



# The Polaris Beacon



Star Valley Estates Newsletter  
February 2013

VOL-IV-ISSUE-01

A publication of the Star Valley Estates Home Owners Association Webpage: [www.starvalleyestates.org](http://www.starvalleyestates.org)  
Cadden Community Management: Kathy Thygersen – 520/297-0797 Email: [kthygersen@cadden.com](mailto:kthygersen@cadden.com)  
Editor: Marcus P. Borom Email: Editor: [polarisbeacon@earthlink.net](mailto:polarisbeacon@earthlink.net) Board: [board@starvalleyestates.org](mailto:board@starvalleyestates.org)

## Election of Board Members

### Next Meeting

Thursday, March 14, 2013  
6:30 pm  
Ryan Airfield Conf. Room

The normal starting time of 6:30 pm may vary and will be announced prior to each meeting:  
Meeting Schedule for 2013 is given below:  
Please mark your calendar

**2013** **March 14 [Annual Meeting]**  
April 11 – installation of officers  
July 11  
October 10

### Voting for New Board Members - 2013

You have an opportunity to vote for two new board members for 2013. You will be receiving your ballot and instructions along with this newsletter. There is no requirement that you vote, but, as a resident of Star Valley Estates and a member of its HOA, you have a moral obligation to take the few minutes required to place your vote. Why is this a moral obligation? If you fail to vote, you relinquish your choice of board members to as little as eight people in your community.

The regulations state that a quorum for a legal election is only 10% of the community. Therefore,

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only 15 voting members of the HOA will establish a quorum and only eight votes will constitute a majority required to elect a candidate. It is important that the voice of the community, and not the voice of a minority, be heard. Each vote cast adds to the quorum and increases the majority vote required for election.

Don't sit on the sidelines and let your voice be taken away from you. Act! Cast your vote and be an active member of the community.

### **Drainage through Lot 151 and Maintenance Issues with Pima County**

Your Board has worked diligently through the past three years to reduce our maintenance responsibility for our "common areas". The Board has succeeded in eliminating two lots from Basin Area #1 and eliminating Basin Area #2. These actions have contributed to the reduction in homeowner assessments from around \$168 per year to \$100 per year.

The Board has succeeded in getting Pima

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County to accept responsibility for all landscaping in the county right-of way along the east side of Ironstone including that adjacent to Lot 151 on both the Ironstone side as well as the Brightwater side along the chain-link fenced area

The one remaining maintenance area under question is Lot 151 (the lot at the SW corner of Ironstone and Brightwater). Lot 151 is our remaining Basin Lot. The floodwater drainage canal maintained by Pima County Regional Flood Control District (PCRFCFD) runs along the entire length of the east side of Ironstone and terminates at the southern boundary of Lot 151. The Board has been considering ways of transferring the maintenance responsibility of the 40-foot portion of Lot 151 along Ironstone to PCRFCFD. After all, it serves as an extension of the PCRFCFD floodwater drainage canal to the culvert under Brightwater. A possible barrier to accomplishing this maintenance transfer is found in our governing documents. The CC&Rs prevent any partitioning or transfer of common property to another party without first obtaining a 2/3rds approval of the membership followed by approval of either Joe Cesare or the SVA Corporation. A 2/3rds approval of anything, historically, has never occurred due to the lack of community interest. The community has never cast much more than a 50% vote on any proposal. In addition, Joe Cesare has been unreachable.

However, Dr. Borom (Board Secretary and editor of the Polaris Beacon) conducted a careful survey of the governing documents and has found a solution that he is pursuing with PCRFCFD.

The solution to the dilemma regarding granting of a 40-foot drainage easement to PCRFCFD requires neither approval of the homeowners nor approval of Cesare. Brilliant!! The solution lies simply in a Board Action and derives from CC&R Section 5.3.1 which states -"the Association shall have the right at all times to grant easements over the Common Area for the purpose of *[among other things]....c) ...drainage easements."*

Dr. Borom proposed the following Motion, which was approved by an In-Lieu-of-meeting vote on 01/12/2013:

**MOTION** - The Board shall grant a 40-foot drainage easement along the entire length of the western boundary of Lot 151 to Pima County Regional Flood Control District in order for PCRFCFD to extend their channel through our designated basin area. This simply redefines the maintenance responsibility of sections of the basin lot without limiting or changing the floodwater detention characteristics of Lot 151.

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The following email exchange was opened with PCRFCFD after their having rejected our initial offer to grant them a 40-foot drainage easement (See email exchange at the end of this article for details) and after having discovered that the granting could be done by Board Action alone.

The initial exchange, rejected by PCRFCFD was to determine whether PCRFCFD would be amenable to approving a 40-foot easement. If so, the Board would then have had to face the additional problems of obtaining approval from both the community and from Cesare/SVA.

**From:** Marc Borom - AOL

**Sent:** Tuesday, January 29, 2013 9:32 AM

**To:** Bill Zimmerman; Suzanne Shields; Deb Miller

**Cc:** Ozzie Nelson; Dan Harper; Dave Blankenbaker; John Price; Kathy Thygersen; Suzanne Shields; Deb Miller

**Subject:** Granting of 40-foot drainage easement for PCRFCFD

**Importance:** High

Dear Mr. Zimmerman

This is to notify you that PCRFCFD has been guilty of trespass on our property since it was established on the Star Valley Village plat. What trespass, you might ask. Let me explain it this way. Lot 151 is designated as a floodwater detention basin. A detention basin holds water as a means of suppressing flow rate. The basin mediates flow by allowing water to FLOW IN during high flow and then FLOW OUT as the

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floodwater recedes. It acts as a capacitor. Therefore, water flows into and out of a basin, but it **does not flow THROUGH IT**. Lot 151 is not designated as a portion of the floodwater drainage channel. PCRFC D has been illegally using the western portion of our basin lot as an extension of its drainage canal. It is conceivable that PCRFC D could be prevented from connecting the end of its floodwater canal at the southern boundary of Lot 151 with the culvert passing under Brightwater Way at the northern boundary of Lot 151. Star Valley Estates HOA would like to rectify this infraction and inconsistency.

We are offering to grant PCRFC D a 40-foot easement to use the western portion of Lot 151 as an extension of its drainage canal. Such an easement would permit drainage flow through the basin without adversely affecting the detention function of the basin. The easement would remove all questions of illegal use of the lot by PCRFC D. Lot 151 is approximately 182 feet wide. A 40 foot easement would still leave **78% of the lot as an unaffected detention basin**. The 40-foot easement area could also be considered as a dual use portion of the basin. In an email, which I sent to you on 1/22/2010, I made the following calculations showing that **only 77% of the lot is required for floodwater detention**:

I have reviewed the Psomas memorandum (see attached) and have concluded that only **77% of Lot 151 is required for detention of flood water** (recognizing that I have no experience in hydrological reports and can only do basic math).

|                                                      |                      |
|------------------------------------------------------|----------------------|
| Flow into the basin prior to upstream development:   | 433 fps              |
| Flow into the basin reduced by upstream development: | 370 fps              |
| Flow out of the basin with retention of Lot 151:     | 322 fps              |
| Flow limited by culvert at Brightwater:              | 333 fps              |
| Reduction of flow by Lot 151:                        | $370 - 322 = 48$ fps |
| Reduction of flow needed                             |                      |

$$370 - 333 = 37 \text{ fps}$$
$$(37/48 = 77\%)$$

In reality, what we are seeking is simply acceptance of maintenance responsibility by PCRFC D of the portion (40 x 182) of lot 151 used by PCRFC D as an extension of its drainage canal - with or without the 40-foot easement.

How can we make this happen?

Marcus P. Borom, Ph.D.  
Secretary  
Star Valley Estates HOA

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**Reply from PCRFC D – Now the lawyers are involved.**

**To:** 'Marc Borom - AOL' ; Suzanne Shields ; Deb Miller

**Cc:** Ozzie Nelson ; Dan Harper ; Dave Blankenbaker ; John Price ; Kathy Thygersen ; Suzanne Shields ; Deb Miller

**Sent:** Tuesday, January 29, 2013 3:07 PM

**Subject:** RE: Granting of 40-foot drainage easement for PCRFC D

Mr. Borom,  
I have forwarded your email to the Pima County Attorney's office for advice. I'll will share their findings when I receive them.

Bill Zimmerman  
Deputy Director  
Regional Planning & CIP  
97 E. Congress, 2<sup>nd</sup> Floor  
Tucson, AZ 85701  
520 243-1800

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### First Request for granting a 40-foot easement to PCRFC D – Denied

**From:** Marc Borom - AOL

**Sent:** Tuesday, January 15, 2013 4:16 PM

**To:** Bill Zimmerman

**Cc:** Ozzie Nelson; Dan Harper; Dave Blankenbaker; John Price; Kathy Thygersen

**Subject:** Revision Request

Hi Bill,

Happy New Year.

As you are well aware, our Lot 151 in Star Valley Village (now known as Star Valley Estates) is designated as a floodwater detention basin. The Flood Control District has been using the western portion of our Lot 151 as a drainage canal since Star Valley Village (now known as Star Valley Estates) was established. In the event that the lot is no longer needed as a detention basin and becomes residential property, the owner is required to grant a 40-foot easement for use as a drainage canal. The Board of Directors of Star Valley Estates HOA has voted to grant that 40-foot easement to Pima County Regional Flood Control District now so the District can continue to use the western portion as a drainage canal. Granting such an easement would not affect the floodwater detention characteristics of the lot, but it would legitimize your use of that portion for the canal.. Could you please advise as to how we proceed with this granting procedure?

Thanks,  
Marc Borom  
Secretary  
Star Valley Estates HOA

**From:** Bill Zimmerman

**To:** 'Marc Borom - AOL'

**Cc:** Ozzie Nelson ; Dan Harper ; Dave Blankenbaker ; John Price ; Kathy Thygersen ;

Suzanne Shields ; Deb Miller

**Sent:** Friday, January 25, 2013 1:26 PM

**Subject:** RE: Revision Request

Mr. Borom:

The District has reviewed your request and offers the following:

Permitting note 5 of the recorded Final Plat for Star Valley Village states: "At such time as lot 151 is developed as a residential use, Pima County shall require the dedication of the westerly 40-feet of said lot for the extension of the 40-foot public drainageway." The Psomas study of 2009 commissioned by the Star Valley Village HOA clearly showed the continued need for lot 151 as a detention basin. The study calculated detention volume included the area of the drainageway in question as an integral part of the attenuation volume required to meet the detention requirement.

**Given the fact that lot 151 will continue to remain as a detention basin and it is not being developed as a residential use; there will not be a public drainageway or the need for an easement for the non-existent drainageway.**

As always, if you have any question do not hesitate to contact us,

Bill Zimmerman  
Deputy Director  
Regional Planning & CIP  
97 E. Congress, 2<sup>nd</sup> Floor  
Tucson, AZ 85701  
520 243-1800

## The Polaris Beacon

**Item of Neighborhood Interest Outside the  
Purview of our HOA  
Community Information Meeting  
Feb. 19 6:00pm  
Tucson Estates Multi Purpose Hall**

The following email, received by the Polaris Beacon, contains information regarding a public meeting that may be of interest to Star Valley Estates Homeowners. Particularly, if one is interested in having a neighborhood grocery store and pharmacy. , the location of which is yet to be determined

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Sent: Wednesday, January 23, 2013 9:56 AM  
From: "Penny & Karl" kapnewton@hotmail.com  
Subject: Proposed Fry's Marketplace

Hi Marcus

The community where I live is called Terra Cotta (originally Critterland 2), which is at the corner of Bopp and San Joaquin Roads. We do not have a Homeowners' Association here, but I am the Area Leader for the Neighborhood Watch

I see that you had your last meeting at Ryan Field on January 10th. Our own Neighborhood Watch meeting was right next-door at Todd's at the same time! We discussed many issues, but a lot of people are furious that once again we are being denied a good local grocery store/pharmacy at the whims of the county. I am one of those people.

There is a **Community Information Meeting at Tucson Estates Multi Purpose Hall on Tuesday February 19th at 6.00pm** (it is a good idea to arrive early). Sharon Bronson, District 3 Supervisor will be present and I intend to address her on this subject. The meeting, one on a regular basis, is open not just to Tucson Estates residents, but to all in District 3, though it is not publicized very widely.

If you feel that residents in Star Valley are disadvantaged by not having a grocery store/pharmacy, then please let them know about this meeting. They can also address Ms. Bronson themselves, or [get] back [to] me in my [email]

address. I have done a fair bit of research and made contacts.

Many thanks  
Penny Newton  
Area Leader, Terra Cotta Neighborhood Watch  
#3124

### **Polaris Beacon Editor is Retiring**

After spending more than three years as editor of the Polaris Beacon and more than seven years involved with the Star Valley Estates HOA, Dr. Borom is retiring from service. The Board is seeking a volunteer to continue to edit and publish the community newsletter. The job is GREAT – long hours and no pay. Editor of the newsletter is not a Board position and need not be held by a Board member. The position is open to any homeowner.

If the position is not filled, the community newsletter will revert to quarterly postcards announcing the upcoming meeting. Dr. Borom has volunteered to train a new editor in the construction and formatting of the publication. With a little practice, it is not difficult. If you are interested, please contact

Kathy Thygersen — 520/297-0797  
Email: kthygersen@cadden.com

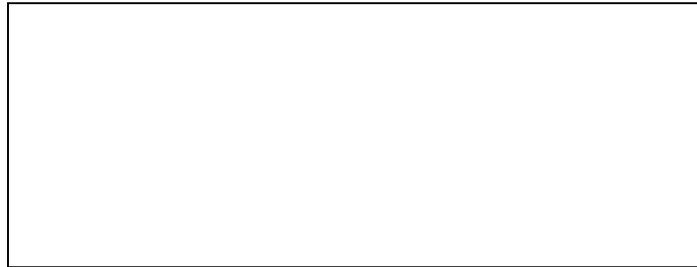
### **The Mission of the Board of Directors of Star Valley Estates Homeowners Association shall be to:**

Provide fair and equal treatment to every homeowner in the enforcement of the rules of the HOA.

Manage the common area of Star Valley to best suit the neighborhood without wasting any assets of the community.

Enhance the value of our properties by enforcement of the rules all homeowners accepted when they purchased their homes.

**Star Valley Estates  
1870 W. Prince Road, Suite 47  
Tucson, AZ 85705**



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**Notice:Next Board Meeting**

Thursday, March 14, 2013  
Mini-Board Meeting 6:30-6:40 PM  
Annual Meeting starts at 6:45 PM  
Conference Room  
Tucson Airport Authority Building  
Ryan Field  
Near intersection of Valencia and Ajo

**Input from Homeowners is requested.**

Homeowners – This is your Newsletter.

Your input is requested. If you have an item of interest to the community, please send it to the editor either in WORD format, or just as email text to the email address shown in the title header.

Let your feelings and input be heard.

Please report any evidence of criminal activity. Details will be kept confidential.

**This is YOUR NEWSLETTER**

Looking forward to hearing from each of you.

The Editor