



Condominium Law Group, PLLC

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Ken Harer

3-5-2022

To: Commons at Cordata Condominium Owners' Association
From: Ken Harer, Condominium Law Group, PLLC

Re: Authority or obligation to modify wetlands and buffers in common areas.

Dear Commons at Cordata Board of Directors,

You have asked what authority, ability or obligation the Association has to deal with rainwater that has been flowing over or from common elements of the association which has impacted some of the individual Units.

Short Answer: The Association is prohibited from making any modifications to the wetlands (and the buffers between the wetlands and the Units property) which would affect the flow of water.

Analysis: The condominium was created from property that includes several tracts of land that are protected by the government from modification by the Association. About fifty percent (50%) of the total land within the survey maps and plans are common areas that are protected under a Conservation Wetland Mitigation Easement recorded with the County in 2012. The land and the agreement are referenced in the original Survey Maps and Plans from 2012, in General Notes #1. The wetlands and the buffers up to the Unit property lines are protected.

That Conservation / Wetland Mitigation Easement was amended in 2013, and was recorded with the County under Recording Number 2131102042. The Association is a Grantor under that agreement. All of the common element land in tracts C, D and G is protected.

That document, in section 4 (Restrictions on Grantor's Use) specifically states the Association shall NOT:

d. Excavate, dredge, fill, dike or otherwise alter the landscape or topography; and shall not
m. Alter the surface or subsurface hydrology entering or exiting the Conservation Easement Area.

Any modification to divert the flow of water onto or from the common property is prohibited.

If you need additional information, please contact my office.

Ken Harer, Managing Partner
Condominium Law Group, PLLC