

**Villages of West Clay Section 6001 & 6002
GASB 34 Calculation**

Villages of West Clay Drain: Section 6001 & 6002: 8131ft

JW Brendle Drain-Village of West Clay Sec. 6001 Relocation: 1432 ft

Total Footage = 9563

Bond Amount = \$468,354

Villages of West Clay Drain: Section 6001 & 6002: $.85(\$468,354) = \$398,100.90$

JW Brendle Drain-Village of West Clay Sec. 6001 Relocation: $.15(\$468,354) = \$70,253.10$

Note: Bonds were posted at 120% of the engineers estimate. This dollar amount is based upon the engineer's estimate.



SURVEYOR'S OFFICE

Hamilton County

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

December 5, 2006

To: Hamilton County Drainage Board

Re: J.W. Brendel Regulated Drain – Village of West Clay, Section 6001 Relocation

Attached is a petition and plans for the proposed relocation and reconstruction of the J.W. Brendel Drain. The reconstruction is being proposed by Brenwick TND Communities, LLC. The proposal is to reconstruct the drain from approximately Sta. 3+76 to Sta. 10+25 of the J.W. Brendel Main Drain per the 1909 Legal Description.

The relocated drain shall consist of those lengths of pipes between the following structures and open ditch as shown on sheet C105 of the plans by The Schneider Corporation, dated March 1, 2005, and having job number 1238.6001: A new manhole structure will be placed on the old tile at approximately Sta. 3+76, structure 614 in construction plans, then to Str. 613, 612, 611, 610, 609, then open ditch through Schricker Pond to Str. 606, which is the current J.W. Brendel Drain per my report dated December 4, 2006.

Also to be included as part of the drain is those lengths of pipes between the following structures: 610 to 910, 611 to 607, 607 to 608, 613 to 615, and 619 to 620.

The drain in total will consist of the following lengths:

| | | |
|----------------------|-------------------|-------------------|
| 12" RCP – 153 ft. | 15" RCP – 217 ft. | 18" RCP – 107 ft. |
| 27" RCP – 61 ft | 30" RCP – 309 ft. | 36" RCP – 180 ft. |
| Open Ditch – 405 ft. | | |

The total length of new tile and open ditch shall be 1,432 feet. The original 649 feet of tile from approximately Sta. 3+76 to Sta. 10+25, of the main drain shall be vacated. This proposal will add 783 feet to the drains total length.

The drains is being reconstructed across tracts 17-09-29-00-00-012.001, owned by Brenwick TND Communities LLC, the ROW of 131st Street, owned by City of Carmel, and 17-09-29-00-00-011.000, owned by Indiana Land Development Corporation.

The cost of the relocation and reconstruction is to be paid by Brenwick TND Communities, LLC.

The petitioner has submitted surety for the proposed drain at this time. The sureties, which are in the form of a Performance Bond are as follows:

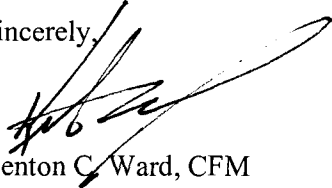
Agent: Bond Safeguard Insurance Company
Date: July 8, 2005
Number: 5016989
For: Storm Sewers
Amount: \$494,825.00

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 two attached non-enforcement requests. The requests are for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for Village of West Clay Section 6003-A, Parcel 1 and Village of West Clay Goldwater Park as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 22, 2007.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/grh

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA


IN RE: Village of WestClay Section 6001)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Brenwick TND Communities, LLC (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the J.W. Brendle Drain, and in support of
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the J.W. Brendle Drain runs.
2. Petitioner plans to develop its real estate with roads, buildings, utilities, storm drains, sanitary sewers and other structures.
3. Petitioner's proposed development of its real estate will require relocation and reconstruction of a portion of the J.W. Brendle Drain, as specifically shown on engineering plans and specifications filed with the Hamilton County Surveyor.
4. 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 J.W. Brendle Drain, without cost to other property owners on the watershed of the J.W. Brendle Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. 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 Drainage Board authorizing relocation and reconstruction of the J.W. Brendle Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.


Signed _____
ANDY KERN - PROJ. MGR.
Printed _____

FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE
J. W. Brendel Drain
Village of West Clay Section 6001 Relocation
Station 3+76 to Station 10+25

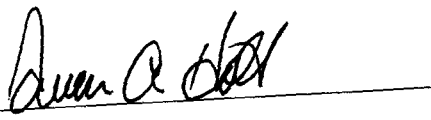
On this **22nd day of January 2007**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **J. W. Brendel Drain, Village of West Clay Section 6001 Relocation: Station 3+76 to Station 10+25**.

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 **J. W. Brendel Drain**.

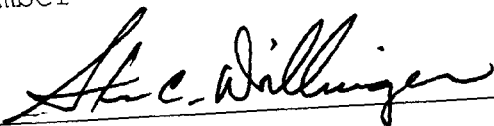
HAMILTON COUNTY DRAINAGE BOARD



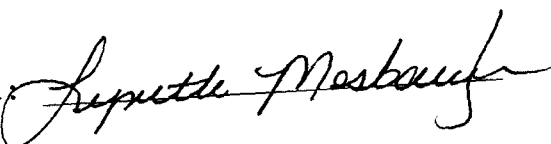
President



Member



Member

Attest: 

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
J. W. Brendel Drain, Village of West Clay Section 6001 Relocation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **J. W. Brendel Drain, Village of West Clay Section 6001 Relocation** came before the Hamilton County Drainage Board for hearing **on January 22, 2007**, 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.

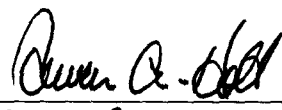
Wherefore, it is ORDERED, that the proposed Reconstruction of the **J. W. Brendel Drain, Village of West Clay Section 6001 Relocation** be and is hereby declared established.

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



Member

ATTEST:


Executive Secretary