



Fwd: MPC agenda item #29 - The Glen at Hardin Valley Phase II (3-SH-14-F).

Sarah Powell <sarah.powell@knoxmpc.org>
To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Thu, Mar 13, 2014 at 8:08 AM

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From: **JASON** <jason.roback@comcast.net>
Date: Wed, Mar 12, 2014 at 11:20 PM
Subject: MPC agenda item #29 - The Glen at Hardin Valley Phase II (3-SH-14-F).
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Cc: linda.roback@comcast.net

Dear Sir/Madame,

As an existing homeowner in Phase I of The Glen at Hardin Valley subdivision, and a member of the Phase I homeowners association (HOA) of the same, I do not object to the development of the Phase II property. However, we are aware the developer of Phase II represented to Knox County the Phase II development as inclusive to Phase I, a point with which we strongly disagree. As it is, the Phase II developers purchased the Phase II property free and clear of the Declaration of Covenants of Phase I, meaning Phase II property IS NOT legally bound to the Phase I HOA. Thusly, we oppose the approval of the Final Plat for Phase II, as the Phase II drainage plan conveys storm water from Phase II, into the detention ponds of Phase I, to which the Phase II developer has no right of use. The Phase I ponds are common property to the Phase I HOA and are maintained by the same. Thereby, the approval of the proposed Phase II development is in direct conflict with the property rights of the Phase I HOA.

In order for the development to uphold the property rights of the Phase I HOA, the Phase II property would have to be annexed into the existing Phase I HOA, thereby assuring the Phase II homeowners will rightly share in the burden of maintaining the Phase I ponds, OR the Phase II design be modified to capture and detain Phase II post-development runoff within the boundaries of the Phase II property. Until such time, we will continue to fight to maintain the property rights of the Phase I HOA.

Respectfully,

Jason and Linda Roback
2528 Bridge Valley Lane
Knoxville, TN 37932