



SURVEYOR'S OFFICE  
**H**amilton **C**ounty

*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*

July 30, 2012

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain, Maple Village Section 4B 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 Maple Village Section 4B Arm, Little Eagle 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	1,005 ft.	6" SSD	4,246 ft.
18" RCP	270 ft.		

The total length of the drain will be 5,521 feet.

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 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 portion of the SSD which will be regulated other than those under curbs are as follows:

Rear yard lots 234 to 244  
Rear yard lots 244 to 252  
Rear yard lots 253 to 260  
Rear yard lots 269 to 270  
Rear yard lots 276 to 280

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 platted lot, \$10.00 per acre for common areas, with a \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain/this section will be \$2969.40.

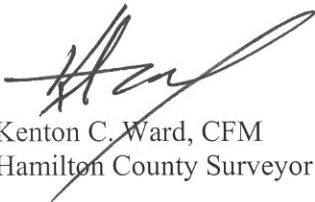
The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Performance Bond from contractor and cash bond from developer are as follows:

Agent: Merchants Bonding Company  
Date: July 6, 2012  
Number: INC 45426  
For: Storm Sewers & Sub-Surface Drains  
Amount: \$80,892.00

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 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 Maple Village (aka Sonoma) Section 4B as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for September 26, 2012.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

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

In the matter of Maple Village Subdivision, Section  
4A & 4B 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 Maple Village, Sections 4A & 4B, 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**



Signed

**Kenneth Brasseur**

Printed Name

**July 1, 2011**

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Little Eagle Creek Drain, Maple Village Section 4B Arm

On this 26<sup>th</sup> day of September, 2012, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Maple Village Section 4B 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

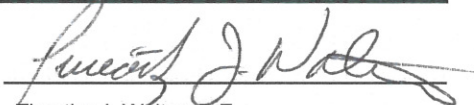
\_\_\_\_\_  
Member

Attest: 



Maple Village Section 4B (AKA Sonoma)  
 Engineers Estimate - Storm Sewers & Monumentation  
 Prepared on: 3/29/12

Item	Unit	Unit Cost	Quantities	Cost
<b>Storm Drainage</b>				
12" Pipe	LF	\$ 19.00	977	\$ 18,563
12" End Section	EA	\$ 950.00	1	\$ 950
12" Trash Guard	EA			\$ -
18" Pipe	LF	\$ 22.50	270	\$ 6,075
18" End Section	EA		0	\$ -
18" Trash Guard	EA		0	\$ -
24" Pipe	LF		0	\$ -
24" End Section	EA		0	\$ -
24" Trash Guard	EA		0	\$ -
Standard Storm Manholes	EA		0	\$ -
Large Storm Manholes & Double Inlets	EA	\$ 1,700.00	4	\$ 6,800
Storm Inlets	EA	\$ 1,400.00	6	\$ 8,400
Sand Backfill and Bedding	TON	\$ 10.00	120.00	\$ 1,200
	Sub-total			\$ 41,990
Sub-surface Drains - under curb	LF	\$ 5.25	2,600	\$ 13,650
Sub-surface Drains - swales	LF	\$ 5.25	1,246	\$ 6,550
Sub-surface Drains - sump laterals	EA		0	\$ -
	<b>Total</b>			<b>\$ 62,190</b>
<b>Monuments &amp; Markers</b>				
Lot Corner Monuments	LOT	\$ 100.00	42.00	\$ 4,200
Street Centerline Monumentation	EA	\$ 170.00	6.00	\$ 1,020
	<b>Total</b>			<b>\$ 5,220</b>
<b>Erosion Control</b>				
	LS	NA	NA	NA
--> Not Applicable - Property annexed by Town of Westfield and governed by Westfield MS4 permit.				
	<b>Total</b>			\$ -
<b>Grand Total</b>				<b>\$ 67,410</b>
<b>Per Hamilton County Ordinance - Bond Amount</b>				<b>120% \$ 80,892</b>

BY:   
 Timothy J. Walter, P.E.  
 Indiana Registration No. 19900152



# MERCHANTS BONDING COMPANY™

MERCHANTS BONDING COMPANY (MUTUAL) • MERCHANTS NATIONAL BONDING, INC.  
2100 FLEUR DRIVE • DES MOINES, IOWA 50321-1158 • (800) 678-8171 • (515) 243-3854 FAX

## SUBDIVISION BOND

Bond No. INC 45426

### KNOW ALL PERSONS BY THESE PRESENTS:

THAT we, D & R Excavating, Inc. dba Earth Resources

as Principal, and Merchants Bonding Company (Mutual) of Des Moines, Iowa (hereinafter called the Surety) are held and firmly bound unto the Hamilton County Board of Commissioners

as Obligee, in the penal sum of Eighty Thousand Eight Hundred Ninety Two Dollars

dollars ( \$80,892.00 ), lawful money of the United States to the payment of which sum well and truly to be made, the Principal herein firmly binds himself (themselves), their heirs, executors, and administrators, and the said Surety binds itself, its successors, assigns, executors and administrators, jointly and severally, firmly by these presents.

NOW THE CONDITION OF THIS OBLIGATION IS SUCH, THAT, whereas the above bounden Principal is platting certain lots entitled Sonoma Section 4B

being an official plat lying within the City of Westfield  
County of Hamilton, State of Indiana.

WHEREAS, the above bounden Principal has agreed with the Obligee to install the following improvements:

Storm Sewer, Subsurface Drain, Monuments and Markers

ALL such improvements to be completed in accordance with an agreement between the Principal and the Obligee.

NOW, if the Principal shall in all respects fulfill this said obligation according to the terms thereof, and shall satisfy all claims and demands incurred for same, and shall fully indemnify and save harmless the Obligee from all costs and damages which it may suffer by reason of failure to do so and shall fully reimburse and repay the Obligee all outlays and expenses which it may incur in making good any such default, then this obligation is to be void and of no effect; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 6th  
day of July, 20 12.

D & R Excavating, Inc. dba Earth Resources  
Principal

By [Signature]

Merchants Bonding Company (Mutual)

By [Signature]  
Carolyn J Waggoner Attorney-in-Fact

CON 0303 (2/12)

**MERCHANTS**  
**BONDING COMPANY™**  
**POWER OF ATTORNEY**

Bond #: INC 45426



Know All Persons By These Presents, that MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., both being corporations duly organized under the laws of the State of Iowa (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint, individually,

**Carolyn J Waggoner**

of **Indianapolis** and State of **IN** their true and lawful Attorney-in-Fact, with full power and authority hereby conferred in their name, place and stead, to sign, execute, acknowledge and deliver in their behalf as surety any and all bonds, undertakings, recognizances or other written obligations in the nature thereof, subject to the limitation that any such instrument shall not exceed the amount of:

**TEN MILLION (\$10,000,000.00) DOLLARS**

and to bind the Companies thereby as fully and to the same extent as if such bond or undertaking was signed by the duly authorized officers of the Companies, and all the acts of said Attorney-in-Fact, pursuant to the authority herein given, are hereby ratified and confirmed.

This Power-of-Attorney is made and executed pursuant to and by authority of the following By-Laws adopted by the Board of Directors of the Merchants Bonding Company (Mutual) on April 23, 2011 and adopted by the Board of Directors of Merchants National Bonding, Inc., on October 24, 2011.

"The President, Secretary, Treasurer, or any Assistant Treasurer or any Assistant Secretary or any Vice President shall have power and authority to appoint Attorneys-in-Fact, and to authorize them to execute on behalf of the Company, and attach the seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.

The signature of any authorized officer and the seal of the Company may be affixed by facsimile or electronic transmission to any Power of Attorney or Certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company, and such signature and seal when so used shall have the same force and effect as though manually fixed."

In Witness Whereof, the Companies have caused this instrument to be signed and sealed this 2nd day of March, 2012.



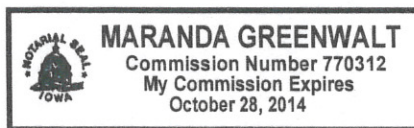
MERCHANTS BONDING COMPANY (MUTUAL)  
MERCHANTS NATIONAL BONDING, INC.

By *Larry Taylor*  
President

STATE OF IOWA  
COUNTY OF POLK ss.

On this 2nd day of March, 2012, before me appeared Larry Taylor, to me personally known, who being by me duly sworn did say that he is President of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC.; and that the seals affixed to the foregoing instrument is the Corporate Seals of the Companies; and that the said instrument was signed and sealed in behalf of the Companies by authority of their respective Boards of Directors.

In Testimony Whereof, I have hereunto set my hand and affixed my Official Seal at the City of Des Moines, Iowa, the day and year first above written.



*Maranda Greenwalt*  
Notary Public, Polk County, Iowa

STATE OF IOWA  
COUNTY OF POLK ss.

I, William Warner, Jr., Secretary of the MERCHANTS BONDING COMPANY (MUTUAL) and MERCHANTS NATIONAL BONDING, INC., do hereby certify that the above and foregoing is a true and correct copy of the POWER-OF-ATTORNEY executed by said Companies, which is still in full force and effect and has not been amended or revoked.

In Witness Whereof, I have hereunto set my hand and affixed the seal of the Companies on this 6th day of July, 2012.



*William Warner Jr.*  
Secretary

POA 0014 (11/11)

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Little Eagle Creek Drain, Maple Village Section 4B Arm*

NOTICE

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

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Eagle Creek Drain, Maple Village Section 4B Arm** on **September 26, 2012** at **9:00 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

**Little Eagle Creek Drain, Maple Village Section 4B Arm**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **September 26, 2012** 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