Drain: Improvement-Arm: Date Approved:		Oliver Armstrong Drain				
		Cumberland Pointe Marketplace Reconstruction				
		January 28, 2008				
	Dı	rain Input Checklist				
Create Regu	lated Drain Record in	Posse				
	Drain Type					
	Outlet (Tab)					
	Outlet Attached					
	Location					
	Twp					
	Certification					
	Drain Number					
		January 28, 2008 rains, Erosion Control, Sub-surface drain & Earthwork)				
Scan Docum	ients					
	Surveyor's Report					
	Engineer's Estimate					
	Bonds	<u> </u>				
	Findings and Order					
	Petition					
Create Posse	Inspection Job					
• Enter into W	atershed Summary S _l	preadsheet				
• Check for V	acation of Drain & M	ap Changes				
Check Drain	age Easement Classif	ication				
• Sum drain le	ength & Validate in G	IS				
• Enter New V	Vatershed Length into	Posse				
Create Boun	dary of Improvement	in GIS				



Kenton C. Ward, CFM Surveyor of Hamilton County Phone (317) 776-8495 Fax (317) 776-9628

Suite 188 One Hamilton County Square Noblesville, Indiana 46060-2230

October 30, 2007

To: Hamilton County Drainage Board

Re: Oliver Armstrong Drain, Cumberland Pointe Marketplace Reconstruction

Attached is a petition and plans for the proposed relocation of the Oliver Armstrong Drain. The relocation is being proposed by Cumberland Pointe LLC. The proposal is to reconstruct the drain across parcel #10-11-07-00-00-037.000 owned by Gene Marks, Bruce, Brian & Brenda Cordle, ¼ interest each, 10-11-07-00-00-038.001 owned by Noblesville Cumberland Pointe, LLC and parcel 10-11-07-00-00-038.101 owned by GC Noblesville IN, LLC as part of the Cumberland Pointe Marketplace project per plans by Pendleton Consulting, revision date February 8, 2006.

This line will consist of the following:

8" HDPE	394 ft.	18" RĆP	24 ft.	36" RCP	1,078 ft.
12" RCP	39 ft.	30" RCP	146 ft.	Open (Pond 1 & 2)	1,116 ft.

The total length of new drain shall be 2,797 feet. The 2,991 feet of original drain between Sta. 10+09 to Sta. 25+59 of the main drain, Sta. 0+30 to Sta. 1+71 of Arm 1, and Sta. 0 to Sta. 13+00 of Arm 2 will be vacated. This proposal will subtract 194 feet from the drains total length.

Under a previous reconstruction petition for Cumberland Pointe Commercial which was approved on February 27, 2006, the Main Drain from Sta. 0+00 to Sta. 10+09 and Arm 1 from Sta. 0+00 to 0+30 were reconstructed as noted in Drainage Board Minutes Book 9, pages 82-84, per Surveyor's report dated December 7, 2005.

The Retention Ponds 1 and 2 are to be considered part of the regulated drain. Pond maintenance shall include the inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the ponds, such as mowing and aquatic vegetation control will be the responsibility of the owner of the tract on which the pond is located. The Board will also retain jurisdiction for ensuring the storage volume for which the ponds were designed will be retained, thereby, allowing no fill or easement encroachments.

In the future, as per the plans, a storm sewer is to be constructed near the right-of-way of SR 37 and extend from the south property line and drain north to Str. 201. The purpose of this storm line is to serve the area between North Point Blvd and SR 37, as well as to provide possible connection to off-site lands to the south.

The cost of the relocation is to be paid by Cumberland Pointe, LLC.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Company: Bond Safeguard Insurance Company

Bond No: 5018759

Bond Date: September 14, 2005 Bond Amount: \$165,240.00

The easements for the new drain shall be the drainage easements (DE) as recorded in the office of the Hamilton County Recorder, Instrument #200500060873, PC3, Slide 710.

I recommend the Board set a hearing for this proposal for January 28, 2008.

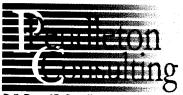
Sincerely/

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/llm

HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

\hat{S} :
Hamilton County, Indiana
PETITION FOR RELOCATION AND RECONSTRUCTION
(hereinafter Petitioner"),
y petitions the Hamilton County Drainage Board for authority to relocate and improve a
n of the Oliver Armstrong Drain, and in support of
etition advises the Board that:
Petitioner owns real estate through which a portion of the Oliver Arm strong,
Drain runs.
Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains,
sanitary sewers and other structures.
Petitioner's proposed development of its real estate will require relocation and
reconstruction of a portion of the Oliver Armstrong Drain, as
specifically shown on engineering plans and specifications filed with the Hamilton
County Surveyor.
The work necessary for the proposed relocation and reconstruction will be undertaken at
the sole expense of the Petitioner and such work will result in substantial improvement to
the Oliver Armstrone Drain, without cost to other property owners
on the watershed of the Oliver Armstrong Drain.
Proposed relocation and reconstruction will not adversely affect other land owners within
the drainage shed.
Petitioner requests approval of the proposed relocation and reconstruction under
IC 36-9-27-52.5.
WHEREFORE, Petitioner requests that an Order issued from the Hamilton County
ge Board authorizing relocation and reconstruction of the Oliver Armstrone
in conformance with applicable law and plans and specifications on file with the Hamilton
Surveyor.
Signed JOPP M. Ronswer



P.O.Box 67 Pendleton, Indiana 46064-0067 Tel: 765-778-4540 Fax: 765-778-3571 email s.bourquein@pendletonconsulting.net

September 21, 2005

Hamilton County Surveyor's Office

Attn: Steve Cash

Re: Oliver Armstrong RD

Cumberland Pointe Marketplace

Noblesville, Indiana

Dear Steve;

This letter is to be used as supporting information for our request for reconstruction and encroachment for the referenced project. As required, we have prepared an engineer's construction estimate for the facilities that will be included in the reconstruction of the referenced Regulated Drain.

We estimate that the construction cost for the Regulated Drain portion of the Cumberland Pointe Marketplace as represented by the plans prepared by Pendleton Consulting ands Floyd E. Burroughs and Associates is \$137,000.00.

A performance bond in the amount of \$165,240.00 (120% of the above estimated construction cost), is included as required.

Thank you for your attention to this matter. If you have any questions, please call me at the number above.

Sincerely;

Pendleton Consulting

Stephen E. Bourquein, L.S.

Endu E. Bi

SEB/seb

file: Drainage Review

c:\documents and settings\stephen\my documents\data\urbahns\noblesville01\final\ltr 04 hcso scash review 1.doc



11006-2005-00102

SUBDIVISION BOND

Bond No.: 5018759	Principal Amount: \$165,240.00
KNOW ALL MEN BY THESE PRESENTS, that	: we
Cumberland Pointe LLC	
280 East 96th Street, Ste. 250, Indianapolis, IN 462	40
as Principal, and	
Bond Safeguard Insurance Company 1919 S. Highland Ave., Bldg. A, Ste. 300, Lombard,	. IL 60148 a IL
Corporation, as Surety, are held and firmly bound u	
Hamilton County Drainage Board ,	
One Hamilton County Square, Suite 188, Noblesvil	le, IN 96060-2230
as Obligee, in the penal sum of	D. II 1001400
One Hundred Sixty Five Thousand Two Hundred Fort	y Dollars and 00/100
United States of America, for the payment of which	rs) (\$\frac{165,240.00}{\text{ not truly to be made, we bind, ourselves.}}
our heirs, executors, administrators, successors and presents.	assigns, jointly and severally, firmly by these
	has agreed to construct in
	milton County, IN the following
improvements:	
Regulated Drain, Storm Sewer Improvements.	
NOW, THEREFORE, THE CONDITION OF T	THIS OBLIGATION IS SUCH, that if the said
Principal shall construct, or have constructed, the in	nprovements herein described, and shall save the
Obligee harmless from any loss, cost or damage by:	reason of its failure to complete said work, then
this obligation shall be null and void, otherwise to r	emain in full force and effect, and the Surety,
upon receipt of a resolution of the Obligee indicatin	g that the improvements have not been installed
or completed, will complete the improvements or participal amount of this bond which will allow the	Obligee to complete the improvements.
Fillicipal amount of this bond which will anow the	Obliget to complete the improvement.
Upon approval by the Obligee, this instrum	ent may be proportionately reduced as the public
improvements are completed.	
	74-7-h oz. 2005
Signed, sealed and dated, this 14th day of Se	ptember, 2005
Cumberland Pointe LIQ	Bond Safeguard Insurance Company
Principal /	Surety
ANN CTANLL	Du Grew Dian
BA: TANK A 1114	By: Attorney-in-Pact
. 3	10.10 - 10-

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POWER OF ATTORNEY

AO 37372

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that BOND SAFEGUARD INSURANCE COMPANY, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint:

Michael J. Scheer, James I. Moore, Christine Woods, Irene Diaz,

Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy Faust, Kelly A. Jacobs, Elaine Marcus, Jennifer J. McComb, Melissa Schmidt

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of BOND SAFEGUARD INSURANCE COMPANY on the 7th day of November, 2001 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$1,000,000.00, One Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, BOND SAFEGUARD INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

David E. Campbell President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of BOND SAFEGUARD INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL" MICHELE KOLLER Notary Public, State of Illinois My Commission Expires 08/28/07

ARD INSURANC

ILLINOIS INSURANCE

COMPANY

Michele Koller Notary Public

CERTIFICATE

I, the undersigned, Vice President of BOND SAFEGUARD INSURANCE COMPANY, An Illinois Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this <u>14th</u> Day of <u>September</u> 20 05

Donald D. Buchanan Secretary

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STATE OF ILLINOIS } COUNTY OF DU PAGE }

On September 14, 2005, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Irene Diaz, known to me to be Attorney-in-Fact of Bond Safeguard Insurance Company, the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires March 29, 2008

Notary Public

OFFICIAL SEAL DAWN L MORGAN NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:03/29/08

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Oliver Armstrong Drain, Cumberland Pointe Marketplace Sta. 10+09 to Sta.25+59 of Main Drain Sta. 0+30 to Sta. 10+09 of Arm 1 Sta. 0 to Sta. 13+00 of Arm 2

On this 28th day of January 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Oliver Armstrong Drain, Cumberland Pointe Marketplace, Sta. 10+09 to Sta. 25+59 of Main Drain; Sta. 0+30 to Sta. 10+09 of Arm 1; Sta. 0 to Sta. 13+00 of Arm 2.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the Oliver Armstrong Drain, Cumberland Pointe Marketplace.

HAMILTON COUNTY DRAINAGE BOARD

President

Member

Member

Attest: Lignette Mostorie

STATE OF INDIANA)

SS:

COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY

DRAINAGE BOARD

NOBLESVILLE, INDIANA

IN THE MATTER OF THE

RECONSTRUCTION OF THE

Oliver Armstrong Drain, Cumberland Pointe Marketplace Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Oliver Armstrong Drain* came before the Hamilton County Drainage Board for hearing *on January 28, 2008*, on the Reconstruction Report consisting of the report and the Schedule of Damages and Assessments. The Board also received and considered the written objection of an owner of certain lands affected by the proposed Reconstruction, said owner being:

Evidence was heard on the Reconstruction Report and on the aforementioned objections.

The Board, having considered the evidence and objections, and, upon motion duly made, seconded and unanimously carried, did find and determine that the costs, damages and expenses of the proposed Reconstruction will be less than the benefits accruing to the owners of all land benefited by the Reconstruction.

The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included or omitted from the Schedule of Assessments.

The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

Wherefore, it is ORDERED, that the proposed Reconstruction of the Oliver Armstrong Drain, Cumberland Pointe Marketplace Reconstruction be and is hereby declared established.

Thereafter, the Board made inspection for the purpose of determining whether or not the lands of any owners had been erroneously included or excluded from the Schedule of Assessments. The Board finds on the basis of the reports and findings at this hearing as follows:

HAMILTON COUNTY DRAINAGE BOARD

PRESIDENT

Memb

Member

ATTEST

CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor Re: Cumperland Pointe Marhofphace I hereby certify that: 1. I am a Registered Land Surveyor or Engineer in the State of Indiana. 2. I am familiar with the plans and specifications for the above referenced subdivision. 3. I have personally observed and supervised the completion of the drainage facilities for the above referenced subdivision. 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been installed and completed in conformity with all plans and specifications. 5. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been correctly represented on the Record Drawings, Digital Record Drawings and the Structure Data Spreadsheet. Signature: Business Address: Telephone Number: INDIANA REGISTRATION NUMBER 60441 OCT 0 5 2009





Kenton C. Ward, CFM Surveyor of Hamilton County Phone (317) 776-8495 Fax (317) 776-9628

Suite 188 One Hamilton County Square Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

January 12, 2010

Re: Oliver Armstrong: Cumberland Pointe Marketplace Reconstruction

Attached are as-builts, certificate of completion & compliance, and other information for Cumberland Pointe Marketplace Reconstruction. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

During construction, changes were made to the drain, which will alter the plans submitted with my report for this drain-dated October 30, 2007. The report was approved by the Board at the hearing held January 28, 2008. (See Drainage Board Minutes Book 11, Pages 4-6) The changes are as follows:

Structure:	Length:	Size	Material:	Up Invert:	Dn_Invert	Grade:
301-300	27	30	RCP	794.61	794.58	0.11
300-20	13	30	RCP	794.58	794.52	0.44
20-19	65	30	RCP	794.52	794.36	0.24
19-18	51	30	RCP	794.36	794.23	0.25
18-21	116	36	RCP	793.72	793.25	0.33
21-24	241	36	RCP	793.72	793.25	0.2
24-26	117	36	RCP	793.25	792.95	0.26
26-26A	103	36	RCP	792.95	792.44	0.49
EX100-302	24	18	RCP	795.3	795.12	0.42
203-202	122	36	RCP	788	787.52	0.34
202-201	250	36	RCP	787.35	786.96	0.16
201-200	125	36	RCP	786.62	786.25	0.3
200-200A	22	12	RCP	786.21	786.08	0.49
Tile Outlet	394	8	HDPE			

 RCP Pipe Totals:

 12
 22

 18
 24

Other Drain Totals: 8" HDPE 394

983

OPEN

	30	156
	36	1074
Total:		1276

Total:	1377

The length of the drain due to the changes described above is now **2653 feet**. The original Oliver Armstrong Drain was removed from Station 10+09 to Station 25+34 on the main drain, Station 0+30 to Station 1+71 of Arm 1, and Station 0 to Station 13+00 of Arm 2. Therefore, there was 313 feet removed from the watershed's overall length.

The easement for this drain was set per the plat for Cumberland Point which was recorded in the Hamilton County Recorder's Office under instrument #2005000060873.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its October 12, 2009 meeting.

Bond-LC No: 5018759 Insured For: Storm Sewers Amount: \$165,240.00

Issue Date: September 14, 2005

I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/slm

