



Kenton C. Ward, Surveyor

Phone (317) 776-8495

Fax (317) 776-9628

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

December 2, 2004

TO: Hamilton County Drainage Board

RE: J.W. Brendel Drain, Stanford Park Section 1 Arm

Attached is a petition filed by Platinum Properties LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Stanford Park Section 1 Arm, J.W. Brendel 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:

12"	RCP	2,366 ft.	24"	RCP	1,927 ft.
15"	RCP	757 ft.	30"	RCP	208 ft.
18"	RCP	725 ft.	6"	SSD	10,363 ft.
21"	RCP	702 ft			-

The total length of the drain will be 17,048 feet.

The retention ponds (lake) located in Common Area 2 & 3 are to be considered part of the regulated drain. The maintenance of the pond (lake), such as mowing, will be the responsibility of the Homeowners Association. The Board will retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments. The Board shall also maintain the inlets and outlets and erosion control protection on the banks.

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 \$65.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$7,667.90

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 Performance Bond/Letter of Credit are as follows:

Agent: Lexon Insurance Company

Date: July 19, 2004 Number: 1009217

For: Storm Sewers, Erosion Control, SSD, and Monuments and Markers

Amount: \$342,200.00

Parcels assessed for this drain may be assessed for the Long Brach 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.

To gain a proper outlet for this site, the developer will need to reconstruct a portion of the J.W. Brendel – Shelborne Park Section 1 Arm. The reconstruction will involve removing and reinstalling, at a lower slope, the section of pipe from structure 828 to 828A of the Shelborne Park Section 1 Arm which is shown on sheet C603 of the Stanford Park Section 1 development plan at structure 828A and 215. The reconstruction will add 8 feet of 24" RCP to the J.W. Brendel – Shelborne Park Section 1 Arm. The pipe will remain in the same easement, as shown on the Shelborne Park Section 1 Plat, recorded in the office of the Hamilton County Recorder.

This reconstruction will be paid by Platinum Properties and will effect tracts Lot 7, 17-09-29-00-01-007.000, James & Christine Zoccola and Lot 8, 17-09-29-00-01-008.000, Brandon & Michelle Tiek.

This will also involve construction of part of the length of pipe between Str. 215 and 214 on the above referenced sheet C603 across Lot 8. All offsite work located in Shelborne Park shall be preformed in existing platted drainage easement.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Stanford Park Section 1 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 24, 2004.

Kenton C. Ward

Hamilton County Surveyor

KCW/pll

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Stanford Park, Section 1, 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 benefited 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 or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% 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).

RECORDED OWNER(S) OF LAND INVOLVED

L. B.		
Signed Bragen	Signed	
Ken Brasseur		
Printed Name	Printed Name	
October 14, 2004		
Date	Date	
Signed	Signed	
Printed Name	Printed Name	
Date	Date	·



October 4, 2004

Mr. Kent Ward, L.S. Hamilton County Surveyor's Office One Hamilton County Square Noblesville, In 46060-2230

Re: Stanford Park - Section 1

Dear Mr. Ward:

The following represents the Engineer's Estimate for the costs of improvements for the above referenced project. The estimate is as follows:

	Cost
Storm Sewer	\$ 221,600.00
Monuments and Markers	\$ 7,600.00
Subsurface Drains	\$ 47,600.00
Erosion Control	\$ 65,400.00

Total Cost for the above improvements \$342,200.00

If you have any questions or comments, please do not hesitate to call me at 818-2907.

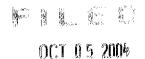
Sincerely,

Scott G. Murray, P.E.

Futt S. Mullay

Project Manager





OFFICE OF HAMDION COUNTY SERVICES



HCDB- 2004-00081

SUBDIVISION BOND

Bond No.: 1009217	Principal Amount: \$342,200.00
KNOW ALL MEN BY THESE PRESENTS, that	we
PPV, LLC 9551 Delegate's Row, Indianapolis, IN 46240	
as Principal, and	
Lexon Insurance Company	
1919 S. Highland Avenue, Bldg. A, Ste. 300, Lombia	ard, IL 60148 a TX
Corporation, as Surety, are held and firmly bound u	nto
Hamilton County Board of Commissioners	
One Hamition County Square, Noblesville, IN 4606	80
as Obligee, in the penal sum of	
Three Hundred Forty Two Thousand Two Hundred Do	
United States of America, for the navment of which	rs) (\$ 342,200.00), lawful money of the
United States of America, for the payment of which our heirs, executors, administrators, successors and	well and truly to be made, we bind ourselves,
presents.	assigns, jointly and severally, firmly by these
•	
WHEREAS, PPV, LLC	nas agreed to construct in
Stanford Park - Section 1 Subdivision, in Ha	milton County, IN the following
improvements:	
Storm sewer, monuments and markers, SSD and eros	ion control
Town, moramonic and markers, COD and Gros	noti control.
NOW, THEREFORE, THE CONDITION OF T	HIS OBLIGATION IS SUCH, that if the said
Principal shall construct, or have constructed, the im	provements herein described, and shall save the
Obligee harmless from any loss, cost or damage by r	eason of its failure to complete said work, then
this obligation shall be null and void, otherwise to reupon receipt of a resolution of the Obligee indicating	that the improvements have not been distinct.
or completed, will complete the improvements or pa	y to the Obligee such amount up to the
Principal amount of this bond which will allow the	Obligee to complete the improvements
Upon approval by the Obligee, this instrume	nt may be proportionately reduced as the public
improvements are completed.	•
Circuit contains and disease at the 10th of	luk. 0004
Signed, sealed and dated, this 19th day of	July , 20 <u>04</u>
PPV, LLC	Lexon Insurance Company
Principal /	Surety
J-0511	
By: Avan	By: Jem Dian
	Irene Diaz Attorney-in-Fact

POWER OF ATTORNEY

LX-010238

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that LEX	XON INSURANCE COMPANY, a Texas Corporation, with its principal o	ffice in
Louisville, Kentucky, does hereby constitute and appoint:	Michael J. Scheer, James I. Moore, Christine Woods, Irene Diaz,	
Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy I	Faust, Kelly A. Jacobs, Elaine Marcus, Jennifer J. McComb, Mellissa Schii	mdt
	and deliver for, and on its behalf as surety, any and all bonds, undertak	
This authority is made under and by the authority INSURANCE COMPANY on the 1st day of July, 2003 as folio	ty of a resolution which was passed by the Board of Directors of ${f L}$ ows:	.EXON
other person or persons as Attorney-In-Fact to execute on bell or other writings obligatory in nature of a bond not to exceed \$ its duly elected officers, and affix the seal of the Company the binding upon the Company as if they had been duly execute	eby authorized to appoint and empower any representative of the Compehalf of the Company any bonds, undertakings, policies, contracts of ind \$2,000,000.00, Two Million Dollars, which the Company might execute the ereto. Any said execution of such documents by an Attorney-In-Fact shall ted and acknowledged by the regularly elected officers of the Companiuse and the authority so granted may be revoked as specified in the Policies.	lemnity hrough I be as
granted, and the signature of the Vice President, and the sea power and any such power or certificate bearing such facsim	he seal of the Company may be affixed by facsimile on any power of at eal of the Company may be affixed by facsimile to any certificate of an mile signature and seal shall be valid and binding on the Company. An and sealed shall, with respect to any bond of undertaking to which it is att	y such
IN WITNESS THEREOF, LEXON INSURANCE CO Corporate Seal to be affixed this 2nd day of July, 2003.	OMPANY has caused this instrument to be signed by its President, a	and its
TEXAS INSURANCE COMPANY	BY David E. Campbell President	
ACKI	CNOWLEDGEMENT	
say that he is the President of LEXON INSURANCE COMPA	came David E. Campbell to me known, who being duly sworn, did deportance. PANY, the corporation described in and which executed the above instruction by authority of his office under the By-laws of said corporation.	se and ument;
,	Lydia J. DeJong CERTIFICATE Lydia J. DeJong Notary Public	
I, the undersigned, Secretary of LEXON INSURANC original Power of Attorney of which the foregoing is a true ar resolutions as set forth are now in force.	CE COMPANY, A Texas Insurance Company, DO HEREBY CERTIFY thand correct copy, is in full force and effect and has not been revoked a	nat the ind the
Signed and Sealed at Lombard, Illinois this19th	Day ofJuly, 2004	
TEXAS TO INSURANCE A COMPANY	Josald D. Buchanan	·

Donald D. Buchanan Secretary

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State of Illinois}
} ss.
County of Cook }

On <u>July 19, 2004</u>, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared <u>Irene Diaz</u> known to me to be Attorney-in-Fact of <u>Lexon Insurance Company</u> 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 11/06/06

Melissa Kotovsky, Notary Public

OFFICIAL SEAL
MELISSA KOTOVSKY
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11-8-2006

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

J. W. Brendle Drain, Stanford Park Section 1 Arm

On this **24th day of January 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. W. Brendle Drain**, **Stanford Park Section 1 Arm**.

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

STATE OF INDIANA			BEFORE THE HAMILTON COUNTY
COUNTY OF HAMILTON	,	SS:	DRAINAGE BOARD NOBLESVILLE, INDIANA
TM	_		

IN THE MATTER OF THE RECONSTRUCTION OF THE

J. W. Brendle Drain, Stanford Park Section 1 Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *J. W. Brendle Drain, Stanford Park Section 1 Arm* came before the Hamilton County Drainage Board for hearing *on January 24, 2005,* 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 J. W. Brendle Drain, Stanford Park Section 1 Arm 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:

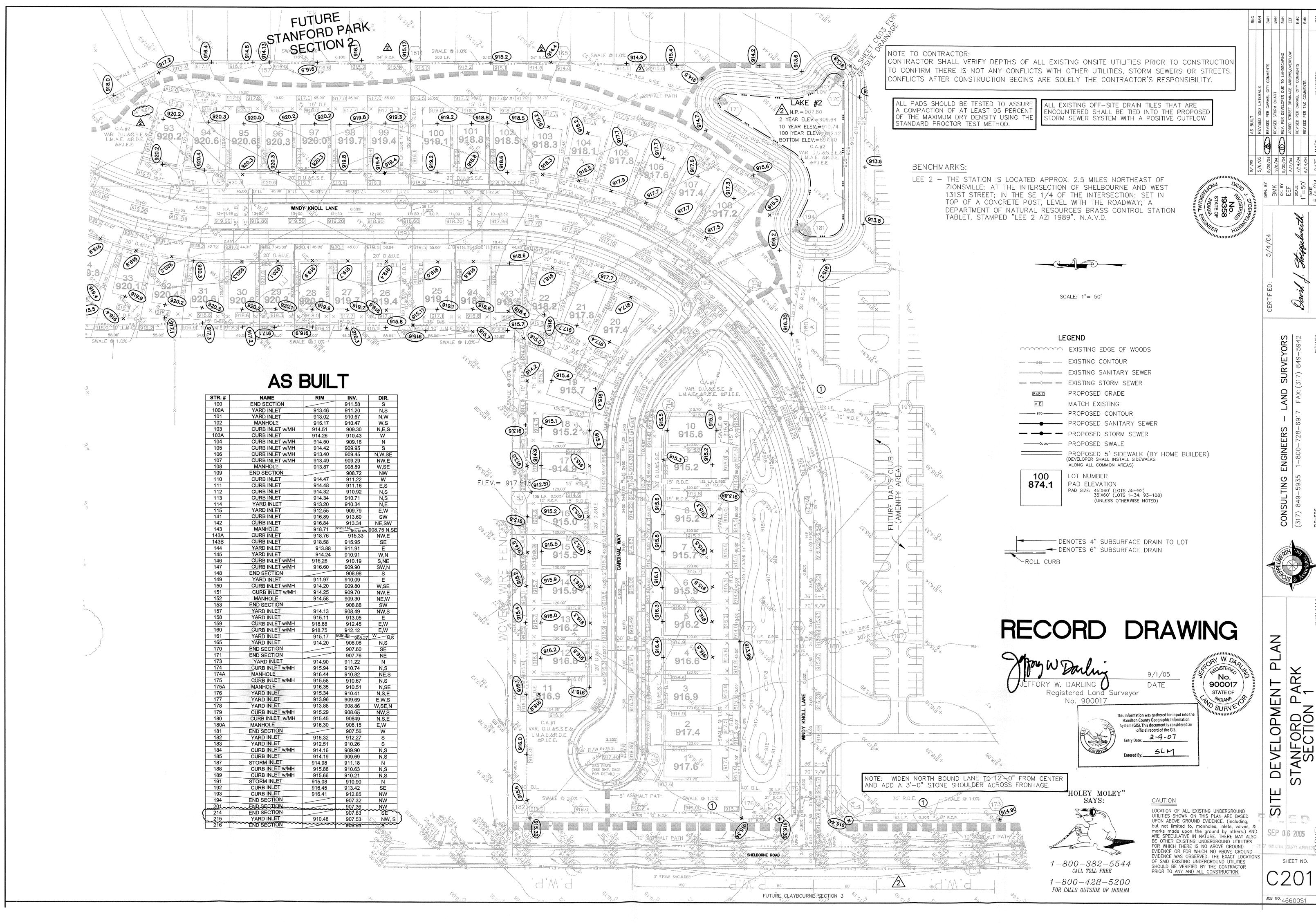
HAMILTON COUNTY DRAINAGE BOARD

PRESIDENT

Member

Membèr

ATTEST: Syeth Mahre



ANFORD F SECTION S

0 6 2005 SHEET NO.

JOB NO. 46600S1