

Water Management Analysis

How the 1984 Original and 2026 Proposed Documents
Handle Water for Lake of the Woods

Prepared for Our Neighborhood

March 2026

Important: This document is a plain-language comparison prepared for informational purposes only. It is not legal advice. Every claim in this document includes the specific article, section, and page number so you can verify it in the source documents yourself. We encourage every homeowner to read the original documents.

1. Why Water Management Matters at Lake of the Woods

Lake of the Woods is not just a name. The subdivision was built around a 1.5-acre storm water retention lake, along with streams and ponds that form part of an approved Storm Water Management Plan. This infrastructure serves a critical public safety function: it controls flooding, manages runoff, and protects downstream properties and the City of Akron's storm water system.

Because of this, both the original 1984 documents and the proposed 2026 documents devote significant attention to who is responsible for maintaining the water features, what homeowners can and cannot do near them, and how costs are shared. The proposed changes significantly expand and restructure these rules.

Key Context: The 1984 Exhibit "A" (Maintenance Costs) estimated the annual water management budget at \$3,000 out of a total \$4,200 budget (71% of all Association spending). Water management has always been the neighborhood's single largest financial obligation.

[1984 Declaration, Exhibit "A", p. 18]

2. Side-by-Side Overview

The table below provides a high-level comparison of how each document addresses the major water management topics.

Topic	1984 Original	2026 Draft 6 Proposed
Storm Water Plan Protection	Cannot be altered without written approval of Developer AND governing authorities including City of Akron Director of Public Service.	Formally defined in Art. II, §2(w). Protection carried forward: alteration requires Board AND City approval. Board's determination on maintenance disputes is final.
Who Maintains the Lake	Association uses assessments for sediment removal (8-yr cycles), landscape repair, and water treatment. Specific dollar amounts in Exhibit "A."	Association responsible for dredging, periodic sediment removal, and water treatment — but now subject to Board discretion ("as the Board may determine to be reasonably necessary"). Lake expenses limited to Storm Water Management Plan scope.
Individual Owner Duties (Water Lots)	Lot owners whose lots contain or are bounded by streams/ponds/lakes must remove debris and maintain banks. Two-sentence provision.	Expanded into 10 numbered prohibitions under new "Water Lot" category. Owners now also responsible for bridge maintenance, and are prohibited from a wide range of activities. Adjacent lot owners also bound.
Structures Near Water	Piers, decks, floats, and docks "strictly prohibited" on any lakes, ponds, or streams.	Prohibition carried forward and expanded: now also explicitly includes bridges, shelters, and any "temporary or permanent structure in proximity to" water.

Topic	1984 Original	2026 Draft 6 Proposed
Recreational Use	No swimming or boating on any lake or pond.	Expanded: no swimming, ice skating, fishing, or "any similar recreational or sport activities on, in, or about any stream, lake, or pond." Watercraft list now explicitly names canoes, paddle boats, rowboats, kayaks, windsurfers, and sailboats.
Grading & Drainage	Developer reserves right to establish grades with "due regard for natural contours and drainage."	Grading, slopes, and drainage cannot be altered without Board AND City approval. Owners must maintain all storm water drainage ways, ducts, pipes, and conduits on their lot — even if those facilities serve multiple lots.
Enforcement Backstop	Three-tier system: (1) lot owner, (2) Association charges back, (3) City of Akron charges back.	Expanded to four tiers: (1) lot owner, (2) Association, (3) City, (4) Summit County or other governmental agency. Board's good-faith determination on responsibility disputes is final.
Financial Provisions	\$50/year minimum assessment. Exhibit "A" budgets \$3,000/year for water (sediment removal \$1,125 + landscape repair \$875 + water treatment \$1,000).	No cap on assessments. Common Expenses explicitly include "lake and storm water management facilities." Special Assessments can be levied for unexpected water costs. Lake expenses limited to Storm Water Management Plan.

[Sources: 1984 Declaration Art. I §§C.15, D.3, D.5, D.6, Art. II §B, Exhibit "A" | 2026 Draft Art. II §2(j)(2)(5)(w), Art. IV §3(g)(h), Art. VI §2(b), 4, Art. VII §1]

3. The New "Water Lot" Rules — A Major Expansion

The single most significant change in the 2026 Draft is the creation of a formal "Water Lot" category in Article IV, Section 3(h). The 1984 document addressed water responsibilities in two short paragraphs. The 2026 Draft replaces this with a detailed section containing 10 specific numbered obligations for Water Lot owners, plus rules binding adjacent lot owners.

What is a "Water Lot"?

Under the 2026 Draft, a "Water Lot" is any lot located adjacent to and contiguous to a lake, pond, or stream that is part of the Storm Water Management Plan. If your property borders any water feature in the subdivision, these rules apply to you.

[2026 Draft, Art. IV, §3(h), p. 11]

The 10 Water Lot Owner Obligations

#	What It Requires	Comparison to 1984
1. Debris Removal	Remove debris or other blockage from streams, ponds, and lakes within any part of your lot.	Carried forward from 1984 (was Art. I, §D.6)
2. Bank Maintenance	Maintain the banks of each stream, pond, or lake on your property.	Carried forward from 1984
3. Bridge Maintenance	Maintain and repair any bridge on your lot across a water feature, including future damage from installation.	NEW — not in 1984
4. No Structures	No temporary or permanent structures near water, including bridges, piers, decks, floats, shelters, or docks.	Expanded from 1984 (added bridges, shelters)
5. No Watercraft	No launching or operating canoes, paddle boats, rowboats, kayaks, windsurfers, or sailboats.	Expanded from 1984 general "no boating" rule
6. No Recreation	No swimming, ice skating, fishing, or similar recreational/sport activities on, in, or about any water.	Expanded from 1984 "no swimming" rule
7. No Water Removal	No pumping or removing water, or any acts affecting the level, volume, or amount of water.	NEW — not in 1984
8. No Depositing Materials	No depositing sediment, soil, sand, fish, animal, or any other material in any water.	NEW — not in 1984
9. No Chemicals	No depositing chemicals intended to treat water or affect plant life without prior written consent of Board, City, and any governmental authority.	NEW — not in 1984
10. No Alteration	No alteration or modification of banks, size, course, or flow without written approval of Board, City, and any governmental authority.	Strengthened from 1984 (was Developer + City; now Board + City + other authorities)

[2026 Draft, Art. IV, §3(h)(1)–(10), pp. 11–12]

Important — Adjacent Lots Too: The 2026 Draft extends these restrictions beyond Water Lot owners. It states that "No Owner of any Lot adjacent to a Water Lot shall directly or indirectly permit or engage in conduct that is proscribed in respect of any Owner of a Water Lot." This means even if your lot does not directly touch the water, if your lot is adjacent to one that does, you are also bound by these rules.

[2026 Draft, Art. IV, §3(h), p. 12]

4. Drainage Infrastructure — A New Owner Burden

The 2026 Draft introduces a significant new requirement that does not exist in the 1984 documents: individual homeowners are now responsible for maintaining storm water drainage infrastructure on their property.

What the 2026 Draft Requires

Under Article VII, Section 1, owners must "maintain, repair, and replace all storm water drainage ways, ducts, pipes, and/or conduits" on their lot. This applies even when those facilities serve multiple lots or dwellings. Owners must keep them "clean and clear and free of debris, including yard debris, grass clippings, and the unnatural accumulation of leaves, to enable the free flow of storm water between Lots as originally designed."

[2026 Draft, Art. VII, §1, pp. 28–29]

What this means in practice: If a storm water pipe or drainage channel runs through your property — even if it carries water from several neighbors' lots — you are responsible for maintaining, repairing, and if necessary replacing it. The 1984 documents have no comparable requirement. Under the current rules, these infrastructure items would be addressed through the Association or the City.

Owners are also explicitly responsible for maintaining "all grading, drainage, sump pumps" on their lots under Article VII, Section 1 (p. 27). The 1984 document only required the Developer (later the Board) to establish grades with "due regard for natural contours and drainage" — it did not place drainage infrastructure maintenance on individual owners.

[1984 Declaration, Art. I, §D.3, p. 9 | 2026 Draft, Art. VII, §1, p. 27]

5. Who Decides? — The Board's Final Say

The 2026 Draft includes an important new provision about resolving disputes over water-related maintenance responsibilities. Article VI, Section 4 states that when there is any "uncertainty or good faith dispute" about whether the Association or an individual owner is responsible for maintenance, repair, or replacement of a given area, "the Board's determination, exercised in good faith... is final."

[2026 Draft, Art. VI, §4, p. 27]

Additionally, Article VI, Section 4 provides that any conflict between the maintenance provisions and any other provision of the Declaration, Bylaws, or Storm Water Management Plan "must be interpreted in favor of the maintenance obligations, limitations, and restrictions set forth in the Declaration." This essentially means the 2026 Declaration's maintenance rules override conflicting provisions elsewhere.

Why this matters: Under the 1984 documents, there is no provision giving the Board final say on maintenance responsibility disputes. If you disagreed with the Board, your remedy would be the courts. Under the 2026 Draft, the Board's good-faith determination is final — meaning you would need to prove the Board acted in bad faith to challenge their decision.

6. Financial Impact on Homeowners

Water management has always been the largest cost center for the Association. The 1984 Exhibit "A" budgeted \$3,000 of the \$4,200 total annual budget (71%) for water-related maintenance. Here is how the financial framework changes:

Topic	1984 Financial Framework	2026 Financial Framework
Assessment Cap	\$50/year minimum, with ability to increase for maintenance. No stated maximum, but scope of work defined by Exhibit "A."	No assessment cap. Board sets amounts. New categories: Special Assessments and enforcement assessments. Lake expenses limited to Storm Water Plan scope.
Sediment Dredging	Budgeted at \$1,125/year (3,000 CY over 8-year cycles at \$3.00/yd).	Association responsible, but frequency and cost at Board's discretion ("as the Board may determine to be reasonably necessary").
Water Treatment	Budgeted at \$1,000/year (2 treatments at \$500 each).	Included in Association maintenance, but "if any" — suggesting treatment is optional.
Landscape Repair	Budgeted at \$875/year for easement area repair.	Not separately budgeted. Falls under general Common Expenses.
Drainage Infrastructure	Not addressed as individual owner cost. Assumed Association/City responsibility.	Individual owner must maintain, repair, and REPLACE storm water infrastructure on their lot, even if it serves multiple lots.

[1984 Exhibit "A", p. 18; Art. II §B, pp. 15–16 | 2026 Draft Art. II §2(j), Art. VI §2(b), Art. VII §1, Art. VIII]

7. Additional Water-Related Rules in the 2026 Draft

Beyond the major structural changes, the 2026 Draft introduces several additional provisions that touch on water management:

Provision	1984 Rule	2026 Rule
Wildlife Feeding	Not addressed.	Feeding wildlife in the lake, pond, or stream is prohibited, including waterfowl and fish. Exception: feeding birds is allowed.
Landscaping & Drainage	Not addressed.	Stone may be incorporated into landscaping to "promote drainage and minimize water retention." Artificial turf is prohibited (partly because it affects drainage).
Grading Plan Review	Grading plan of the lot must be submitted as part of architectural approval.	Board can deny building applications specifically for "objection to the grading plan for any lands."
Chemical Use	Not addressed.	No chemicals in water features without prior written consent of Board, City, and any governmental authority with jurisdiction.
Right of Entry	Developer can enter lots for dredging, filling, grading, or installation of drainage facilities.	Association has right of access to enter any Lot for maintenance, repair, or replacement related to water features and drainage.

[2026 Draft, Art. IV §3(dd) p. 23; Art. IV §3(i) p. 12; Art. V §3(f) p. 25; Art. IV §3(h)(9) p. 12; Art. VI §5 p. 27]

8. What Stayed the Same

Despite the significant expansions, several core principles are preserved from the 1984 documents:

- The Storm Water Management Plan remains the foundational document governing the water features, and both documents require governmental approval for changes.
- The basic prohibition on structures in or over the water is preserved.
- The prohibition on swimming and boating is preserved (and expanded).
- Individual lot owners adjacent to water remain responsible for debris removal and bank maintenance.
- The Association retains step-in rights when owners fail to maintain.
- The City of Akron retains backstop authority.
- Assessments continue to fund water-related common expenses.

9. Summary of Key Changes

#	Change	Impact
1	New "Water Lot" designation with 10 obligations	Creates formal regulatory framework for lots near water. Significantly more restrictions than 1984.

#	Change	Impact
2	Adjacent lot owners also bound by Water Lot rules	Extends restrictions beyond direct waterfront owners to neighboring lots.
3	Owners must maintain shared drainage infrastructure	Individual owners bear cost of maintaining/replacing pipes and conduits even if they serve multiple lots. New financial burden.
4	Board has final say on maintenance disputes	Removes practical ability to challenge Board decisions about who pays for water maintenance.
5	No assessment cap + new assessment categories	Removes financial predictability. Water costs could drive significant assessment increases.
6	Four new prohibited activities near water	Water removal, material deposits, chemical use, and bank alteration now explicitly banned (were not addressed in 1984).
7	Expanded recreational prohibitions	Ice skating, fishing, and specific watercraft now explicitly banned beyond the original no-swimming/boating rule.
8	Dredging schedule now discretionary	1984 budgeted for 8-year dredging cycles. 2026 makes it "as the Board may determine to be reasonably necessary."

This analysis was prepared for informational purposes only and does not constitute legal advice.
All claims reference specific source document sections and page numbers for independent verification.
Prepared for Our Neighborhood — March 2026