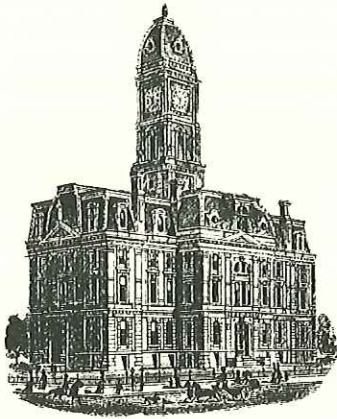


KCW



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*

January 15, 2015

To: Hamilton County Drainage Board

Re: RJ Craig Drain, Fishers Urban Development

Attached are plans for the proposed relocation of the RJ Crain Drain, Fishers Corner Extension. The proposal is to reconstruct a portion of the drain currently on parcel 15-11-31-03-05-001.003 owned by Fishers Urban Development LLC. and in the Lantern Road right-of-way, owned by the Town of Fishers per the 'Fishers Urban Development' project plans by HWC Engineering, Job No. 2014-001, dated 9/3/2014.

Per the plans, a portion of the existing drain will be replaced by a new storm manhole.

This relocation will consist of the following:

60" Storm Manhole

The 24 feet of existing 30" RCP between this proposed manhole (#100) and the existing manhole located 24 feet to the east along the east right-of-way line of Lantern Road shall be vacated (removed). This proposal will subtract 24 feet from the drain's total length. This new manhole will become the most upstream part of the regulated drain along the Fishers Corner Extension arm. However, Fishers storm sewer will tie into this manhole.

The original drain was previously referenced in my report for the 2000 reconstruction of the R.J. Craig Drain, Fishers Corner Extension that was approved at hearing by the Board on December 26, 2000 as recorded in Drainage Board Minutes Book 5 page 527-529.

This petition includes storm structure #100 per the HWC Engineering plans.

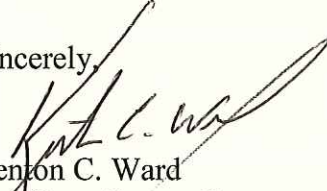
The cost of the project is to be paid by the developer. The developer has provided the surety in form of a performance bond as follows:

Name of Bonding Co.: Bond Safeguard Insurance Company  
Bond #: 5041826  
Bond Date: October 13, 2014  
Bond Amount: \$213,137.00

Regarding easement, the reconstruction will take place in the drain's current location, therefore, no additional easement is required.

I recommend the Board set a hearing date for March 23, 2015.

Sincerely,



Kenton C. Ward  
Hamilton County Surveyor

KCW/stc

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: \_\_\_\_\_ )  
Hamilton County, Indiana )

FILED

OCT 10 2014

OFFICE OF HAMILTON COUNTY SURVEYOR

PETITION FOR RELOCATION AND RECONSTRUCTION

\_\_\_\_\_ Fishers Urban Development, LLC \_\_\_\_\_ (hereinafter "Petitioner"),  
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a  
section of the \_\_\_\_\_ RJ Craig \_\_\_\_\_ Drain, and in support of  
said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the \_\_\_\_\_ RJ Craig \_\_\_\_\_  
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 \_\_\_\_\_ RJ Craig \_\_\_\_\_ 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 \_\_\_\_\_ RJ Craig \_\_\_\_\_ Drain, without cost to other property owners  
on the watershed of the \_\_\_\_\_ RJ Craig \_\_\_\_\_ Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County  
Drainage Board authorizing relocation and reconstruction of the \_\_\_\_\_ RJ Craig \_\_\_\_\_  
Drain, in conformance with applicable law and plans and specifications on file with the Hamilton  
County Surveyor.



\_\_\_\_\_  
Signed

Scott A. Baldwin, Member

\_\_\_\_\_  
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**R. J. Craig Drain, Fishers Urban Development**

**24' of existing 30" RCP between proposed Manhole #100 and existing Manhole  
located 24' to the east**


On this 23<sup>rd</sup> day of March, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **R. J. Craig Drain, Fishers Urban Development - 24' of existing 30" RCP between proposed manhole #100 and existing manhole located 24' to the east.**

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 **R. J. Craig Drain, Fishers Urban Development - 24' of existing 30" RCP between proposed manhole #100 and existing manhole located 24' to the east.**

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest:

  
\_\_\_\_\_  
Lynette Mosbaugh

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
*R. J. Craig Drain, Fishers Urban Development*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *R. J. Craig Drain, Fishers Urban Development* came before the Hamilton County Drainage Board for hearing on *March 23, 2015*, 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 *R. J. Craig Drain, Fishers Urban Development* 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

**Fishers Urban Development**  
**116th St. and Lantern Road, Fishers, IN**  
**Cost Estimate - Legal Drain Construction**

*Date: October 2, 2014*



**HWC**  
**ENGINEERING**

Description	Unit	Quantity	Unit Cost	Amount
60" Storm Manhole	EA	1	\$5,000.00	\$5,000.00
<b>Construction Total</b>				<b>\$5,000.00</b>

**BOND SAFEGUARD INSURANCE COMPANY  
Mount Juliet, TN 37122**

**SUBDIVISION PERFORMANCE BOND**

**BOND #5041826**

**KNOW ALL MEN BY THESE PRESENTS**, That we, **B. L. Brown Construction & Excavation, Inc.**, 5111 W. State Road 132, Pendleton, IN 46064 and **Fishers Urban Development, LLC** 6330 E. 75<sup>th</sup> Street, Suite 170, Indianapolis, IN 46250, as Principal, and Bond Safeguard Insurance Company, 12890 Lebanon Road, Mount Juliet, TN 37122, as Surety, are held and firmly bound unto the **Town of Fishers**, One Municipal Dr., Fishers, IN 46038 and **County of Hamilton**, One Hamilton Square, Noblesville, IN 46060 as Owner, in the sum of **\*\*Two Hundred Thirteen Thousand One Hundred Thirty-Seven and 00/100 \*\*Dollars (\$213,137.00)** for payment of which we firmly bind ourselves, our heirs, executors, administrators, and assigns.

**THE CONDITION OF THIS BOND** is such that if the said Principal shall complete the construction of **"The Edge"/Fishers Urban Development, LLC – R. J. Craig Drain – Storm Pipe, Swales, Ditches, Detention/Retention** according to the approved plans and specifications on file with the **Town of Fishers and County of Hamilton**, then this obligation is null and void, otherwise to remain in full force and effect.

**IN WITNESS WHEREOF**, we have hereunto set our hands and seal this 13th Day of October, 2014.

B. L. Brown Construction & Excavation, Inc.

Fishers Urban Development, LLC

By: Angela L. Blou  
Corporate Secretary

By: Scott A. Bald, MEMBER

Bond Safeguard Insurance Company

American Contracting Services, Inc.  
340 E. Thompson Road  
Indianapolis, IN 46227  
(317) 780-1919

By: Deborah M. Roth  
Deborah M. Roth, Attorney-in-Fact

# Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, a South Dakota Corporation with its principal office in Sioux Falls, South Dakota, does hereby constitute and appoint: Anthony G. Balzano, Deborah M. Roth, Ruth M. Pell, \*\*\*\* Jacqueline Demeter, Rosalie S. Smith, JoAnn R. Smith\*\*\*\*\* 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.

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 7<sup>th</sup> 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 to by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, 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 as 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 7<sup>th</sup> day of November, 2001.



**BOND SAFEGUARD INSURANCE COMPANY**

BY David E. Campbell  
David E. Campbell  
President

### ACKNOWLEDGEMENT

On this 7<sup>th</sup> 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.



AMY L. TAYLOR  
Notary Public- State of Tennessee  
Davidson County  
My Commission Expires 01-09-16

BY Amy L. Taylor  
Amy L. Taylor  
Notary Public

### CERTIFICATE

I, the undersigned, Assistant Secretary of **BOND SAFEGUARD INSURANCE COMPANY**, A South Dakota 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 Mount Juliet, Tennessee this 13th Day of October, 20 14



BY Andrew Smith  
Andrew Smith  
Assistant Secretary

**“WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.”**



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***R. J. Craig Drain, Fishers Urban Development***

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **R. J. Craig Drain, Fishers Urban Development** on **March 23, 2015** at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

STATE OF INDIANA     )  
                              ) SS               BEFORE THE HAMILTON  
                              )  
COUNTY OF HAMILTON )               DRAINAGE BOARD

**IN THE MATTER OF R. J. Craig Drain, Fishers Urban  
Development**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **March 23, 2015** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

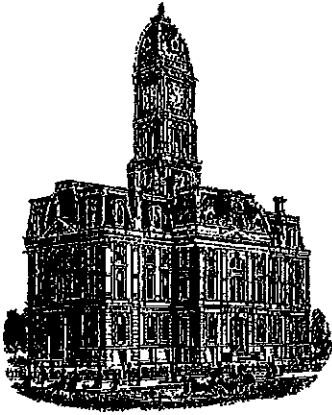
The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Steven C. Dillinger  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY



*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**

**May 26, 2016**

**Re: RJ Craig Drain- Fishers Urban Development**

Attached are as-built, certificate of completion & compliance, and other information for Fishers Urban Development. An inspection of the drainage facilities for this section has been made and the facilities were found to be complete and acceptable.

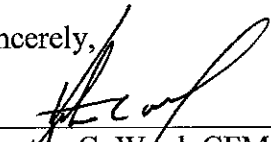
During construction, changes there were no significant changes made to the drainage plans submitted with my report for this drain dated January 15, 2015. The report was approved by the Board at the hearing held March 23, 2016. (See Drainage Board Minutes Book 16, Pages 128-129, 132-134) Therefore, the length of the drain remains at **0 feet**.

All the work done to the drain was done within the existing regulated drain easement. The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its May 26, 2016 meeting.

Bond-LC No: 5041826  
Amount: \$213,137.00  
For: Storm Sewers  
Issue Date: October 13, 2014

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

Sincerely,



---

Kenton C. Ward, CFM  
Hamilton County Surveyor

CERTIFICATE OF COMPLETION AND COMPLIANCE

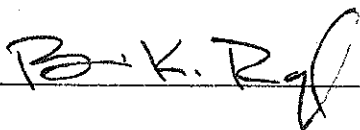
To: Hamilton County Surveyor

Re: "As -Built" Storm Sewer  
Fishers Urban Development

I hereby certify that:

- 1) I am a registered Land Surveyor 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



Date:

MARCH 15, 2016

Brian K. Rayl  
Rayl Civil Engineering & Land Surveying LLC  
P.O. Box 2478  
Anderson, IN 46018  
(765) 744-2781



Indiana Registration Number 20100070

