

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor
Phone (317) 776-8495
Fax (317) 776-9628

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

January 4, 2005

TO: Hamilton County Drainage Board

RE: Ballantrae Drain

Attached is a petition filed by Ballantrae Development LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Ballantrae Drain to be located in Clay Township. I have reviewed the submittals and petition and have found each to be in proper form.

I have made a personal inspection of the land described in the petition. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a public highway, and be of public utility and that the costs, damages and expenses of the proposed drain will probably be less than the benefits accruing to the owners of land likely to be benefited. The drain will consist of the following:

6" SSD	380 ft.	12" RCP	271 ft.
--------	---------	---------	---------

The total length of the drain will be 651 feet.

The retention pond located in Common Area "A" is not to be considered part of the regulated drain. Only the inlet and outlet will be maintained as part of the regulated drain. The maintenance of the pond will be the responsibility of the Homeowners Association. The Board will however retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

On October 27, 2003 the Hamilton County Drainage Board approved a variance for the pond. The variance was to deviate from the pond cross section standard detail in regard to the safety ledge and the slope of the bank. The Board approved this contingent upon the Board being an additionally insured in the amount of \$500,000.00 by the Homeowners Association. (See Hamilton County Drainage Board Minutes Book 7, Pages 214-215).

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs. Only the main SSD lines which are located within the right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain.

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$10.00 per acre for common areas and platted lots, \$10.00 per acre for roadways, with a \$45.00 minimum for lots and \$50.00 minimum for common areas. With this assessment the total annual assessment for this drain/this section will be \$585.00.

The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Letter of Credit are as follows:

Agent: Star Financial Bank
Date: December 1, 2003
Number: 16775965
For: Storm Sewer
Amount: \$24,990.00

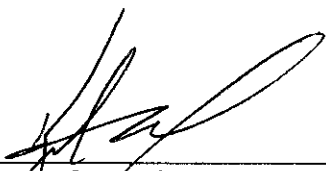
Agent: Star Financial Bank
Date: December 1, 2003
Number: 16775966
For: Erosion Control
Amount: \$13,132.00

Parcels assessed for this drain may be assessed for the Osborne & Collins or Williams Creek Drain at sometime in the future

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

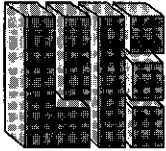
I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement requests. The requests are for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Ballantrae Subdivision as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for February 28, 2005



Kenton C. Ward
Hamilton County Surveyor

KCW/pll



WEIHE ENGINEERS, INC.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS, LANDSCAPE ARCHITECTS

July 2, 2003

Hamilton County Surveyor's Office
ATTN: Ms. Jenny Chapman
Suite 188
One Hamilton County Square
Noblesville, Indiana 46060

RE: Engineer Estimate Ballantrae Subdivision, Carmel, Indiana

Dear Jenny:

Enclosed are Engineer's Estimates concerning the Hamilton County portion of bonding issues for the above subdivision:

STORM SEWER:

12" Storm Sewer Pipe: 272 L.F. @ \$17.50/LF:	\$4760.00
Curb Inlet: 1 @ \$1350.00	
Beehive Inlets: 4 @ \$1450.00/ea:	\$5800.00
Inlet Protection:	\$175.00
Rip-rap: 40 ton @ \$50.00/ton:	\$2000.00
12" End Section: 4 @ \$486.00/ea:	\$1944.00
6" swale drain with c.o.'s: 660 L.F. @ \$8.83/LF:	\$5828.00
4" lateral drain: 100 L.F. @ \$6.25/LF:	\$625.00
6" curb drain: 538 L.F. @ \$4.66/LF:	\$2508.00
	TOTAL: <u>\$24,990.00</u>

EROSION CONTROL:

Permanent Seeding: 86800 S.F. @ \$0.04/SF:	\$4774.00
R/W Seeding: 13200 S.F. @ \$0.06/SF:	\$726.00
Silt Fence: 830 L.F. @ \$1.60 LF:	\$1328.00
Swale Blankets: 20040 L.F. @ \$0.09/LF:	\$1804.00
Tree Preservation Fence: 2500 LF @ \$1.60/LF:	\$4000.00
Rock Check Dams: 2 @ \$250.00/ea:	\$500.00
	TOTAL: <u>\$13,132.00</u>

MONUMENTS & MARKERS: \$1200.00 **TOTAL: \$ 1,200.00**

Please call should you have any questions or comments concerning these estimates. If you need additional items please let me know. Thank you.

Sincerely,

Dave Barnes,
Weihe Engineers, Inc.

RECEIVED

JUL 03 2003

OFFICE OF HAMILTON COUNTY SURVEYOR

ALLAN H. WEIHE, P.E., L.S. - PRESIDENT



STAR
Financial Bank™

**IRREVOCABLE LETTER OF CREDIT
NO. 16775965**

HCDB - 2004 - 00089

Beneficiary: Hamilton County Board of Commissioners
Address: One Hamilton Square, Suite 157
Noblesville, IN 46060

Customer: Ballantrae Development LLC
Address: 12900 N Meridian Suite 380
Carmel, IN 46032

Project Ballantrae

Lender: STAR Financial Bank
Address: 735 Main Street
Anderson, IN 46015

Expiration Date: This Letter of Credit shall expire upon the earlier of:
1. the close of business on 12/01/04 and all drafts and accompanying statements or documents must be presented to Lender on or before that time; or
2. the day that Lender honors a draw under which the full amount of this Letter of Credit is drawn.

Lender indicated above ("Lender") hereby establishes at the request and for the account of Customer an Irrevocable Letter of Credit in favor of Beneficiary for a sum of Twenty Four Thousand Nine Hundred Ninety Dollars (\$24,990). This Letter of Credit is only to be used for storm sewer \$24,990.00.

These funds shall be made available to Beneficiary against Lender's receipt from Beneficiary of drafts at sight on Lender at its address indicated above (or such other address that Lender may provide Beneficiary with written notice of in the future) during regular business hours and accompanied by the signed written statements or documents indicated below:

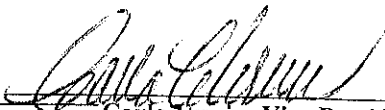
Draft Terms and Conditions - This Irrevocable Letter of Credit must be submitted with the draft. All drafts must be marked "Drawn Under STAR Financial Bank Irrevocable Letter of Credit No., 16775965. Request must be accompanied by a signed letter from an authorized representative of the Hamilton County Commissioners stating the deficiencies in completing the required infrastructure and the amount of each shall be marked on the draft

The right to draw under this Letter of Credit shall be non-transferable.

The Uniform Customs and Practice for Documentary Credits as most recently published by the International Chamber of Commerce (hereinafter called the "UCP") shall in all respects be deemed a part hereof as fully as if incorporated herein and shall apply to this Letter of Credit. This agreement shall be governed by and construed in accordance with the laws of the State of Indiana, United States of America, except to the extent such laws are inconsistent with the UCP. Lender and Beneficiary consent to the jurisdiction and venues of any court selected by Lender in its discretion located in the State of Indiana in the event of any legal proceeding under this Letter of Credit.

Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to the Lender on or before the Expiration Date.

STAR Financial Bank



Carla Urwin, Vice President

140 East Carmel Drive
Carmel, IN 46032
Tel: (317) 816-2900
Fax: (317) 816-2951



STAR

Financial Bank

IRREVOCABLE LETTER OF CREDIT

NO. 16775966

HCDB - 2004 - 00088

Beneficiary: Hamilton County Board of Commissioners
Address: One Hamilton Square, Suite 157
Noblesville, IN 46060

Customer: Ballantrae Development LLC
Address: 12900 N Meridian Suite 380
Carmel, IN 46032

Project: Ballantrae

Lender: STAR Financial Bank
Address: 735 Main Street
Anderson, IN 46015

Expiration Date: This Letter of Credit shall expire upon the earlier of:
1. the close of business on 12/01/04 and all drafts and accompanying statements or documents must be presented to Lender on or before that time; or
2. the day that Lender honors a draw under which the full amount of this Letter of Credit is drawn.

Lender indicated above ("Lender") hereby establishes at the request and for the account of Customer an Irrevocable Letter of Credit in favor of Beneficiary for a sum of Thirteen Thousand One Hundred Thirty Two Dollars (\$13,132.00), and is only to be used for Erosion Control.

These funds shall be made available to Beneficiary against Lender's receipt from Beneficiary of drafts at sight on Lender at its address indicated above (or such other address that Lender may provide Beneficiary with written notice of in the future) during regular business hours and accompanied by the signed written statements or documents indicated below:

Draft Terms and Conditions - This Irrevocable Letter of Credit must be submitted with the draft. All drafts must be marked "Drawn Under STAR Financial Bank Irrevocable Letter of Credit No., 16775966. Request must be accompanied by a signed letter from an authorized representative of the Hamilton County Commissioners stating the deficiencies in completing the required infrastructure and the amount of each shall be marked on the draft

The right to draw under this Letter of Credit shall be non-transferable.

The Uniform Customs and Practice for Documentary Credits as most recently published by the International Chamber of Commerce (hereinafter called the "UCP") shall in all respects be deemed a part hereof as fully as if incorporated herein and shall apply to this Letter of Credit. This agreement shall be governed by and construed in accordance with the laws of the State of Indiana, United States of America, except to the extent such laws are inconsistent with the UCP. Lender and Beneficiary consent to the jurisdiction and venues of any court selected by Lender in its discretion located in the State of Indiana in the event of any legal proceeding under this Letter of Credit.

Lender hereby agrees with Beneficiary that drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if presented to the Lender on or before the Expiration Date.

STAR Financial Bank

Carla Urwin, Vice President

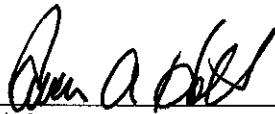
140 East Carmel Drive
Carmel, IN 46032
Tel: (317) 816-2900
Fax: (317) 816-2951

FINDINGS AND ORDER
CONCERNING THE MAINTENANCE OF THE
Ballantrae Drain


On this **28th day of February 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Ballantrae Drain**.

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

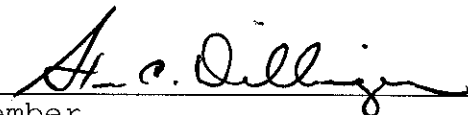
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN. 46060-2230

In the matter of Ballantrae Subdivision,
Section Ballantrae Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Ballantrae, a subdivision in Hamilton County, Indiana. The general route of such drainage shall be in existing easements and along public roads as shown in the plans on file in the Surveyor's Office.

Petitioner believes that the cost, damages and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land likely to be benefitted thereby. Petitioner believes the proposed improvements will:

- (a) improve public health
- (b) benefit a public street
- (c) be of public utility

Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 100% of the Engineer's estimate. The bond will be in effect until construction of 100% of the system is completed and so certified by the Engineer.
2. The Petitioner shall retain an Engineer throughout the construction phase. At completion of the project the Petitioner's Engineer shall certify that the drainage system which is to be maintained as a regulated drain has been constructed as per construction plans.
3. The Petitioner agrees to request in writing to the County Surveyor any changes from the approved plan and must receive written authorization from the County Surveyor prior to implementation of the change. All

changes shall be documented and given to the Surveyor to be placed in the Drain file.

4. The Petitioner shall instruct his Engineer to provide a reproducible print on a 24" x 36" mylar of the final design of the Drainage System. This shall be submitted to the County Surveyor prior to the release of the Performance Bond.
5. The Petitioner shall comply with the Erosion Control Plan as specified on the construction plans. Failure to comply with the Erosion Control Plan shall be determined by the Board as being an obstruction to the drainage system. The County Surveyor shall immediately install or repair the needed measures at Petitioners cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

Ballantrae Development, LLC



Signed

James J. Anderson, President

Printed Name

Signed

Printed Name

RECORDED OWNER(S) OF LAND INVOLVED

Date 12/1/03