

**Cook's Valley Home Owners' Association**  
[cvhoa@cooksvalleyhoa.com](mailto: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 Breden (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**. Page 2 is a position statement from Andy Price addressing this issue dated. It is clearly stated and would be acceptable to Cook's Valley HOA.

Sincerely,

Eli Sbaity  
President  
[eli.sbaity@cooksvalleyhoa.com](mailto:eli.sbaity@cooksvalleyhoa.com)

Bob Kern  
Chairman ACC  
[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)

Cc: Ihwa Wen [ihwa.wen@metrobrokers.com](mailto:ihwa.wen@metrobrokers.com)  
David Breden [david.breden@cobbcounty.org](mailto:david.breden@cobbcounty.org)  
Andy & Tricia Price [andytaylorprice@gmail.com](mailto:andytaylorprice@gmail.com)



June 16, 2020; 2:03 PM

To [bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com), [Eli Sbaity](#)

Phased drainage plan for 2566 Chestea Dr.

Thank you to everyone who is involved in the solution of this obvious problem.

It has been brought to my attention that a complete project may not be possible at this time. I would like to establish some facts at this stage of this process.

Fact #1

An 18" pipe is a minimum diameter to handle this volume of water.

Fact#2

Water flows down hill and there is no area low enough to temporarily or permanently direct this amount of water within this lot.

Fact#3

The only place that this water can be directed to permanently or temporarily to correct this issue is the storm drain located on my lot, 2564 Chestea Drive, where the water is already going.

If anyone disagrees with these facts there may be a separate issue. I hope that is not the case.

We have been exposed to these conditions since before March 1st and I have actively participated in achieving a solution. Part of that participation was to meet with an experienced landscaper to determine these facts and produce the plan I have already submitted. This plan can be achieved in phases to reduce cost all at once.

The first phase would relieve me from this flow and allow some temporary grading that would eliminate standing water. This phase would include the retaining wall at the end of our fence, the 18" pipe to the storm drain and the open grate drain at the side of the house.

With this phase in place the other work could be postponed briefly to do a more refined grading and landscaping plan.

With the facts established this is a minimum temporary fix.

Tricia and I are only interested in helping to be part of this solution and resolving this for both families.

We would like this process to continue with a spirit of cooperation and progress.

Just to clarify, I am and have been a licensed General Contractor for 30+ years and am willing to bring that experience to move this project along.

Please let us know your thoughts.

Thank you,

Andy T. Price

## SUMMARY OF TEXTS RE: 2566 CHESTEA DRIVE

Saturday 6/20/2020

Fwd: Hi, BoB kern's ,I have a question. If the water pipe in my backyard does not pass Andy's house, do I still need him to sign? Because I'm talking about water pipe analysis right . I thought this might be of interest to you.

**Penny to me**

Unfortunately for Penny the best that I can see is that Andy signature is still required because she has to tie into a storm basin or the job won't be finished and that storm drains in on Andy's property.

I think I will hold off for a while in giving her a reply until Monday what do you think? Bob

**My text to Eli**

Hello Andy, I really didn't receive a notification about the meeting about the meeting. Sorry, we take this issue very seriously. I've been looking for a company all the time. It's just that I didn't understand the need to make an 18-inch water pipe at the beginning, so I misunderstood. I would like to apologize here, I will find the company to complete this problem as soon as possible,

**Penny to Andy**

- Fwd: Thank you for acknowledging the situation. If I can help with
- Getting a plan or meeting with contractors I will do that.
- **From Andy to Penny**

Fwd: About juse because he came over to talk, and then disappeared for 5 days, I couldn't contact him, and then I found other companies to help, so I want to let you know that I am not dissatisfied with him, but his phone Did not answer

**From Penny to Andy**

Fwd: Hello Andy, I found Jose again and came back to help me with my backyard, because I want Jose to know what you think and it's easier to complete,

**From Penny to Andy continued**

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Fwd: He will come over to help me do it next week, I believe it will be resolved soon,

**From Penny to Andy continued**

Fwd: That and all the other communication with her sister and realtor.

**From Andy to me**

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Eric Yang <[yl18871162@gmail.com](mailto:yl18871162@gmail.com)>

7/3/2020 6:29 PM

## Re: Meeting to confirm resolution of drainage problem

To Bob Kern <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>

Good afternoon Mr Bob:

At present, because we and Andy are not professionals. The results of our meetings and discussions were not professional. So we want to wait for our professional contractor's plan. Then We will bring the plan to meet the HOA. Thank you for help and understanding.  
Best wishes

Bob Kern <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>于2020年7月3日 周五16:36写道:

Eric,

Thank you for your reply. Perhaps I did not properly state the meeting objective - it is to arrive at a mutual understanding among you, the HOA and the Prices's regarding what needs to be done. This problem has been going on for months. We need to have a mutual understanding of what needs to be done and a timeline for it to be completed. Andy and Tricia are very willing to work with you to find a workable solution to everyone's satisfaction. The contractor does not need to be present, but we thought it proper to include him. You and/or Penny should definitely be there as it demonstrates your commitment to correcting this situation.. As I told Penny when I last spoke with her, the plan must be submitted and approved prior to any work being done. This is being done for your benefit. If the two dates suggested do not work, suggest an alternate next week.

Regards,

Bob Kern

On July 3, 2020 at 1:44 PM Eric Yang <[yl18871162@gmail.com](mailto:yl18871162@gmail.com)> wrote:

Good afternoon. we are now waiting for the quotation of the water pipe, because they need to help me contact the filling company, so we have to get the estimate together, because they are busy, so we have been waiting, and then the water pipe company will give us a plan, when the time comes We will make an appointment for everyone to come out to meet, we will make an appointment with you in advance.

Please give us time, this plumbing company has 30 years of experience, I believe they will help me plan how to design our backyard.

Bob Kern <[bob.kern@cooksvalleyhoa.com](mailto:bob.kern@cooksvalleyhoa.com)>于2020年7月3日 周五12:55写道:

Penny,

Since we have not received an action plan from you that addresses the points in our letter of June 16th\* defining how the current drainage problem could be resolved. We thought perhaps you had presented one to Andy. Yesterday Eli and I met with Andy and Tricia to ask if they had any contact with you regarding the problem. Their answer was that, while there were text exchanges and a meeting with you nothing had been confirmed and no action has been taken. Eli and I suggested and Andy agreed that perhaps he, Trisha, Eli and I could meet with you, your contractor, if available and perhaps Ihwa (if he is available) in Andy's back yard on Monday, July 6, or Tuesday July 7 at 8:30 AM if this is agreeable with you. At this meeting we hope to arrive at a workable solution to this problem. We need to move forward with this and Andy and Tricia want to work with you to arrive at an amicable resolution to this problem. Please reply back to this email to confirm this meeting, or what date would work better for you. Of course masks and social distancing will be the order of the day.

Regards,

Bob Kern

\*Letter attached

Bob

Dear Bob,

I have received your letter of July 2, 2020, regarding the drainage problem at the property located at 1234 Main Street, Suite 100, in the City of Springfield. I am sorry to hear that you are experiencing this issue and that it is causing inconvenience for your business.

I have reviewed the situation and the attached letter from the City of Springfield, dated July 1, 2020, which states that the City is responsible for the drainage problem. I have also reviewed the City's response to your letter, dated July 1, 2020, which states that the City is working on a solution to the problem.

I have discussed this matter with the City's representatives and they have agreed to provide you with a written plan of action to resolve the drainage problem. This plan includes the following items:

- 1. The City will install a new drainage system at the property located at 1234 Main Street, Suite 100, in the City of Springfield, by the end of the month of August 2020.
- 2. The City will provide you with a written report of the results of the drainage system installation, by the end of the month of August 2020.
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