



CITY OF CUMMING

(CHARTERED 1845)



April 11, 2022

DEPARTMENT OF UTILITIES

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**DIRECTOR OF
UTILITIES**
Jonathon W. Heard

Dear Property Owner,

Please be advised that the City of Cumming has been working with your neighborhood's Homeowners Association ("Castleberry One HOA") to address costs related to maintenance of a stormwater detention pond to which the City believes homes in your community contribute stormwater runoff. Pursuant to the stormwater ordinance of the City of Cumming, costs related to maintenance should be spread pro-rata over properties contributing stormwater to a facility such as a detention pond when the pond benefits more than one development.

The City had a hydrological study performed, and determined that 60% of the stormwater contributed to a detention pond located on the property of the Gates at Castleberry actually comes from your neighborhood, Villages at Castleberry. The City then reached out to your home owners association to offer the chance to dispute that determination through submitting information and requesting a hearing. Instead, a lawyer representing your neighborhood wrote to the City earlier this year and informed the City that in his opinion the study was in error, and that "Castleberry One (your HOA) and the properties within its community do not contribute stormwater runoff into the Detention Pond. . . All stormwater runoff of and from Castleberry One and its properties within its community is handled within the stormwater facilities located on and within Castleberry One draining naturally to the east depositing into the creek." No study or data was provided to contradict the City's determination.

Based upon the representations of your HOA's counsel, the (apparently unnecessary and unused) stormwater outfalls from your neighborhood to the detention pond on the property of the Gates at Castleberry will be capped off. Having open, unused stormwater pipes presents a potential health and safety hazard, especially when they serve no purpose according to your legal counsel. Since, as your neighborhood's legal counsel indicated, these pipes convey no stormwater to the detention pond in question, there should be no harm from such capping off said pipes (i.e. no flooded streets or properties, etc.).

Please do not hesitate to contact me at 770-781-2020 should you have any questions about this matter or visit our website via the QR Code below. Please contact your HOA president for additional details about this issue.

Sincerely,


Jonathon W. Heard
Director of Utilities

