Roads become an issue for Legado homeowner's association



Cathleen Allison/Nevada Appeal

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Charlie Duke, president of the Dayton Valley Community Association, would like to see the developer pitch in a little for the roads.

But developer Joe Wade of Dayton Valley Investors said his company has done more than its share for roads that are the responsibility of the homeowner's association.

Duke said that when he moved to the Dayton Valley Golf and Country Club at Legado, it was then owned by John Lawrence (Nevada) Inc., which went bankrupt in the late 1990s. The property was then taken over by lenders and sold to Dayton Valley Investors.

He said the roads were never properly deeded to the homeowner's association, which has taken responsibility for repairs.

"It's an attitude that has occurred," he said.

Duke said Wade gave him, during a meeting with the homeowner's association, a master plan of what the company was considering to do to improve the then-138-home development.

He said most residents supported the plan and the association went before the Dayton Regional Advisory Council, the Lyon County Planning Commission and the Lyon County Commission to support the developer. All three boards approved the master plan, he said, despite some opposition from neighbors.

"We at the HOA feels betrayed because we worked our butts off to get this development through," he said. "Now they throw up their hands and say, 'We have no more money.' You don't have money because you didn't follow good business practices."

Duke said the homeowner's association could have to levy assessments if they don't get funding for road repair.

Wade said he could recall no opposition when the company purchased the development.

"When we bought the project there was an approved tentative subdivision map," he said. "In the past few years, we got a new planned-unit development for the remaining acreage. I don't recall anyone being opposed to our project. We thought it was very well supported by the community."

The development now has more than 600 homes, he said.

Duke said the association had held meetings with Dayton Valley Investors over the years requesting they put money into an account to take care of the roads.

"There was no deed of trust showing the homeowner's association owns the roads," he said. "What happened was the association was under the assumption that they owned the roads. I don't know how that came about that we don't own the roads."

He said the association has always been supportive of the development and has paid hundreds of thousands on infrastructure at the association.

Duke said the association asked for funds to maintain the roads and were given $38,000, while the homeowner's association put out $100,000.

He said that by law the developer had to put money into a reserve fund before they turn roads over to homeowners associations, but the developer never did. He said at a meeting in 2006, the developer was supposed to put $500 per home in a reserve fund, but didn't do that either.

Wade said the homeowner's association doesn't own the roads per se, but they do have the easements for the roads which were dedicated to them.

"The HOA did accept maintenance of the streets, and has done so for years and years," he said. "They have not been deeded. But subdivision maps that have created the subdivision dedicated easements for the streets and under the covenants, conditions and restrictions, it provides that the homeowner's association will maintain any streets and anything else created by a fee or easement."

Wade said this arrangement was how the streets out there have been created and was not uncommon for subdivisions.

He said his company has been paying dues on the road to the association, and by separate agreement a few years ago paid the $38,000, which the homeowner's association accepted.

"We have done everything we can be expected to do," he said. "We're only doing what has been done historically about it. We paid for each new house, the same as any other house pays."

Wade said no one raised a question with him about the streets until recently, and he added he has been trying to meet with the association for more than a year over the issue.

He said he didn't have a problem with deeding the streets as long as the homeowner's association was still responsible for maintaining them.

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