

Background

The Shadow Run Dam Corporation (SRDC) was formed in March of 2000 for the sole purpose of maintaining the integrity of the dam that is at the northern boundary of Lake Grady. The SRDC is a non profit corporation that is in not connected to the Shadow Run Homeowner's Association (SRHA). The only real connection is that by virtue of owning property in the Shadow Run Subdivision, the property owner is a stockholder of the SRDC, to whom the SRDC is solely accountable. The SRDC is managed by a Board of Directors who are all volunteers (and your neighbors) that offer their time and effort to ensure that the dam is maintained and continues to perform its primary function.

SRDC operates as any corporation does, with by-laws, articles of incorporation, and annual meetings. Since our annual meeting is at the same time as the Shadow Run Homeowners Association (SHRA), the two meetings can seem redundant and often confusing. The SRDC does not collect dues or any type of money from the resident/members. At the time the SRDC was formed, a fund was established from the sale of properties held by Hillsborough County. This resulted in approximately \$100,000, which has been invested in certificates of deposit (CDs) in an attempt to create some revenues to offset the expenses of operating the dam.

History

The developers of the Shadow Run subdivision planned for a lake to be located toward the east end of the development. Lake Grady was subsequently created in 1969 by the construction of a dam to impound a portion of Bell Creek and the Pellam Branch Watersheds which are tributaries to the Alafia River. The county maintained roadway, Shadow Run Boulevard, was constructed on top of the dam structure to connect the two sides of the development.

In 1983, one of seven corrugated metal pipes within the structure of the dam collapsed, resulting in erosion of the existing bank surface on the upstream side. In 1985 the dam was repaired, only to experience another failure in 1987. The repairs were undertaken by the Lake Grady Road and Bridge District, which assessed the members of the District for the cost of the repairs and entered into a contract with Housel & Associates as the engineer to remediate the repairs, and with C.P. Ward Construction Company as the construction contractor.

After the dam's failure in 1987, the Lake Grady Road and Bridge District sought relief from the engineer and contractor for breach of contract, claiming that their negligent design and construction caused the failure of the dam. Later, the Lake Grady Road and Bridge District filed for protection in a Chapter 9 bankruptcy filing.

In 1990, the Lake Grady Road and Bridge District filed suit against Hillsborough County, claiming the the County owned the dam and had assumed responsibility for maintaining the dam, since there was a county maintained road on top of the dam. To further complicate matters, the developer joined in the litigation against the County, alleging that some lots within the Shadow Run Subdivision had improperly reverted to the County due to the bankruptcy filing.

The suits were finally dismissed under a settlement that allowed for the restoration of the Lake Grady Dam. Ownership of forty one lots was transferred to the Lake Grady Road and Bridge District with the intention that the proceeds from the sale of these properties would fund the restoration of the dam. The settlement also specified that a maintenance fund totalling \$100,000 be created for the continuing maintenance of the dam. The Lake Grady District was to own the dam during the restoration process, at the end of which, ownership would be transferred to a

maintenance entity, now known as the Shadow Run Dam Corporation (SRDC). The SRDC is operated by a board of directors, with its members being comprised of Shadow Run Subdivision property owners.

Since the dam property was being transferred to a separate and private organization, the county had no interest in the construction and maintenance of a road on top of the dam again. This was perfectly fine with homeowners, as they wished to restrict the east/west traffic through the neighborhood. This decision has proven to be a very beneficial one, as it has continued to keep the entire neighborhood very private and quiet in the face of exploding development surrounding the subdivision.

During the process of creating SRDC as the primary steward and owner of the dam, efforts were made to keep the entities of the SRDC and the Shadow Run Homeowner's Association (SRHA) separate, primarily for liability reasons. This way, should the dam fault again, Shadow Run property owners would not assume any liability for damages or the reconstruction costs for the dam. Nor could the property owners be subject to any special assessments, temporary or permanent, to settle disputes made against the dam.

In 2000, the SRDC was formed and has been maintaining the integrity of the dam ever since. An agreement was reached with SRHA to construct a pedestrian greenway across the dam to reconnect both sides of Shadow Run once again. SRHA participated in the interests of creating an amenity to the neighborhood, thereby enhancing property values.

Today, the dam has provided the Shadow Run Community with a wonderful gift, a beautiful ecosystem that supports many species of bird, waterfowl, fish, amphibians, and wide diversity of plant life. A walk across the dam provides a unique opportunity to connect with nature, in a quiet and tranquil setting unlike any other in Hillsborough County or throughout Florida.

What can it cost to operate a dam?

Two years were spent complying with a wetlands mitigation requirement from the Southwest Florida Water Management District (SFWMD, a.k.a. "Swiftmud"). An environmental company had to be hired to survey the wetlands area in question, and then a contractor to plant the recommended plants and vegetation as directed. There is a regular inspection which needs to be conducted by a certified engineer every five years or so. As with any corporation there is liability insurance, CPA fees, state filing fees, and unplanned expenses which cannot be predicted. And this does not include any capital improvement or other maintenance projects that need to get done.

When tropical storm Gabriela roared through, lake levels rose a few feet over the top of the spillway. The result was that our floating barriers to keep boats or debris from entering the spillway wound up going through the spillway themselves, and have been sitting on the bank downstream for years now. On two separate occasions, the actuator mechanism that opens and closes the sluice gate failed. These are typical unplanned maintenance projects, and there are several of them.

Needless to say, the SRDC certainly meets the definition of a "Non Profit" organization. The original seed investment continues to dwindle each year as our need for capital improvement and maintenance grows. We are continually seeking outside revenues to fund specific projects that we will have identified with cost estimates, as our funds continue to dwindle.