



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 6, 2023

TO: Hamilton County Drainage Board

RE: Cove Horney Drain, Carramore Section 1

Attached is a petition and plans for the proposed reconstruction of the Cove Horney Regulated Drain in Westfield, Indiana as a part of Carramore Section 1. The proposal is part of a larger effort by multiple developers to convert farmland into residential subdivisions with a single regulated trunkline running through them consisting of in-line detention and reinforced concrete storm sewer pipe. The reconstruction is per plans by Stoeppelwerth and Associates having Job No. 90970DRE-S1.

The new system in this report will convey the water through Carramore Section 1 and offsite to the south and ultimately outletting into the Osborne Trails Subdivision whose reconstruction of the Cove Horney Drain was approved on May 11, 2020 (see Hamilton County Drainage Board Minutes Book 19, page 205).

The reconstruction begins at Str. 410 per the Monon Corner Section 1 plans which were approved on August 22nd, 2022 (see Hamilton County Drainage Board Minutes Book 20, page 510 to 512). The structure corresponds with Sta. 20+25 per the drain's 1903 description. The drain then runs through Inline detention Lake 2 in Common Area #3 for 490 feet in the form of open ditch before outletting at Str. 439 per the plans. The drain then continues for 227 feet with 54" RCP before stopping at Str. 438 per the plans, the drain then runs south through inline detention Lake 1 in Common Area #4 for 495 feet in the form of open ditch before stopping at Str. 440 per the plans. The drain then turns slightly southwest and runs for 59 feet with 42" RCP before stopping at Str. 192 per the plans. Finally, the drain then turns westward and continues for 184 feet with 42" RCP before terminating at Str. 191 per the plans and thence connecting to the offsite drainage system to the south in the existing temporary HDPE pipe. Structure 193, 192, and 191 are existing structures which were placed on the temporary HDPE pipe. The current plastic pipe shall be replaced with RCP as shown in the storm sewer plan and profiles on Sheet C601 of the above referenced plans. The temporary HDPE pipe south of Str. 191 shall be replaced by the future development of the tract south of Carramore Section 1.

The reconstructed drain shall consist of the following:

Open Ditch	985 feet
54" RCP	227 feet
42" RCP	243 feet

The total length of the new reconstructed drain was 1,455 feet. The existing regulated drain from Sta. 20+25 to Sta. 33+75 will be removed and abandoned. The proposal will increase the length of regulated drain by 105 feet.

The drain maintenance shall include the inlets, outlets, and reinforced concrete pipes that are listed as part of the new regulated drain. The maintenance of the detention ponds such as erosion control or mowing and the maintenance of the pond banks will be the responsibility of the Carramore HOA or the City of Westfield. The Board will also retain jurisdiction for ensuring the storage volume for which the ponds were designed will be retained. Thereby, allowing no fill or easement encroachments.

The petitioner has provided the performance bond as follows:

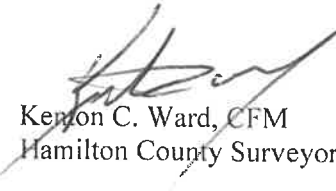
Storm Sewers

Bonding Company: Berkshire Hathaway Specialty Insurance Company
Bond Number: 47SUR300214010528
Bond Date: January 19th 2023
Bond Amount: \$493,297.80

The cost of the reconstruction is to be paid by the developer. The entire platted subdivision will be assessed a maintenance assessment to the Little Eagle Drain.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement requests. The request will be for the alteration of the regulated drain easement to those easement widths as shown on the secondary plat for Carramore Section 1 which will be recorded in the office of the Hamilton County Recorder.

I recommend that the Board set a hearing for this proposed drain for August 28, 2023.


Kenyon C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: Carramore, Section 1)
Hamilton County, Indiana)

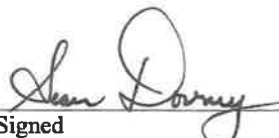
PETITION FOR RELOCATION AND RECONSTRUCTION

Arbor Homes (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Cove Horney Drain Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Cove Horney Drain 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 Cove Horney Drain 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 Cove Horney Drain Drain, without cost to other property owners on the watershed of the Cove Horney Drain Drain.
5. Proposed relocation and reconstruction will not adversely affect other land owners within the drainage shed.
6. Petitioner requests approval of the proposed relocation and reconstruction under IC 36-9-27-52.5.

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


Signed
Sean Downey
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Little Eagle Creek Drain, Cove Horney Arm
Carramore Section 1

Station 20+25 to Station 33+75

On this *28th day of August, 2023*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1 (Station 20+25 to Station 33+75).

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 Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1 (Station 20+25 to Station 33+75).

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
Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1*** came before the Hamilton County Drainage Board for hearing on August 28, 2023, 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.

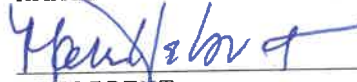
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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 ***Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1*** 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



STOEPPELWERTH
ALWAYS ON

ofc: 317.849.5935
fax: 317.849.5942

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

January 9, 2023

Hamilton County Surveyor's Office
One Hamilton County Square
Suite 188
Noblesville, IN 46060

Attention: Sam Clark

Re: Carramore, Section 1

Dear Mr. Clark:

On behalf of the developer Arbor Homes, enclosed please find an Engineer's Estimate (opinions of cost representing our best judgement and not a guarantee of actual construction costs) for Carramore, Section 1. The estimate is as follows:

Legal Drain Reconstruction				
Description	Quantity	Unit	Unit Price	Item Total
54" RCP	237	LF	\$204.00	\$48,348.00
54-INCH END SECTION	2	EA	\$6,844.00	\$13,688.00
STONE BEDDING	87	TONS	\$26.00	\$2,262.00
POND EXCAVATION	66,054	CYDS	\$5.25	\$346,783.50
Legal Drain Reconstruction Subtotal:				\$411,081.50

If you have any questions regarding the above estimate, please give Keith Gilson a call at (317) 570-4702.

Sincerely,

STOEPPELWERTH & ASSOCIATES, INC.

David J. Stoepfelwerth
Professional Engineer No. 19358

Cc: Sean Downey

KRG/adr

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LAND DEVELOPMENT SUPPORT SOLUTIONS

ENGINEERING | SURVEYING

FILED

JAN 24 2023

OFFICE OF HAMILTON COUNTY SURVEYOR

**SITE IMPROVEMENT
Performance Bond**

Bond # 47SUR300214010528

HCDB-2023-00002

KNOW ALL PERSONS BY THESE PRESENTS: That we Clayton Properties Group, Inc. dba Arbor Homes
9225 Harrison Park Court, Indianapolis, IN 46216

Principal, and Berkshire Hathaway Specialty Insurance Company,
a corporation authorized to do surety business in the State of IN
as Surety, are held and firmly bound unto Hamilton County Board of Commissioners
One Hamilton County Square, Suite 188, Noblesville, IN, 46060

as Oblige, in the sum of Four Hundred Ninety-Three Thousand Two Hundred Ninety-Seven and 80/100
Dollars (\$ 493,297.80 **) lawful money of the United States of America, for which**
payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors,
and assigns firmly by these presents.

WHEREAS, the Principal has entered into an agreement with the Oblige, guaranteeing only that the
Principal will complete site improvements as per estimate prepared by: _____
Stoepelwerth on January 9, 2023

_____ **attached to and made a part hereof at certain land known as**
Carramore, Section 1, Legal Drain Reconstruction (Cove Horney Drain)

_____ **all of which improvements shall be completed on or before the date**
set forth in the agreement or any extension thereof, and the Principal provides this bond as security for
such agreement.

NOW, THEREFORE, the condition of this obligation is such, that if the Principal shall carry out all the
terms of said agreement relating to the site improvements only and perform all such work as set forth in
the attached agreement, then this obligation shall be null and void; otherwise, to remain in full force and
effect.

No party other than the Oblige shall have any rights hereunder as against the Surety.
The aggregate liability of the Surety on this bond obligation shall not exceed the sum stated above for
any reason whatsoever.

SIGNED, SEALED AND DATED THIS 19th **DAY OF** January, 2023

PRINCIPAL:

Clayton Properties Group, Inc. dba Arbor Homes

By: _____

SURETY:

Berkshire Hathaway Specialty Insurance Company

By: _____

Matthew Labno, **Attorney-in-Fact**





Power Of Attorney

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY
NATIONAL INDEMNITY COMPANY / NATIONAL LIABILITY & FIRE INSURANCE COMPANY

Know all men by these presents, that BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at One Lincoln Street, 23rd Floor, Boston, Massachusetts 02111, NATIONAL INDEMNITY COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at 3024 Harney Street, Omaha, Nebraska 68131 and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Connecticut and having an office at 100 First Stamford Place, Stamford, Connecticut 06902 (hereinafter collectively the "Companies"), pursuant to and by the authority granted as set forth herein, do hereby name, constitute and appoint: Matthew Labno, Josefina Rojo, John P. Harney, Jacquelyn Norstrom, Haley Anderson, 353 N. Clark Street of the city of Chicago, State of Illinois, their true and lawful attorney(s)-in-fact to make, execute, seal, acknowledge, and deliver, for and on their behalf as surety and as their act and deed, any and all undertakings, bonds, or other such writings obligatory in the nature thereof, in pursuance of these presents, the execution of which shall be as binding upon the Companies as if it has been duly signed and executed by their regularly elected officers in their own proper persons. This authority for the Attorney-In-Fact shall be limited to the execution of the attached bond(s) or other such writings obligatory in the nature thereof.

In witness whereof, this Power of Attorney has been subscribed by an authorized officer of the Companies, and the corporate seals of the Companies have been affixed hereto this date of December 20, 2018. This Power of Attorney is made and executed pursuant to and by authority of the Bylaws, Resolutions of the Board of Directors, and other Authorizations of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, which are in full force and effect, each reading as appears on the back page of this Power of Attorney, respectively. The following signature by an authorized officer of the Company may be a facsimile, which shall be deemed the equivalent of and constitute the written signature of such officer of the Company for all purposes regarding this Power of Attorney, including satisfaction of any signature requirements on any and all undertakings, bonds, or other such writings obligatory in the nature thereof, to which this Power of Attorney applies.

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY,

[Handwritten signature of David Fields]

By: David Fields, Executive Vice President



NATIONAL INDEMNITY COMPANY, NATIONAL LIABILITY & FIRE INSURANCE COMPANY,

[Handwritten signature of David Fields]

By: David Fields, Vice President

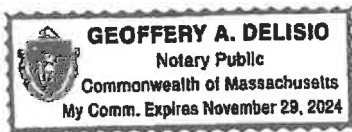


NOTARY

State of Massachusetts, County of Suffolk, ss:

On this 20th day of December, 2018, before me appeared David Fields, Executive Vice President of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY and Vice President of NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, who being duly sworn, says that his capacity is as designated above for such Companies; that he knows the corporate seals of the Companies; that the seals affixed to the foregoing instrument are such corporate seals; that they were affixed by order of the board of directors or other governing body of said Companies pursuant to its Bylaws, Resolutions and other Authorizations, and that he signed said instrument in that capacity of said Companies.

[Notary Seal]



[Handwritten signature of Notary Public]

Notary Public

I, Ralph Tortorella, the undersigned, Officer of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, 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 in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, see hereunto affixed the seals of said Companies this January 19, 2023.



[Handwritten signature of Officer]

Officer

To verify the authenticity of this Power of Attorney please contact us at: BHSISurety Department, Berkshire Hathaway Specialty Insurance Company, One Lincoln Street, 23rd Floor Boston, MA 02111 | (770) 625-2516 or by email at Jennifer.Porter@bhspecialty.com THIS POWER OF ATTORNEY IS VOID IF ALTERED To notify us of a claim please contact us on our 24-hour toll free number at (855) 453-9675, via email at claim@notices@bhspecialty.com, via fax to (617) 507-8259, or via mail.

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY (BYLAWS)

ARTICLE V.

CORPORATE ACTIONS

....

EXECUTION OF DOCUMENTS:

....

Section 6.(b) The President, any Vice President or the Secretary, shall have the power and authority:

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings, and
- (2) To remove at any time any such Attorney-in-fact and revoke the authority given him.

NATIONAL INDEMNITY COMPANY (BY-LAWS)

Section 4. Officers, Agents, and Employees:

A. The officers shall be a President, one or more Vice Presidents, a Secretary, one or more Assistant Secretaries, a Treasurer, and one or more Assistant Treasurers none of whom shall be required to be shareholders or Directors and each of whom shall be elected annually by the Board of Directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the Board of Directors, and shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the Board of Directors; and the Board of Directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the corporation.

NATIONAL INDEMNITY COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BY-LAWS)

ARTICLE IV

Officers

Section 1. Officers, Agents and Employees:

A. The officers shall be a president, one or more vice presidents, one or more assistant vice presidents, a secretary, one or more assistant secretaries, a treasurer, and one or more assistant treasurers, none of whom shall be required to be shareholders or directors, and each of whom shall be elected annually by the board of directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the board of directors. The president and secretary shall be different individuals. Election or appointment of an officer or agent shall not create contract rights. The officers of the Corporation shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the board of directors; and the board of directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the Corporation.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

State of Illinois
County of Cook

On this 19th day of January 2023, before me personally appeared
Matthew Labno, known to me to be the Attorney-in-fact of
Berkshire Hathaway Specialty Insurance Company, 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.



Josefina Rojo

(Notary Public)

(Seal)

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Little Eagle Creek Drain, Cove Horney Arm
Carramore Section 1***

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 **Little Eagle Creek Drain, Cove Horney Arm, Carramore Section 1** on **August 28, 2023** at **9:00 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 **Little Eagle Creek Drain, Cove Horney Arm,
Carramore Section 1**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 28, 2023** 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: Mark Heirbrandt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY