

SURVEYOR'S OFFICE

Hamilton County

June 30, 2015

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

Re: Cool Creek Drain, Oak Park Section 2 Arm

Attached is a petition filed by Pedcor Investments, LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Oak Park Section 2 Arm, Cook Creek Drain to be located in Washington 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	735 ft.	24" RCP	396 ft.
15" RCP	1,038 ft.	27" RCP	461 ft.
18" RCP	820 ft.	30" RCP	500 ft.
21" RCP	273 ft.	36" RCP	781 ft.
		6" SSD	9,025 ft.

The total length of the drain will be 14,029 feet.

The retention pond (lake) located in Common Area #1 is not to be considered part of the regulated drain. Pond maintenance assumed by the Drainage Board shall only include the inlets and outlet as part of the regulated drain. The maintenance of the retention pond (lake) such as sediment removal and erosion control along the banks, mowing and aquatic vegetation maintenance and control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained. Thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines in rear yards. Only the main SSD lines as described below, which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:

Curbline SSD in Streets:
 Oak Way Trace

Rear Yard SSDs:
 Rear yard lots 3 to 5 from riser to outlet

Oak Park Vista
Oak Park Lane

Rear yard lots 7 & 8 from Str. 431 to riser
Rear yard lots 6 & 9 from Str. 431 to Str. 427
Rear yard lots 23 & 24 from Str. 435 to riser
Rear yard lots 25 & 26 from Str. 435 to riser
Rear yard lots 21 & 22 from Str. 421 to riser
Rear yard lots 9 & 10 from Str. 426 to Str. 425
Rear yard lots 11 & 12 from Str. 417 to riser
Rear yard lots 14 & 15 from Str. 403 to Str. 404
Rear yard lots 16 & 17 from Str. 404 to Str. 405
Rear yard lots 18 & 19 from Str. 404 to Str. 406

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 \$65.00 per lot, \$15.00 per acre for common areas, with a \$65.00 minimum, and \$10.00 per acre for roadways, with a \$25.00 minimum. With this assessment the total annual assessment for this drain will be \$2,215.90.

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

Agent: Lake City Bank
Date: May 15, 2015
Number: 6243839-85
For: Storm Sewers & Sub-Surface Drains
Amount: \$555,979.63

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 request. The request will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Oak Park, Section 2 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for August 24, 2015.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

(Revised 06/08/04)

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

FILED

DEC 09 2014

OFFICE OF HAMILTON COUNTY SURVEYOR

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

In the matter of Oak Park Subdivision, Section
 Section 2 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 Oak Park, Section 2 , 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.

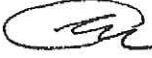
The Petitioner also agrees to the following:

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.

Adobe PDF Fillable Form

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



Signed **VP VILAGE**
CAPITAL
CORPORATION

Printed Name

Date
December 4, 2014

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Cool Creek Drain, Oak Park Section 2 Arm

On this 24th day of August, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Cool Creek Drain, Oak Park Section 2 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.

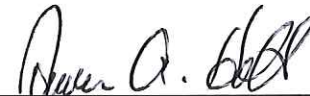
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member alt

Attest: 
Executive Secretary



STOEPPELWERTH

ALWAYS ON

ofc: 317.849.5935
fax: 317.849.5942

7965 East 106th Street
Fishers, IN 46038-2505
www.stooppelwerth.com

April 30, 2015

City of Westfield
Department of Public Works
2706 East 171st Street
Westfield, Indiana 46074

Attention: John Rankin

Re: Oak Park, Section 2

Dear Mr. Rankin:

Please accept this Engineer's Estimate on behalf of the developer Pedcor Investments, A Limited Liability Company. The estimate is as follows:

ITEM	QUANTITY	UNIT	COST	TOTAL
STREETS				
<i>Local Streets</i>	8,753	SY		
#53 Stone	3,304	TONS	\$13.31	\$43,976.24
19mm HMA	1,444	TONS	\$51.45	\$74,293.80
9.5mm HMA	722	TONS	\$67.52	\$48,749.44
Lime Stabilization - Local Streets	9,790	SY	\$3.65	\$35,733.50
			Total	\$202,752.98
STREETS				
<i>Collector Streets (Oak Road)</i>	581	SY		
19mm HMA	160	TONS	\$67.00	\$10,720.00
9.5mm HMA	48	TONS	\$75.44	\$3,621.12
Lime Stabilization - Acel/Decel Lane	590	SY	\$7.00	\$4,130.00
			Total	\$18,471.12
STORM INSTALLATION				

LAND DEVELOPMENT SUPPORT SOLUTIONS

ENGINEERING | SURVEYING

<i>Subsurface Drain - Curb w/6' Double Wall N-12 w/ Filter Fabric under Curb</i>	6,040	LF	\$13.32	\$80,452.80
<i>Subsurface Drain - Rear Yard Swale / House Laterals w/ 6" Double Wall n-12 w/ Filter Fabric under Swales and 24 4" Lot Laterals stubs</i>	2872	LF	\$13.48	\$38,714.56
<i>12" RCP - 750 LF, 15" RCP - 737 LF, 18" RCP - 1,121 LF, 21" RCP - 273 LF, 24" RCP - 396 LF, 27" RCP - 461 LF, 30" RCP - 510 LF, 36" RCP - 781 LF - Plus 2/3 Curb Inlet - 8 EA, Double Curb Inlet - 2 EA, 48" Manhole - 18 EA, 60" Manhole - 6 EA, 72" Manhole 4 EA - includes End Sections (no trash guards) and Rip Rap - 12" ES - 2 EA, 15" ES - 1 EA, 36" ES - 2 EA</i>	1	LS	\$344,149.00	\$344,149.00
			Total	\$463,316.36

EROSION CONTROL

<i>Permanent Seeding / Erosion Blanket (permanent Seeding of ROW - 6,755 SY) (Temporary Seeding & Mulch of Pads & Lawn Areas - 98,887 SY) (Swale Blanket - 6,587 SY) (Bond Protections - 11,507 LF)</i>	1	LS	\$74,288.00	\$74,288.00
<i>Silt Fence - Behind Curb, Swale Protection, Pond Protections - 11,507 LF</i>	1	LS	\$2,727.00	\$2,727.00
<i>Construction Entrance / Concrete Washout (Construction Entrance - 1 EA 200 TON, Concrete Washout - 1 EA - 1 Debris Removal) includes Porta Let - 6 Month Rental</i>	1	LS	\$4,984.00	\$4,984.00
<i>Rock Check Dams & Existing Inlet Protection - 4 EA</i>	1	LS	\$1,812.00	\$1,812.00
<i>Silt Fence - Around Perimeter of Site</i>	6,474	LF	\$5.91	\$38,261.34
			Total	\$122,072.34

SIDEWALKS

<i>Common Area Sidewalk</i>	2,400	SF	\$4.25	\$10,200.00
<i>Handicap Ramps in Common Area</i>	2	EA	\$425.00	\$850.00
<i>Handicap Ramps at Asphalt Path</i>	2	EA	\$650.00	\$1,300.00



Mr. John Rankin
 Westfield Public Works
 April 30, 2015
 Page 3

Total **\$12,350.00**

ASPHALT PATHS

4" #53 Commercial Stone w/ INDOT HMA
 19mm Intermediate Type A & 1" INDOT
 HMA 9.5mm Surface Type A

353 SY \$25.15 \$8,877.95

Total **\$8,877.95**

CURBS

Standard Roll Curb

6,045 LF \$7.49 \$45,277.05

Total **\$45,277.05**

MONUMENTS

Street Centerline Monumentation

16 EA \$170.00 \$2,720.00

Concrete Monuments

6 EA \$225.00 \$1,350.00

Lot Corner Pins

28 EA \$120.00 \$3,360.00

Total **\$7,430.00**

Grand Total **\$880,547.80**

If you have any questions regarding these estimates, please contact Brian K. Robinson at (317) 570-4763.

Very truly yours,

STOEPPELWERTH & ASSOCIATES, INC.

David J. Stoepfelwerth, P.E.
 Professional Engineer
 No. 19358



Cc: Craig Lintner

BKR/meb

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P.O. Box 1387 • Warsaw, Indiana 46581-1387 • (574) 267-6144 • (574) 267-4282 fax



Irrevocable Standby Letter of Credit
Letter of Credit Number: 6243839-85
Issue Date: May 11, 2015

Beneficiary:
Hamilton County Board of Commissioners
One Hamilton County Square
Noblesville, IN 46060
ATTN: Surveyor's Office Plan Reviewer

Applicant:
Pedcor Investments, A Limited Liability Company
770 3rd Ave SW
Carmel, IN 46032

Issue Date: May 11, 2015
Expiration Date: August 28, 2018
Amount: \$555,979.63
Letter of Credit No.: 6243839-85

RE: Oak Park – Section 2
Storm Sewers

We hereby establish our Irrevocable Standby Letter of Credit No. 6243839-85 in your favor for the account of Pedcor Investments, A Limited Liability Company, 770 3rd Ave SW, Carmel, IN 46032, up to an aggregate amount of \$555,979.60 (Five Hundred Fifty Five Thousand, Nine Hundred Seventy Nine and 60/100 U.S. Dollars) available by your endorsed draft(s) at sight drawn on Lake City Bank.

Endorsed drafts to be accompanied by the following document(s):

- 1.) Original Letter of Credit and any amendments.

Endorsed draft(s) must be marked "Drawn under Lake City Bank Irrevocable Standby Letter of Credit No. 6243839-85 dated May 11, 2015."

We hereby agree with you that drafts drawn under and in strict compliance with the terms of this credit will be duly honored by us upon presentation at this office on or before our close of business on August 28, 2018, or any automatically extended expiration date.

It is a condition of this Irrevocable Standby Letter of Credit that it shall be automatically extended without amendment for additional periods of one year from the present and each future expiration date, unless, not less than thirty (30) days prior to such expiration date we notify the Beneficiary in writing, by registered mail to the Beneficiary's address, that we elected not to extend this Irrevocable



Standby Letter of Credit, provided, that under no circumstances shall this Irrevocable Standby Letter of Credit be automatically extended without amendment for any period extending beyond the date that is eight (8) years after the Issue Date listed above.

Except as otherwise expressly stated herein, this Letter of Credit is issued subject to the International Standby Practices of the International Chamber of Commerce, Publication 590 ("ISP98"). This Letter of Credit shall be deemed to be a contract made under the laws of the State of Indiana and shall, as to matters not governed by ISP98, be governed by and construed in accordance with the laws of the State of Indiana, other than its conflict of laws rules, which would result in the application of the law of any jurisdiction other than the laws of the State of Indiana.

Sincerely,
Lake City Bank

A handwritten signature in cursive script that reads "David A Bickel".

David A Bickel
Vice President

A handwritten signature in cursive script that reads "Chris Wiggins".

Christopher W Wiggins
Vice President



P.O. Box 1387 • Warsaw, Indiana 46581-1387 • (574) 267-6144 • (574) 267-4282 fax

Irrevocable Standby Letter of Credit
Letter of Credit Number: 6243839-86
Issue Date: May 11, 2015

Beneficiary:
Hamilton County Board of Commissioners
One Hamilton County Square
Noblesville, IN 46060
ATTN: Surveyor's Office Plan Reviewer

Applicant:
Pedcor Investments, A Limited Liability Company
770 3rd Ave SW
Carmel, IN 46032

Issue Date: May 11, 2015
Expiration Date: August 28, 2018
Amount: \$8,916.00
Letter of Credit No.: 6243839-86

RE: Oak Park – Section 2
Monuments and markers

We hereby establish our Irrevocable Standby Letter of Credit No. 6243839-86 in your favor for the account of Pedcor Investments, A Limited Liability Company, 770 3rd Ave SW, Carmel, IN 46032, up to an aggregate amount of \$8,916.00 (Eight Thousand, Nine Hundred Sixteen and no/100 U.S. Dollars) available by your endorsed draft(s) at sight drawn on Lake City Bank.

Endorsed drafts to be accompanied by the following document(s):

- 1.) Original Letter of Credit and any amendments.

Endorsed draft(s) must be marked "Drawn under Lake City Bank Irrevocable Standby Letter of Credit No. 6243839-86 dated May 11, 2015."

We hereby agree with you that drafts drawn under and in strict compliance with the terms of this credit will be duly honored by us upon presentation at this office on or before our close of business on August 28, 2018, or any automatically extended expiration date.

It is a condition of this Irrevocable Standby Letter of Credit that it shall be automatically extended without amendment for additional periods of one year from the present and each future expiration date, unless, not less than thirty (30) days prior to such expiration date we notify the Beneficiary in writing, by registered mail to the Beneficiary's address, that we elected not to extend this Irrevocable



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Sincerely,
Lake City Bank

A handwritten signature in black ink that reads "David A Bickel". The signature is written in a cursive style with a large, looping initial "D".

David A Bickel
Vice President

A handwritten signature in black ink that reads "Chris Wiggins". The signature is written in a cursive style with a long, sweeping underline.

Christopher W Wiggins
Vice President

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Cool Creek Drain, Oak Park Section 2 Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Cool Creek Drain, Oak Park Section 2 Arm** on **August 24, 2015** at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made by the Drainage Board have been filed and are available for public inspection in the office of the Hamilton County Surveyor.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

Cool Creek Drain, Oak Park Section 2 Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **August 24, 2015** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY