden, Ihwa Wen (realtor/translator). After numerous text exchanges among Penny (Lei Yang), Eric, Andy, Eli and I, on June 16th we hand delivered a notice of violation to Penny & Eric defining the steps required to abate the problem. They were given until October 1st to achieve this. In the meantime we had consulted our attorney, Kim Gaddis, who advised that we cannot stop them from attempting to achieve compliance with our directive with a lesser than 18 inch diameter drainage pipe referenced in the order, provided the objective of reduced flow to previous levels is met, if not, they will need to re-address the solution at additional cost. At this time we could also note that they could be fined X\$ per day, week, etc. if the objective was not met. They have spent \$20K +/- with multiple attempts – all on "pre-signed & pre-paid"

contracts claiming to achieve the results ordered before consulting with the ACC to begin work. All attempts failed. The situation now is worse than before, as indicated at the annual meeting on Saturday.

During our board meeting the motion was made seconded and approved to have a survey/storm water engineer (2 such companies are listed at the beginning of this missive) review the parcels involved as the storm water, terminating at Andy's lot is ultimately resultant from all parcels located upstream. Once this is done, at our cost (as approved), how do we distribute the cost of correcting the "now defined" problem? Have we opened a can of worms regarding other areas in the neighborhood that have been experiencing storm water programs over the years. This could be a bottomless pit for the HOA.

My thought trend is that the problem, prior to the massive tree removal, was acceptable at all levels, from Andy on the receiving end to Barbara and BillieJo on the observing end. After the tree removal, the volume of runoff significantly increased as noted by Andy's video and from both observers. After the efforts and costs to correct the problem, it not only continued to exist, but it had worsened. Since, to the best of my knowledge, no one else had regraded their property since the tree removal, but Penny and Eric. In my opinion It is still up to them to correct the problem. They have had an "unofficial" 31 day grace period as today is November 1st. I suggest that we edit (where needed) the letter we received from Kim Gaddis to put them, on notice with, or without the fining option. If that time expires without a resolution, I suggest Andy pursue it as a civil matter.

If we proceed with the survey (at our cost as approved), other properties "upstream" may be required to re-grade, including the recent sale of the Maher property with the pool. If so, will this cost, not to mention disruption of yards, be handled as an assessment to our membership, or handled by each property involved, even though some, if not most, had done any regrading – not to mention the disruption and re-landscaping most likely to be involved

Bottom line, I have not yet contacted the survey/engineering as, after much thought, I believe this should be part of the property owner's cost at 2566 Chestea LN, not the HOA's or the individual parcels "upstream".

GADDIS & LANIER, LLC

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September 23, 2020

VIA UPS OVERNIGHT MAIL

Lei Yang (Penny) & Aiping Guo (Eric)
2566 Chestea Drive
Marietta, GA 30066

Re: **Notice of Violation - Cook's Valley Homeowners Association, Inc.**

Dear Ms. Yang and Mr. Guo:

I am writing to you on behalf of the Board of Directors of the Cook's Valley Homeowners Association, Inc. ("Association") regarding your property located at 2566 Chestea Drive within the Cook's Valley community. I understand that you have met with the Board and/or Members of the Architectural Control Committee ("ACC") for Cook's Valley over recent weeks and months concerning the drainage problem stemming from your Lot which began after you cut down several dozen trees from your Lot and re-graded the Lot without first obtaining prior ACC approval. Your actions have caused a great deal of flooding and water runoff and soil and sedimentation erosion concerns for the areas adjacent to your Lot.

In an attempt to resolve these issues I understand that you submitted certain plans and specifications to the Association's ACC in July which proposed a solution whereby you would install a certain 8" drainage pipe throughout your Lot with certain drains and which lines would end at Chestea Lane. I understand that you would then add sod throughout the Lot in an effort to prevent the flooding and drainage issues, and to make the Lot more aesthetically pleasing and in keeping with the community-wide-standards for Cook's Valley. The ACC accepted and approved these plans upon the condition that it included grading the lot to allow the installation of the sod and the creation of the grassed swale to pitch run-off away from the neighbor's property as noted in the attached response from the Cobb County Storm Management Division regarding this situation.

Unfortunately, I understand that the work you have performed has NOT solved the flooding and drainage problems, and was NOT performed in accordance with the plans and specifications that you submitted as I understand the 8" line ends somewhere in your front yard and does not go all the way to the street as the plans show. Additionally, it is clear with the rains we have had recently that the storm water drainage system you have installed does NOT perform as your contractor indicated to you that it would, as there is still an excessive run-off impacting both you and your neighbor. The 8 inch system has proven not to resolve the drainage problem and, as such, **this system must be modified and/or replaced to connect into the 18 inch County sewer system.**

Before taking any next steps, you must submit new plans and specifications with detailed drawings to the ACC evidencing exactly what new pipes you plan to implement in order to resolve this problem. If you are trying to convey the runoff from above your Lot to the street then the entire length of the drainage pipes to be added to your Lot need to be 18 inches. If you want to tie anything directly into the County system within the street right-of-way the County will require an engineered drawing by a registered professional engineer as well as a

recorded drainage easement across the neighbor's (Price), if required. The system must be approved and properly permitted prior to installation.

You must submit these plans and drawings (and engineered drawings) to the ACC first to ensure compliance with the Cook's Valley covenants and then you must submit same, upon receiving ACC approval, to the County to ensure compliance with any applicable county requirements. The ACC has the authority under Article II of the Declaration of Covenants, Conditions, Restrictions and Easements for Cook's Valley ("Declaration"), as amended, to regulate all modifications to lots and the exterior of dwellings within the community. **As such, you must submit new plans to the ACC for resolving the water flooding and runoff problem on your Lot within thirty (30) days of the date of this letter.**

As an Owner of property within Cook's Valley, you and your lot are governed by the Declaration which includes rights, restrictions and obligations that an owner must abide by. The Declaration is clear in Article II that all exterior construction or modification must be approved by the ACC. To seek approval, the Declaration requires that the owner of the property must submit written "plans and specifications" showing the nature, kind, shape, and height, materials and location to the ACC for consideration. The owner must then receive written approval of the submission before commencing any work on the project. Further, pursuant to Cobb County ordinances a building permit may be required to commence any work on a lot within Cook's Valley as well.

Please either hand-deliver your application for review to: <INSERT NAME, ADDRESS, PHONE NUMBER AND EMAIL ADDRESS FOR ACC MEMBER, or return copies of same to me via email at kgaddis@gaddislanier.com or send hard copies to me at the above address.

Once received, the ACC will review your submissions and render a decision in writing. From the time that you receive this notification until such time as you receive approval for your project, no work whatsoever may be commenced on your Lot in regards to any ongoing or future modifications.

In the event that you fail to comply with this notice and the requirements of the Declaration, the Association will be forced to take further actions to enforce the Declaration. Further enforcement may include imposing fines against you in the amount of \$25 per day for each day that the violations continue, and/or filing a lawsuit to seek an injunction against you from the Cobb County Court ordering you to perform all work necessary to resolve this matter. All costs of enforcement incurred by the Association will be assessed against your property and be your sole obligation for violating the Declaration.

Your violation is serious and we are hopeful that you will choose to comply with the requirements the Declaration and this letter. This letter is being sent via hand delivery and overnight, next day delivery to insure that you receive this letter by September 25, 2020. Please contact me if you have any questions or concerns regarding this matter.

Sincerely,

GADDIS & LANIER, LLC

Kimberly C. Gaddis

Kimberly C. Gaddis

Kcg/bm

Cc: Board of Directors

Cook's Valley Home Owners' Association
cvhoa@cooksvalleyhoa.com

June 16, 2020

Lei Yang & Aiping Guo
2566 Chestea Drive
Marietta, GA 30066

As noted in our response to your text on June 12, 2020, your request was sent out to the Board and Architectural Control Committee (ACC). Their response was unanimous - that while you can choose to grade the sides of your property to redirect the run-off flow back onto your property, you are still strongly advised to contact a landscaper capable of doing the job as defined by Cobb County with the recommended diameter pipe following the following steps listed below as outlined in our earlier letter:

1. You are to instruct a Landscaping contractor of your choice (strongly recommend one that is licensed and insured) to contact David Breaden (770-419-6454) and discuss this project and the specifications of the pipe required to collect the anticipated water volume.
2. Complete an application with the Community Development department at Cobb County. A detailed plan of the work to be completed should be submitted with the application.
3. No work is to begin on this lot until the application is approved by Cobb County.
4. The recommended approach is to use an 18" pipe and connect it to the county's catch basin. Since the pipe's path will go thru the adjacent owner's lot (Andy & Trisha Price) it will require their approval before the work begins.

Following the above steps will allow you to arrive at the cost to do the project correctly. Once the drain pipe is installed the land will still need to be graded and sodded. This situation was caused by the unapproved clearing of trees from your rear yard and must be corrected. We expect this problem to be resolved to the satisfaction of Cobb County, Andy & Tricia Price, and Cook's Valley HOA by October 1, 2020.

Sincerely,

Eli Sbaity
President
eli.sbaity@cooksvalleyhoa.com

Bob Kern
Chairman ACC
bob.kern@cooksvalleyhoa.com

Cc: Ihwa Wen ihwa.wen@metrobrokers.com
David Breaden david.breaden@cobbcounty.org
Andy & Tricia Price andytaylorprice@gmail.com

Cooks Valley HOA Joint Board & ACC Meeting Agenda

Sept 15th 7pm

MEETING CALLED TO ORDER – Eli Sbaity

GENERAL BUSINESS – All

Agenda for Saturdays CVHOA Annual Meeting
Proxies received
HOA Covenants – Discussion around need for amending them
Other topics

ADJOURN

Conference call in: 602-580-9331 Access code:876006 #

Or

Online meeting ID: rhkern

Online meeting link: <https://join.freeconferencecall.com/rhkern>

Cooke Valley HOA Joint Board & AOC Meeting Agenda

Sept 15th 7pm

MEETING CALLED TO ORDER - Eli Spaulding

GENERAL BUSINESS - All

Agenda for Saturday CVHOA Annual Meeting
Packets received
HOA Covenants - Discussion around need for amending them
Other topics

ADJOURN

Conference call in: 602-580-9781 Access code: 876006

Or