

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

September 25, 2003

TO: Hamilton County Drainage Board

RE: W.R. Fertig Drain, Clarian North Arm

Attached is a petition filed by Clarian Health Partners, Inc. along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Clarian Arm, W.R. Fertig 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:

Open Ditch	1,520 feet	24" RCP	192 feet
12" RCP	64 feet	36" RCP	1,072 feet

The total length of the onsite drain will be 2,848 feet.

The open ditch listed above is that section across the two retention ponds as measures from outlet to farthest inlet and from the outlet of the south pond to the 36 x 48 CMPA under US 31. The above listed lengths are those between the following structures as shown on the plans by American Consulting Engineers dated May 7, 2003:

Str. 77A to 77B; Str. 77A to 79; Str. 79 to 78; Str. 78 to 77; Str. 77 to 75; Str. 75 to 74;
Str. 74 to 73; Str. 73 to 66; Str. 66 to 65 and Str. 64 to 64A.

The retention ponds located west and south of the Hospital are 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, such as mowing, will be the responsibility of the Hospital. The Board will also retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

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

Agent: Travelers Casualty & Surety Co. Of America
Date: March 21, 2003
Number: 104050989
For: Drainage ponds, connecting pipes and drainage outlet
Amount: \$726,000.00

Parcels assessed for this drain may be assessed for the Carmel Creek Drain at sometime in the future. Parcels assessed for this drain are now assessed for the W.R. Fertig Drain. No change in assessment rates will result in this hearing for the proposed Clarian Arm. The cost of the construction of this new Arm as described above will be borne by Clarian Health Partners.

This proposal will add 3 (three) acres to the assessment of the City of Carmel for additional right-of-way of 116th Street which will now be included in the drainage shed for the W.R. Fertig Drain. Also added will be 7.5 acres to the assessed acres of tract 17-09-35-00-00-042.000 owned by Clarian Health Partners.

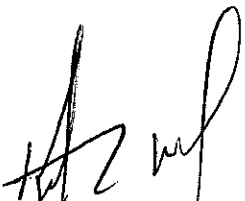
I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

Also to be included in the section of new regulated drain will be the existing 36 x 48 CMPA under US 31 and the open ditch between the east end of the pipe to the detention pond located on tract 16-09-35-00-00-037.001 owned by Zeller-Meridian, LLC. Also as open ditch the pond for conveyance only along the west and south banks. The outlet of the detention pond on this tract from the pond to Structure #11 of the 1983/1984 reconstruction of the W.R. Fertig (see Surveyor's reports dated June 6, 1983 and May 31, 1984) has always been considered part of the W.R. Fertig Drain. However, no record can be found to substantiate this. Therefore, these sections of pipe as shown on the Meridian Mark plans by Schneider Engineering Corp. dated May 20, 1984; Job No. 438 shall be included in this Arm. This shall include the following lengths:

Open Ditch	815 feet	18" RCP	60 feet
36 x 48 CMPA	180 feet	120 feet	120 feet

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request from Clarian Health Partners, Inc. The request is for the reduction of the regulated drain easement to 15 feet per half easement widths centered on the pipe sections as described above and around each detention pond as measured from the top of bank.

I recommend the Board set a hearing for this proposed drain for October 27, 2003.



Kenton C. Ward
Hamilton County Surveyor


To: Hamilton County Drainage Board

Re: In the matter of the W.R. Fertig Drain Petition
Clarian North

Comes now the undersigned individuals, who petition the Hamilton County Drainage Board, per IC 36-9-27-54, for a new regulated drain. The undersigned believe the following:

1. They are owners of ten percent (10%) in acreage; or twenty five percent (25%) or more of the assessed valuation of the land that is outside the corporate boundaries of a municipality and is alleged by the petition to be affected by the proposed drain.
2. That as property owners within the drainage shed, they are qualified petitioners.
3. That they now desire that a regulated drain be established in Clay Township, which involves the following public roads; Illinois Street and 116th Street and various areas surrounding these roads in the drainage shed.
4. The names and address of each owner affected by the proposed public drainage are attached hereto, made a part hereof, and marked Exhibit "A", which area of land involved in the proposed drainage area is located in section 35, township 18 north, range 3 east, Hamilton County, Indiana.
5. No other public lands or owners are located in the area which would affect improvement.
6. That the general route of the proposed drain is shown in the attached plan which is marked Exhibit "B" and made a part hereof.
7. That in the opinion of the Petitioner, the costs, damages, and expenses of the proposed improvement will be less than the benefits which will result to the owners of the land to be benefited thereby.
8. That in the opinion of Petitioner, the proposed improvement will improve the public health; benefit a public highway; and be of public utility.
9. That the name of the ~~XXXXXX~~ ^{engineer} representing petitioner in the drainage petition is American Consulting, Inc., who has an office at 7260 Shadeland Station, Indpls, IN 46256, phone 317-547-5580.
10. That Petitioners shall pay the cost of notice and all legal costs if the petition is dismissed.
11. Petitioner shall post a bond, if required, to pay the cost of notice and all legal costs in the case the improvement is not established.
12. The proposed regulated drain shall be established upon acquisition of the real estate affected thereby.

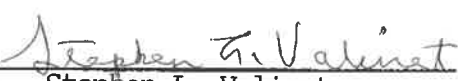
Clarian Health Partners, Inc.

By: 
 Printed: Marvin Pember
 Title: Executive Vice President

JUL 1 '03 PM 12:37

NRC Corporation

Valley Development Co., Inc.

By: 
 Printed: Stephen L. Valinet
 Title: President

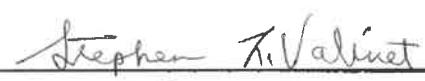
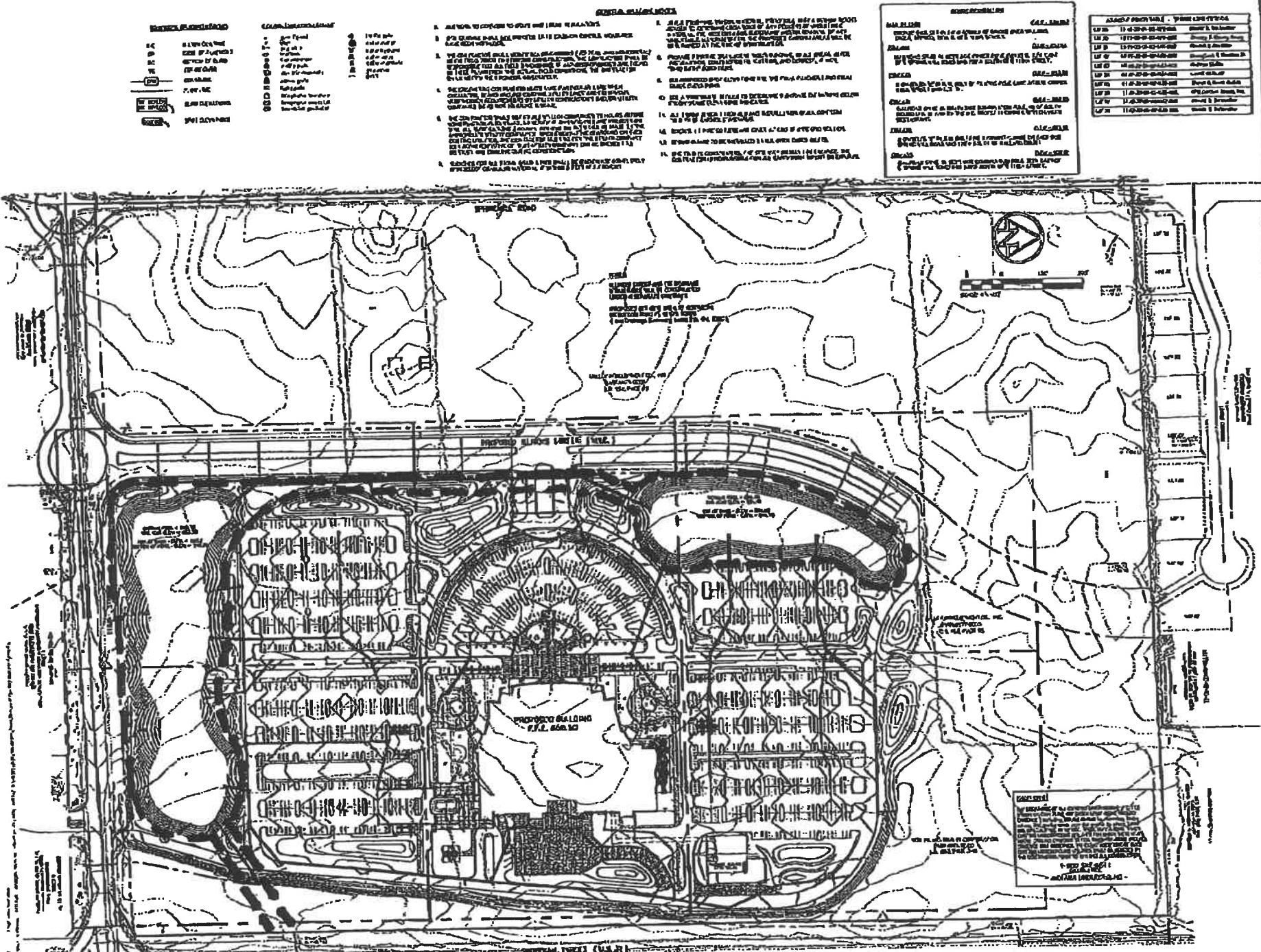
By: 
 Printed: Stephen L. Valinet
 Title: President

Exhibit A

Clarian PUD List of Owners

Valley Development Co., Inc.
3641 Brumley Way
Carmel, Indiana 46033

NRC Corp.
3641 Brumley Way
Carmel, Indiana 46033



SYMBOLS

Symbol	Description
Circle with cross	Manhole
Circle with dot	Storm Manhole
Circle with 'S'	Sanitary Manhole
Circle with 'E'	Electric Manhole
Circle with 'G'	Gas Manhole
Circle with 'W'	Water Manhole
Circle with 'F'	Fuel Manhole
Circle with 'O'	Oil Manhole
Circle with 'A'	Alarm Manhole
Circle with 'T'	Telephone Manhole
Circle with 'C'	Cable Manhole
Circle with 'L'	Light Manhole
Circle with 'M'	Meter Manhole
Circle with 'P'	Pump Manhole
Circle with 'R'	Refrigerant Manhole
Circle with 'H'	Heating Manhole
Circle with 'A'	Alarm Manhole
Circle with 'T'	Telephone Manhole
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Circle with 'M'	Meter Manhole
Circle with 'P'	Pump Manhole
Circle with 'R'	Refrigerant Manhole
Circle with 'H'	Heating Manhole

- GENERAL NOTES**
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND DETAILS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS ADOPTED BY THE BOARD OF SUPERVISORS OF HAMILTON COUNTY, INDIANA.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE STATE OF INDIANA.
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PROPOSED BUILDING

Room	Area
101	10,000
102	10,000
103	10,000
104	10,000
105	10,000
106	10,000
107	10,000
108	10,000
109	10,000
110	10,000
111	10,000
112	10,000
113	10,000
114	10,000
115	10,000
116	10,000
117	10,000
118	10,000
119	10,000
120	10,000

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Room	Area
101	10,000
102	10,000
103	10,000
104	10,000
105	10,000
106	10,000
107	10,000
108	10,000
109	10,000
110	10,000
111	10,000
112	10,000
113	10,000
114	10,000
115	10,000
116	10,000
117	10,000
118	10,000
119	10,000
120	10,000

CLARIAN HEALTH PARTNERS
 1001 N. BOWATE AVENUE
 INDIANAPOLIS, INDIANA 46202

AMERICAN CONSULTING, INC.
 1001 N. BOWATE AVENUE
 INDIANAPOLIS, INDIANA 46202

OVERALL DRAINAGE PLAN

CLARIAN NORTH MEDICAL CENTER
 1001 N. BOWATE AVENUE
 INDIANAPOLIS, INDIANA 46202

DATE: 07/01/03
SCALE: AS SHOWN
PROJECT NO.: 03-001
SHEET NO.: 03-001-04

EXHIBIT B

VERIFIED AFFIDAVIT

REMONSTRANCE IN OPPOSITION TO

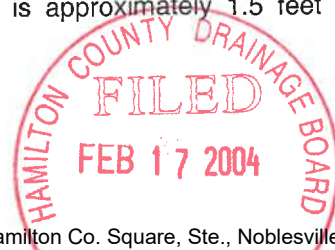
The undersigned, as the authorized representative of Zeller-Meridian, LLC, a Delaware limited liability company ("Zeller"), under oath and with knowledge of the facts set forth herein, is opposed to (i) the classification of its detention pond together with the outlet of the detention pond located on tract 16-09-35-00-00-037.001 in the area set forth more specifically in the attached Exhibit "A" incorporated herein by reference ("Zeller's Drainage Facilities") as a "Regulated Drain" pursuant to Ind. Code Section 36-9-27 et. seq. and (ii) the issuance of the Clarian drainage permits for tract 17-09-35-00-00-037.001 (the "Clarian Drainage Permits"). At this time, Zeller is opposed to the classification of Zeller's Drainage Facilities as a Regulated Drain and the issuance of the Clarian Drainage Permits for the following reasons:

A. Inclusion of the Drainage Facilities within the Regulated Drain

- 1.) Zeller's improvements located on tax parcel 16-09-35-00-00-037.001 cannot meet the set back requirements of Ind. Code Section 36-9-27-33 required for a Regulated Drain (i.e., 75 feet from the top edge of each bank of an open drain);
- 2.) Zeller, based on a drainage study prepared by EMH&T Consulting Engineers, has determined that Zeller's Drainage Facilities are not capable of accepting the 100-year flow rate identified in the Drainage Design Calculations prepared by American Consulting Engineers for the proposed Clarian North Hospital resulting in a very real concern that Zeller's building located at 116th and Meridian Street could be exposed to flooding and/or water damage;
- 3.) Zeller, based on the information supplied by the Hamilton County Surveyor's Office, has conclusively determined that Zeller's Drainage Facilities are not located within Structure 11 of the W.R. Fertig Drain;
- 4.) Zeller has determined that reconstruction work on 116th Street has raised the grade of the road since the original construction of Zeller's Drainage Facilities resulting in further risks of flooding on Zeller's site since 116th street is the emergency overflow path for Zeller's Drainage Facilities; and
- 5.) Kent Ward's letter dated November 18, 2003 and attached hereto as Exhibit "B" specifically states that Zeller has the option of not including Zeller's Drainage Facilities within the Regulated Drain system.

B. Issuance of the Clarian Drainage Permits

- 1.) Zeller has determined that Clarian intends to increase the watershed flowing into Zeller's Drainage Facilities from 66 acres to 78 acres;
- 2.) Zeller has determined that in the event of a 100 year storm water will not be contained within the banks of Zeller's Drainage Facilities. The increased volume of water flowing from the Clarian site to Zeller's Drainage Facilities will exacerbate the problem;
- 3.) There is not an effective emergency overflow path to convey runoff from Zeller's Drainage Facilities during an overtopping event. The county defines adequate flood protection as "the lowest floor elevation of the structure being at least 2 feet above the elevation associated with a 100 year storm event." The building located at 116th and Meridian Street (i.e., Meridian Mark I) is approximately 1.5 feet above the lowest elevation of the pond's bank;



- 4.) Zeller has determined that American Consulting Engineering's ("ACE") conclusion that there is "no adverse impact anticipated as a result of the design" (i.e., the design of the retention pond on Clarian's site) is not accurate based on the newly acquired information regarding Zeller's Drainage Facilities; and
- 5.) Hamilton County's current drainage requirements state that a retention pond must be capable of handling up to a 100 year storm (this was not a requirement 20 years ago when the pond was constructed). Zeller's Drainage Facilities are not capable of handling a 100 year storm event. Therefore, nothing should be permitted by the Drainage Board which would increase the chances of a 100 year storm flooding and/or damaging Zeller's office building located at 116th and Meridian Street.

STATE OF INDIANA)
)
 COUNTY OF HAMILTON)

Mark Vollbrecht, being first duly sworn upon his oath deposes and says that he is the authorized representative of the owner of real estate located at the address commonly known as 11611 N. Meridian Street, in the City of Carmel, County of Hamilton, State of Indiana (the "Real Estate"), which is opposed to and remonstrating **AGAINST** the proposal for converting the Drainage Facilities into a Regulated Drain and the issuance of the Clarian Drainage Permits for the reasons set forth above which the affiant, under oath, believes to be true and accurate; and that the signature appearing on the attached Remonstrance is the true and lawful signature of the person signing this Remonstrance.

ZELLER-MERIDIAN, L.L.C., a Delaware limited liability company

By: ZELLER MANAGEMENT CORPORATION, as agent for Zeller-Meridian, L.L.C.
 By: 
 Mark Vollbrecht, Senior Vice President

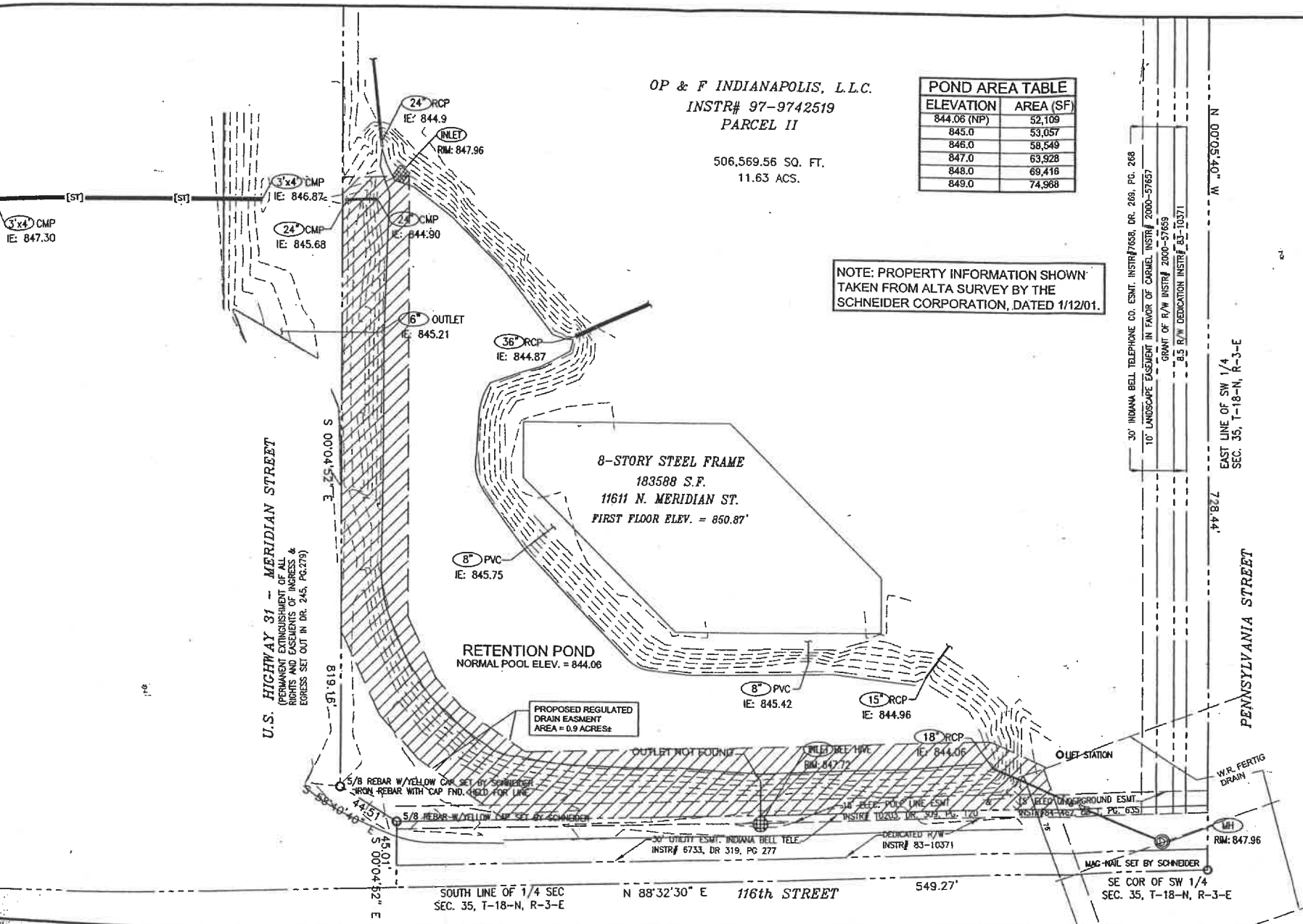
STATE OF INDIANA)
)SS:
 COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public in and for said county and State, this 18th day of February, 2004.

(Seal)

Betsy Terpening
 Notary Public
 Printed: Betsy Terpening

My Commission Expires: 1/17/09 County of Residence: Hamilton



POND AREA TABLE	
ELEVATION	AREA (SF)
844.06 (NP)	52,109
845.0	53,057
846.0	58,549
847.0	63,928
848.0	69,416
849.0	74,968

NOTE: PROPERTY INFORMATION SHOWN TAKEN FROM ALTA SURVEY BY THE SCHNEIDER CORPORATION, DATED 1/12/01.

SWIFT
 SURVEYING & ENGINEERING, INC.
 1000 N. MERIDIAN STREET, SUITE 100
 INDIANAPOLIS, IN 46202
 Ph: 317-913-6930
 Fax: 317-913-6928

Proj. No.: 2003-1641

PROJECT:
 TOPOGRAPHIC SURVEY
 FOR DETENTION POND
 NE CORNER OF US 31
 AND 116th STREET

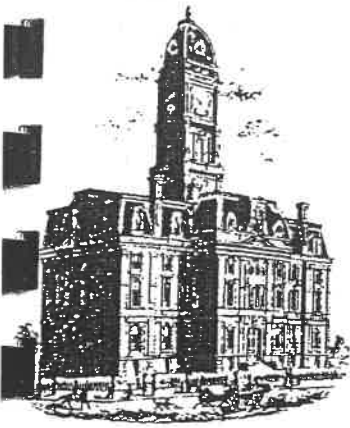
TITLE:
**PROPOSED REGULATED
 DRAIN EASEMENT**

SCALE:
 1" = 60'

Date:
 1-09-04

SHEET No.
 1

Exhibit "A"



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

November 18, 2003

Mark Vollbrecht

Senior Vice President, Zeller Realty

11611 N. Meridian Street, Suite 120

Carmel, IN 46032

Re: W.R. Fertig Drain and Easements

Dear Mr. Vollbrecht,

This is a follow-up letter to a November 12, 2003 meeting that we had regarding the Clarian North Arm of the W. R. Fertig drain. Our staff has determined that the Clarian North development that adjoins the Zeller Realty property has met the discharge and detention requirements of Hamilton County. As per your request, our office has obtained the the storm sewer calculations and detention pond plans of the Meridian Mark development and has submitted this information to Rich Kelly with EMH&T on November 14, 2003.

At last week's meeting, you specifically requested what options your company had in regards to drainage easements as they relate to the W.R. Fertig Drain. Zeller Realty has two options:

1. No Easement on Zeller-Meridian LLC. property- This option places all responsibility of drainage maintenance on the landholder. The discharge from the Clarian North would be entering an indirect outlet. The county would have no responsibility for this portion of private drain.
2. Easement for Conveyance- This option grants the county access to maintain drainage on the pipe discharging into Zeller-Meridian LLC.'s pond and the pipe that discharges out and into Structure 11 of the 1983/1984 reconstruction of the W.R. Fertig drain. The county would maintain an easement for these pipes that could be reduced to meet the minimum requirements for maintenance of the drain. The discharge from the Clarian North would be entering an direct outlet. With this option, the county would be responsible for maintenance of the drain from Clarian North to Structure #11.

Exhibit "B"

AMERICAN CONSULTING ENGINEERS, INC.

ENGINEER'S ESTIMATE

PROJECT: CLARIAN NORTH - 116TH AND MERIDIAN

DESCRIPTION: REGULATED DRAIN ESTIMATE

3/13/2003

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
	ON-SITE CONSTRUCTION				
	TOPSOIL STRIPPED & STOCKPILED (6")	CYD	5400	\$3.00	\$16,200.00
	EXCAVATION OF NORTH POND	CYD	35000	\$5.00	\$175,000.00
	EXCAVATION OF SOUTH POND	CYD	58000	\$5.00	\$290,000.00
	36" RCP	LFT	1071	\$111.00	\$118,881.00
	30" RCP	LFT	300	\$75.00	\$22,500.00
	STORM MANHOLES	EACH	5	\$1,600.00	\$8,000.00
	36" END SECTION	EACH	2	\$1,500.00	\$3,000.00
	POND OUTLET CONTROL STRUCTURE	EACH	1	\$2,000.00	\$2,000.00
	30" END SECTION	EACH	1	\$1,100.00	\$1,100.00
	TEMP. SEDIMENT CONTROL BASIN	EACH	1	\$5,000.00	\$5,000.00
	EROSION CONTROL BLANKET	SYD	15685	\$4.00	\$62,740.00
	INLET PROTECTION	EACH	5	\$25.00	\$125.00
	SEEDING	SYD	15685	\$1.00	\$15,685.00
	CONSTRUCTION ENTRANCE	EACH	2	\$1,000.00	\$2,000.00
	SILT FENCE	LFT	1000	\$3.05	\$3,050.00
	TOTAL				\$725,281

FILED
MAR 20 2003
OFFICE OF HAMILTON COUNTY SURVEYOR

HCDB 2003-00023

SUBDIVISION BOND

Bond No. 104050989

KNOW ALL MEN BY THESE PRESENTS, that we, Clarian Health Partners, Inc., 1901 N. Senate Avenue, Indianapolis, IN 46206, as Principal, and Travelers Casualty and Surety Company of America, One Tower Square, Hartford, CT 06183, a Connecticut Corporation, as Surety, are held and firmly bound unto Hamilton County Board of Commissioners, One Hamilton County Square, Suite 146, Noblesville, IN 46060, as Obligee, in the penal sum of Seven Hundred Twenty-Six Thousand and No/100----- Dollars-----(\$726,000.00)-----, lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

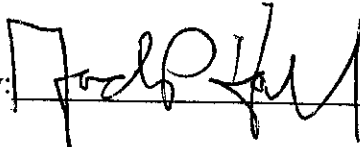
WHEREAS, Clarian Health Partners, Inc. has agreed to construct at the Clarian North Hospital, in Hamilton County, IN the following improvements: Excavation of the Drainage Ponds, Connecting Pipes, and Drainage Outlet.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct or have constructed, the improvements herein described, and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void, otherwise to remain in full force and effect, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed, will complete the improvements or pay 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 instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed, and dated, this 21st day of March, 2003.

Clarian Health Partners, Inc.

By:  _____

Travelers Casualty and Surety Company of America

By:  _____
Cynthia L. Hanak, Attorney-In-Fact



IMPORTANT DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE

On November 26, 2002, President Bush signed into law the Terrorism Risk Insurance Act of 2002 (the "Act"). The Act establishes a short-term program under which the Federal Government will share in the payment of covered losses caused by certain acts of international terrorism. We are providing you with this notice to inform you of the key features of the Act, and to let you know what effect, if any, the Act will have on your premium.

Under the Act, insurers are required to provide coverage for certain losses caused by international acts of terrorism as defined in the Act. The Act further provides that the Federal Government will pay a share of such losses. Specifically, the Federal Government will pay 90% of the amount of covered losses caused by certain acts of terrorism which is in excess of Travelers' statutorily established deductible for that year. The Act also caps the amount of terrorism-related losses for which the Federal Government or an insurer can be responsible at \$100,000,000,000.00, provided that the insurer has met its deductible.

Please note that passage of the Act does not result in any change in coverage under the attached policy or bond (or the policy or bond being quoted). Please also note that no separate additional premium charge has been made for the terrorism coverage required by the Act. The premium charge that is allocable to such coverage is inseparable from and imbedded in your overall premium, and is no more than one percent of your premium.

ACKNOWLEDGMENT BY SURETY

STATE OF Missouri

City of St. Louis

} ss.

On this 21st day of March, 2003, before me personally

appeared Cynthia L. Hanak, known to me to be the Attorney-in-Fact of
Travelers Casualty and Surety Company of America

_____, the corporation
that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

HEIDI A. NOTHEISEN
NOTARY PUBLIC - NOTARY SEAL
STATE OF MISSOURI, ST. LOUIS CITY
MY COMMISSION EXPIRES: 10/06/2005

Heidi A. Notheisen
Notary Public in the State of Missouri
City of St. Louis

(Seal)

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
TRAVELERS CASUALTY AND SURETY COMPANY
FARMINGTON CASUALTY COMPANY
Hartford, Connecticut 06183-9062
TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS
Naperville, Illinois 60563-8458

POWER OF ATTORNEY AND CERTIFICATE OF AUTHORITY OF ATTORNEY(S)-IN-FACT

KNOW ALL PERSONS BY THESE PRESENTS, THAT TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY and FARMINGTON CASUALTY COMPANY, corporations duly organized under the laws of the State of Connecticut, and having their principal offices in the City of Hartford, County of Hartford, State of Connecticut, and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, a corporation duly organized under the laws of the State of Illinois, and having its principal office in the City of Naperville, County of DuPage, State of Illinois, (hereinafter the "Companies") hath made, constituted and appointed, and do by these presents make, constitute and appoint: Pamela A. Beelman, Karen A. Visnovske, Heidi A. Notheisen, Cynthia L. Hanak, David R. Schaake or Debra C. Schneider * *

of St. Louis, MO, their true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred to sign, execute and acknowledge, at any place within the United States, or, if the following line be filled in, within the area there designated the following instrument(s):

by his/her sole signature and act, any and all bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking and any and all consents incident thereto

and to bind the Companies, thereby as fully and to the same extent as if the same were signed by the duly authorized officers of the Companies, and all the acts of said Attorney(s)-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This appointment is made under and by authority of the following Standing Resolutions of said Companies, which Resolutions are now in full force and effect:

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her.

VOTED: That the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary.

VOTED: That any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary, or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority.

This Power of Attorney and Certificate of Authority is signed and sealed by facsimile under and by authority of the following Standing Resolution voted by the Boards of Directors of TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, TRAVELERS CASUALTY AND SURETY COMPANY, FARMINGTON CASUALTY COMPANY and TRAVELERS CASUALTY AND SURETY COMPANY OF ILLINOIS, which Resolution is now in full force and effect:

VOTED: That the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

FINDINGS AND ORDER

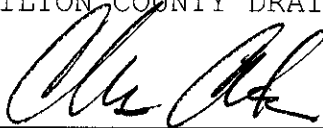
CONCERNING THE MAINTENANCE OF THE

W. R. Fertig Drain, Clarian North Arm

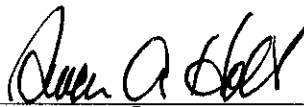
On this *23rd day of March, 2004*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *W. R. Fertig Drain, Clarian North Arm*.

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.

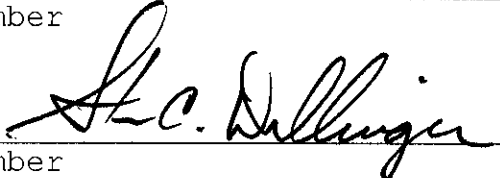
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest:



STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
W. R. Fertig Drain, Clarian North Arm

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **W. R. Fertig Drain, Clarian North Arm** came before the Hamilton County Drainage Board for hearing **on August 23, 2004** 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.

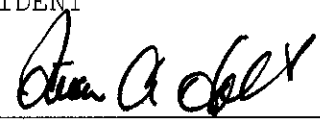
The Board further finds that it has jurisdiction of these proceedings and that all required notices have been duly given or published as required by law.

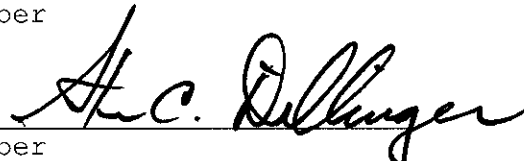
Wherefore, it is ORDERED, that the proposed Reconstruction of the **W. R. Fertig Drain, Clarian North Arm** be and is hereby declared established.

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:

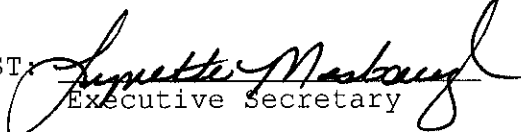
HAMILTON COUNTY DRAINAGE BOARD


PRESIDENT


Member


Member

ATTEST:


Executive Secretary

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF
W. R. Fertig Drain, Clarian North Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **W. R. Fertig Drain, Clarian North Arm** on **October 27, 2003**, 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
W. R. Fertig Drain, Clarian North 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 23, 2004** has issued an order adopting the **Clarian North Arm to the W. R. Fertig Drain**, 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



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

To: Hamilton County Drainage Board

April 30, 2009

Re: WR Fertig: Clarian North Arm

Attached are as-builts, certificate of completion & compliance, and other information for Clarian North Arm. 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 were made to the drain, which will alter the plans submitted with my report for this drain-dated September 25, 2003. The report was approved by the Board at the hearing held March 22, 2004. (See Drainage Board Minutes Book 7, Pages 209-212,269-270, 368-373)

The changes are as follows:

Structure:	Length:	Size	Material:	Up Invert:	Dn_Invert	Grade:
80A-80	192	30	RCP	848.32	848.06	0.13
65-66	185	36	RCP	849.78	849.41	0.13
66-73	167	36	RCP	849.41	849.13	0.13
73-74	125	36	RCP	849.13	848.91	0.13
74-75	56	36	RCP	848.91	848.89	0.13
75-77	175	36	RCP	848.89	848.67	0.13
77-78	144	36	RCP	848.67	848.43	0.13
78-79	131	36	RCP	848.43	848.47	0.13
79-79A	89	36	RCP	848.47	848.32	0.13
64-64A	60	12	RCP	852.8	850.13	
400	180	48	CMPA			
401	20	18	CMP			
500-501	130	18	RCP			
501-511	75	24	RCP			

RCP Pipe Totals:

12	60
18	130
24	75

Other Drain:

Open Ditch	2349
48" x 36" CMPA	180
18" CMP	20

30	192
36	1072
Total:	<u>1529</u>

Total: 2549

The length of the drain due to the changes described above is now **4078 feet**.

A drainage easement was signed and recorded in the Hamilton County Recorder's Office under instrument #200400072568. A non-enforcement for the drain was approved by the board on August 23, 2004 and recorded under instrument #20040006251.

The following sureties were guaranteed by Travelers Casualty & Surety Company and expired on March 21, 2005.

Bond-LC No: 104050989

Insured For: Storm Sewers

Amount: \$726,000.00

Issue Date: March 26, 2003

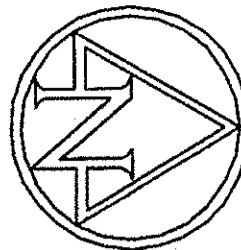
I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,



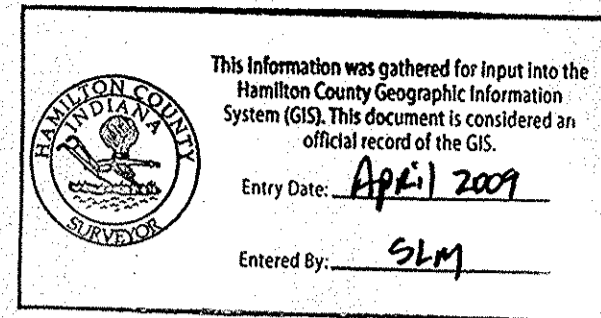
Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/slm



Existing Topography Legend

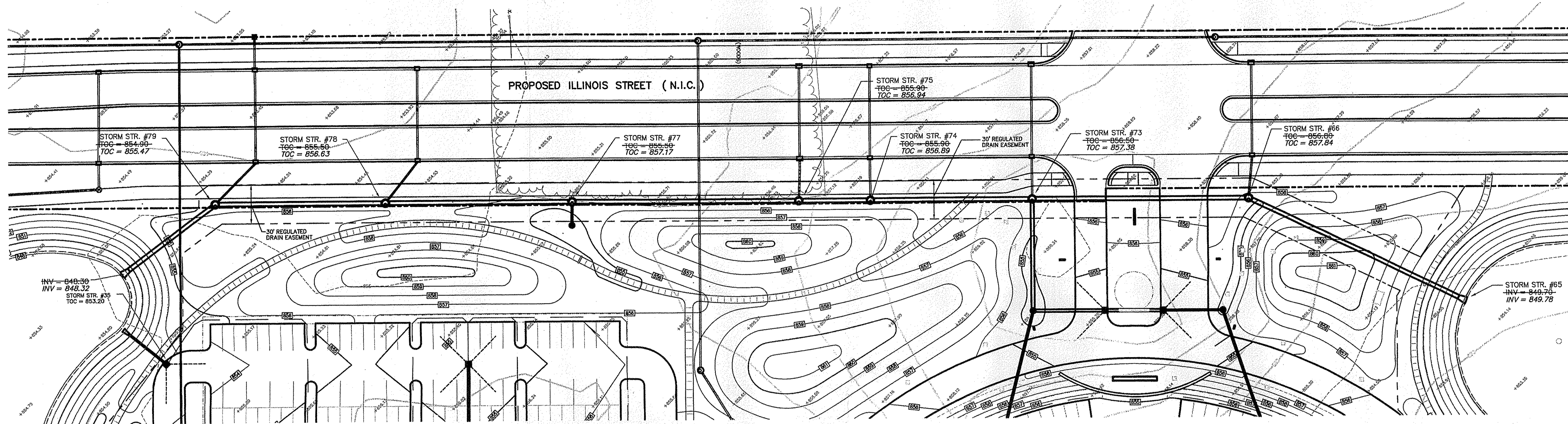
- guard post
- sign
- guy wire
- mailbox
- transformer
- utility pole
- electric manhole
- power pole
- light pole
- telephone manhole
- telephone pedestal
- television pedestal
- ⊙ traffic pole
- ⊙ water meter
- ⊙ water hydrant
- ⊙ water valve
- ⊙ water manhole
- ⊙ gas valve
- ⊙ post



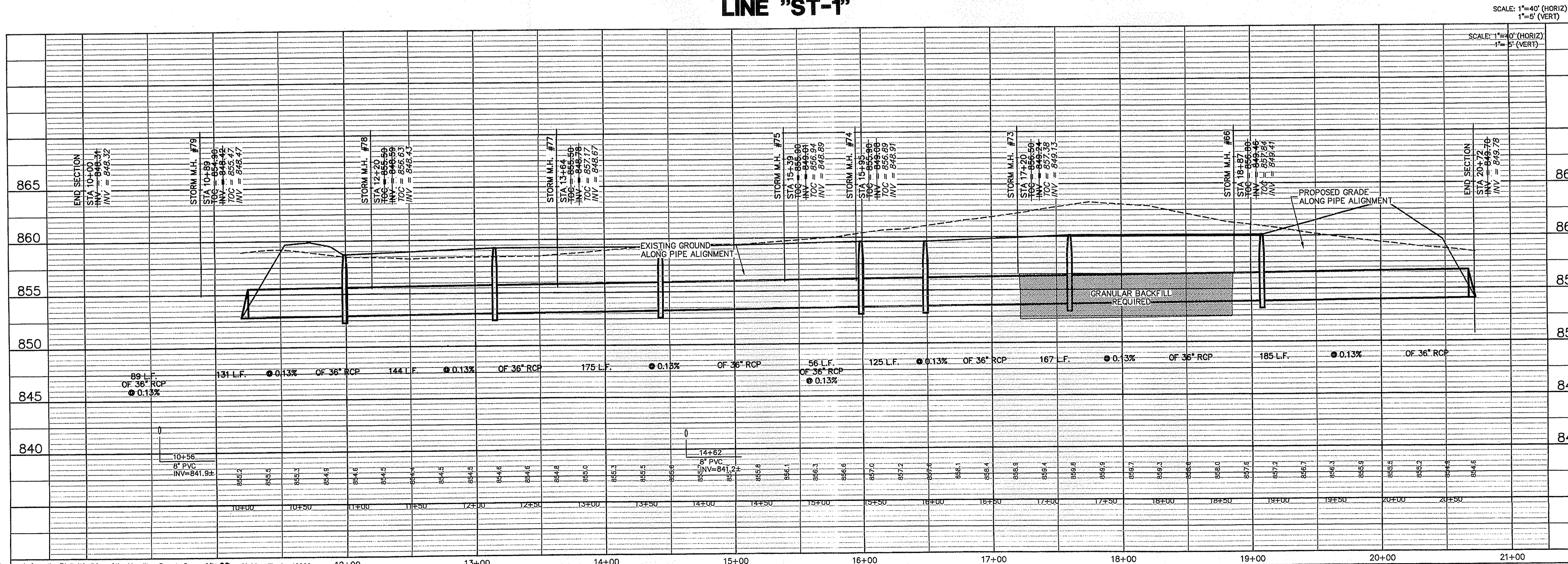
INDICATES DESIGN ELEVATION
INDICATES AS-BUILT ELEVATION

INV = 849.70 849.78

AS-BUILT SURVEY
04-19-2007



LINE "ST-1"



CLARIAN HEALTH PARTNERS
1901 N. SENATE AVENUE
INDIANAPOLIS, INDIANA 46202

AMERICAN CONSULTING INC.
1760 AVIATION STATION
INDIANAPOLIS, IN 46254-2917
(317) 247-5580 FAX: (317) 543-0270
Copyright © 1988 - 2003 by American Consulting, Inc.

JAMIE L. POZDEKAT
REGISTERED
No. 19900533
STATE OF INDIANA
PROFESSIONAL ENGINEER
CERTIFIED BY

STORM SEWER / PLAN & PROFILE
LINE "ST-1"

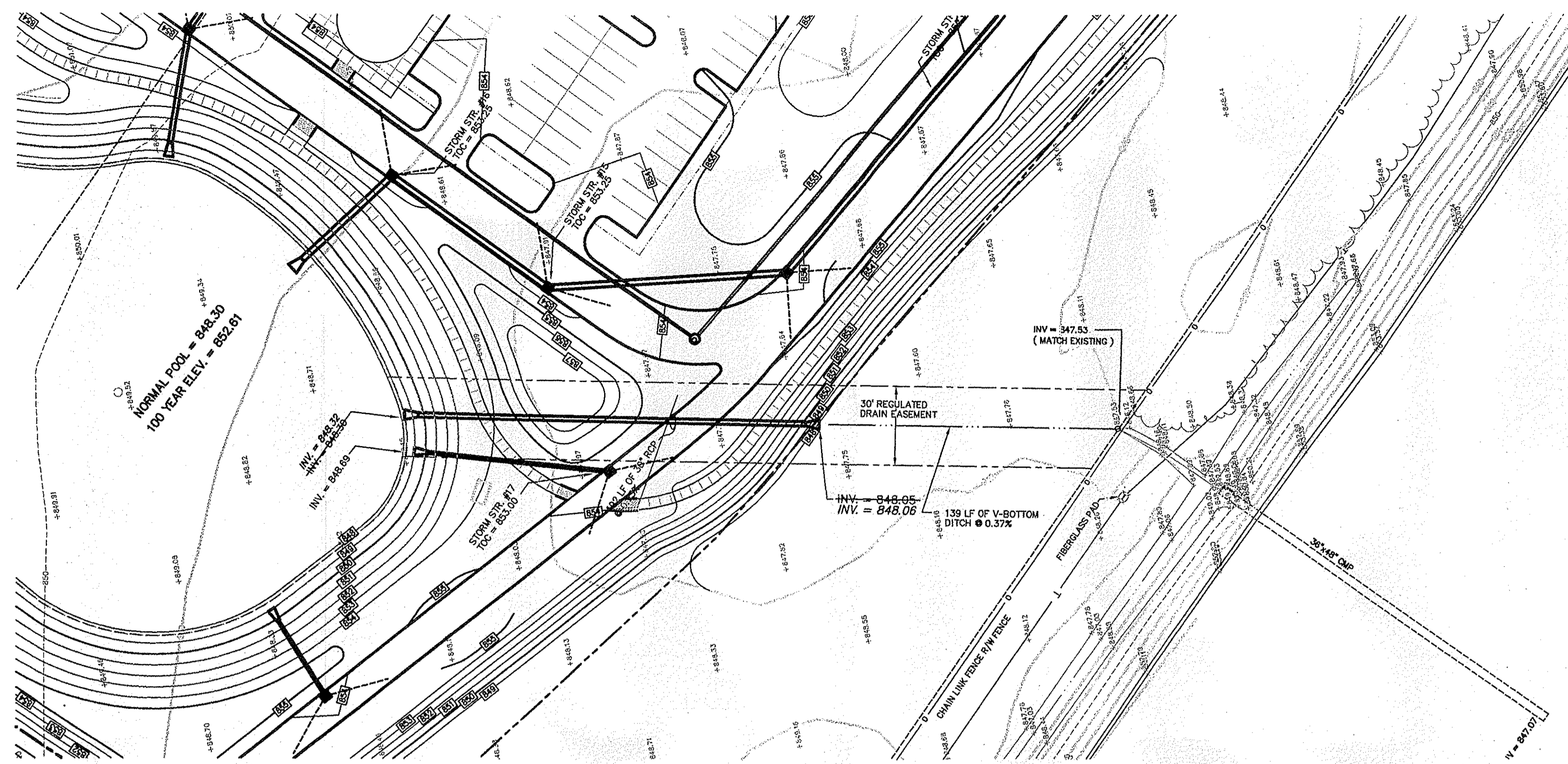
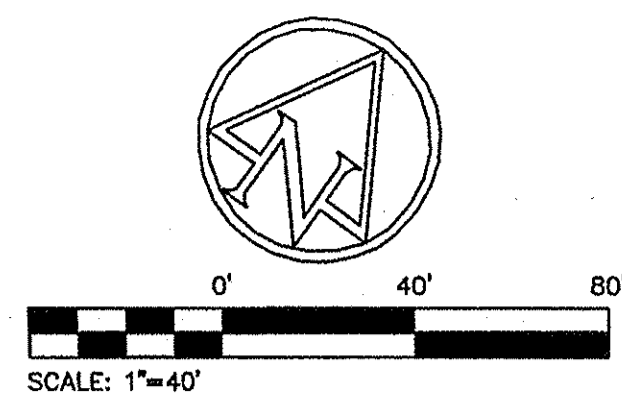
CLARIAN NORTH MEDICAL CENTER
116th STREET & MERIDIAN STREET (U.S. 31)
CARMEL INDIANA

DATE:	05/07/03
DRAWN BY:	JCS
CHK'D BY:	JLP
JOB NO.	IN2002-0920

REVISIONS	
GENERAL	08/01/03

SHEET NO.
C4.3
OF

FILE # IN2002-0920-073-043-STWPP-1

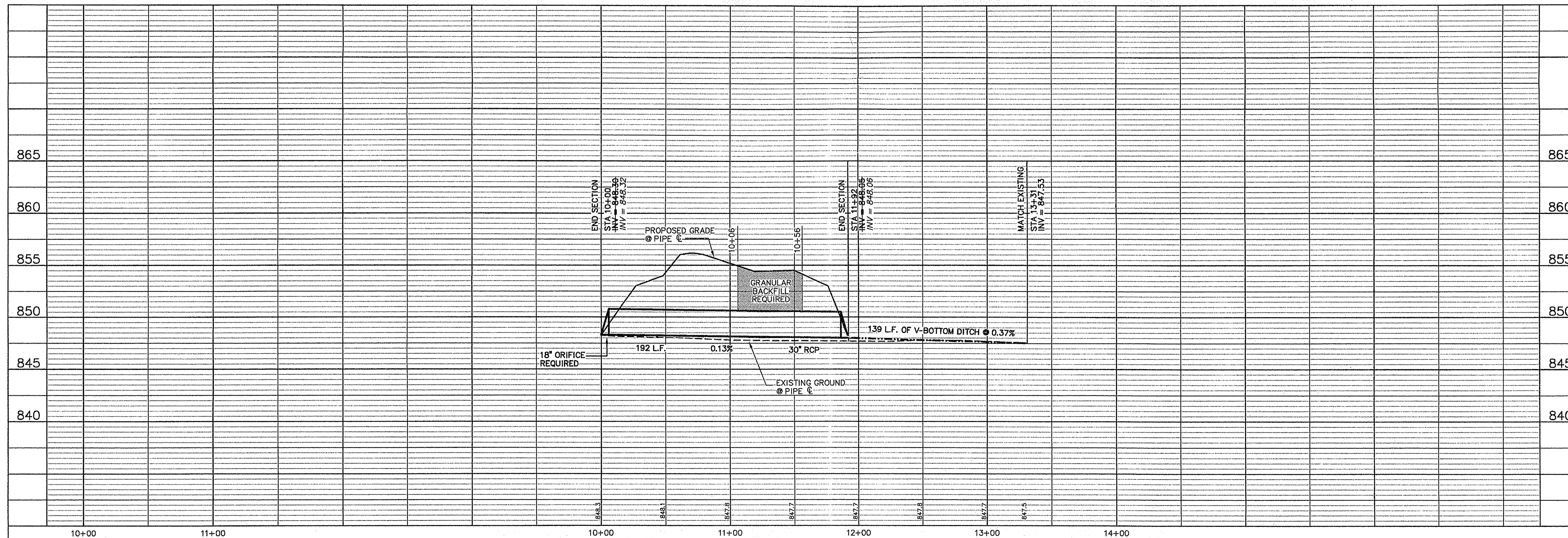


- Existing Topography Legend**
- guard post
 - sign
 - guy wire
 - manhole
 - transformer
 - utility pole
 - electric manhole
 - power pole
 - light pole
 - telephone manhole
 - telephone pedestal
 - television pedestal
 - traffic pole
 - water meter
 - water hydrant
 - water valve
 - water manhole
 - gas valve
 - post

This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.
 Entry Date: April 2009
 Entered By: SLM

LINE "ST-2"

SCALE: 1"=40' (HORIZ)
 1"=5' (VERT)



INDICATES DESIGN ELEVATION
 INDICATES AS-BUILT ELEVATION
 INV = ~~849.76~~ 849.78

AS-BUILT SURVEY
 04-19-2007

CLARIAN HEALTH PARTNERS
 1901 N. SENATE AVENUE
 INDIANAPOLIS, INDIANA 46202

AMERICAN CONSULTING, INC.
 7260 SHADELAND STATION
 INDIANAPOLIS, IN 46256-3917
 (317) 547-5980 FAX: (317) 543-0270
 Copyright (C) 1988 - 2008 by American Consulting, Inc.

JAMIE L. POZDEKAY
 REGISTERED
 No. 19900533
 STATE OF INDIANA
 PROFESSIONAL ENGINEER
 CERTIFIED BY

STORM SEWER / PLAN & PROFILE
LINE "ST-2"

CLARIAN NORTH MEDICAL CENTER
 116th STREET & MERIDIAN STREET (U.S. 31)
 CARMEL, INDIANA

DATE:	05/07/03
DRAWN BY:	JCS
CHK'D BY:	JLP
JOB NO.	IN2002-0920

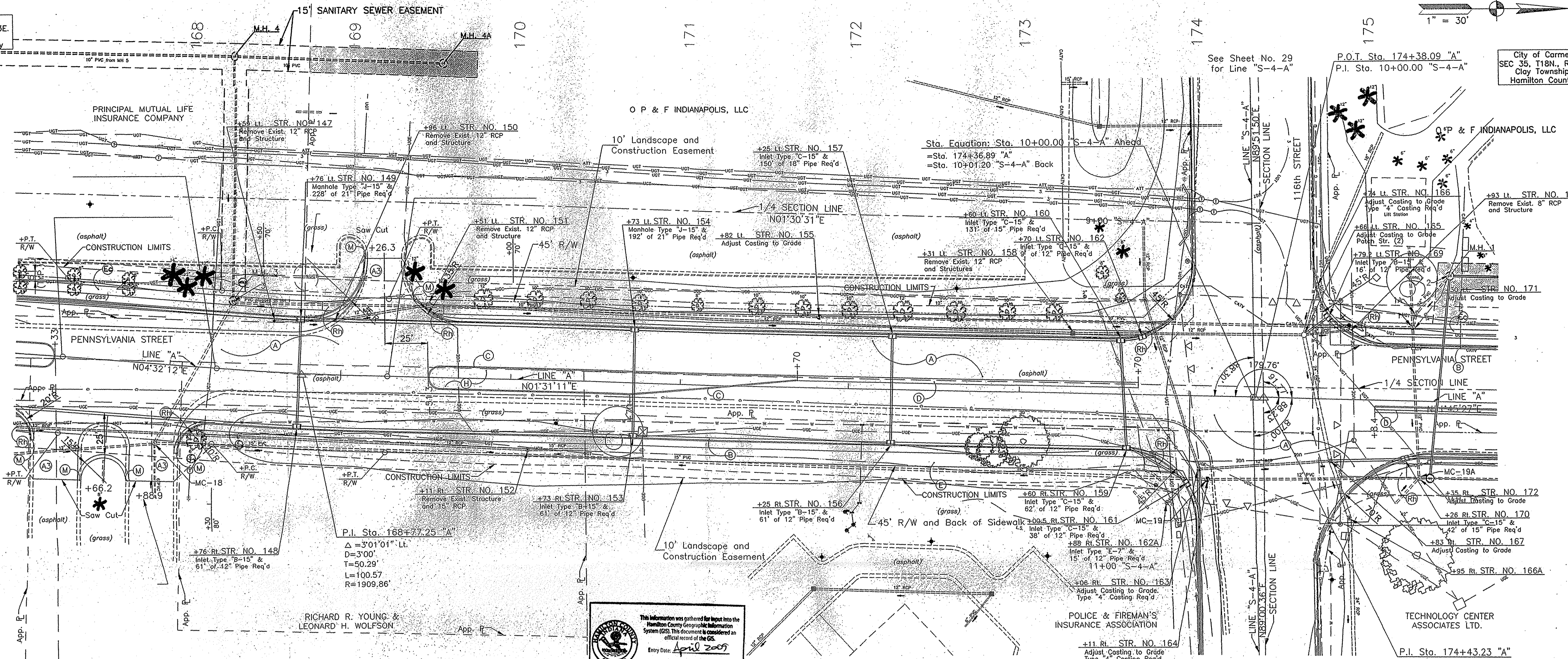
REVISIONS	

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C4.4
 OF

FILE # IN2002-0920-073-C44-STWPP-2
 DATE: 10/17/07 15:05:46
 DRAWN BY: JCS
 CHECKED BY: JLP
 JOB NO: IN2002-0920

City of Carmel
SEC 2, T17N., R3E.
Clay Township
Hamilton County

City of Carmel
SEC 35, T18N., R3E.
Clay Township
Hamilton County

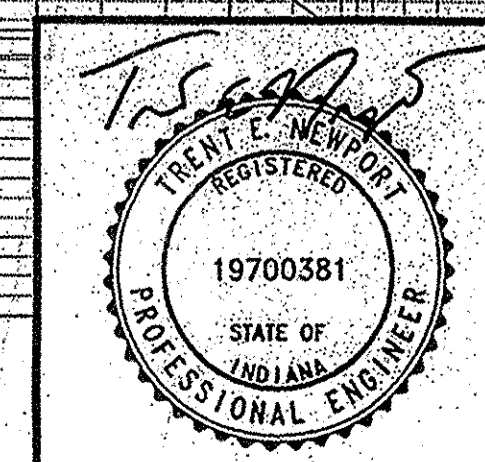
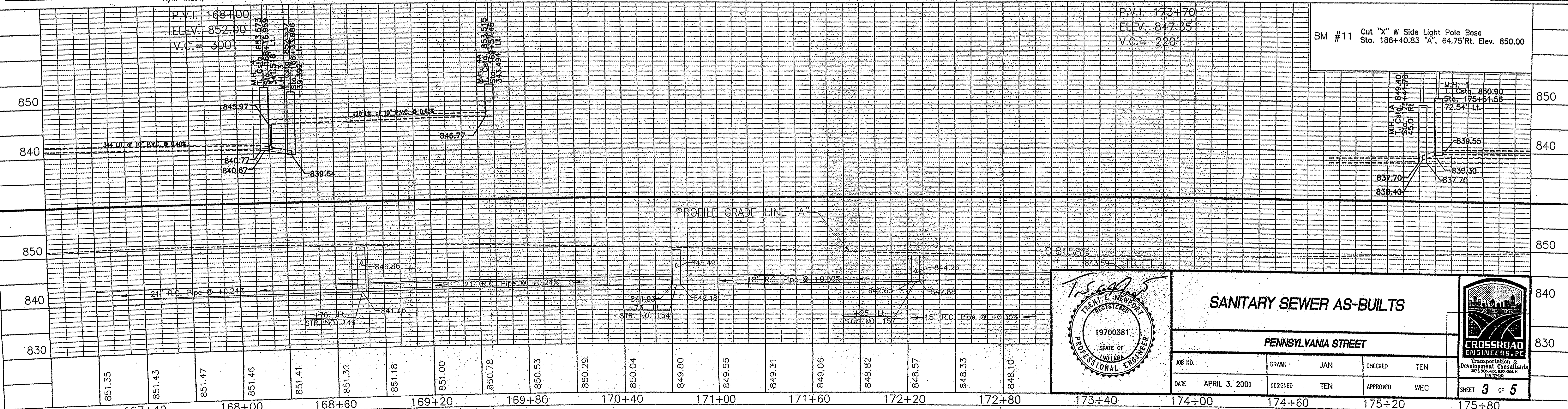


NOTE:
R/W width, 45' Lt. & Rt. from Line "A"

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Entry Date: April 2009
Entered By: SLM

SEC 2, T17N., R3E.
Clay Township
Hamilton County

City of Carmel
SEC 35, T18N., R3E.
Clay Township
Hamilton County



SANITARY SEWER AS-BUILTS

PENNSYLVANIA STREET

DATE: APRIL 3, 2001
DESIGNED: TEN
APPROVED: WEC

SHEET 3 of 5