



*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 15, 2022

TO: Hamilton County Drainage Board

RE: Cove Horney Drain, Monon Corner Section 1 and Offsite

Attached is a petition and plans for the proposed reconstruction of the Cove Horney Regulated Drain in Westfield, Indiana as a part of Monon Corner Section 1. The proposal is a temporary measure as 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. 89590ARB-S1 and dated 7/31/2020. The petitioner is Arbor Homes of Indiana.

The new system in this report will convey the water through Monon Corner Section 1 and off-site to the south outletting into Osborne Trails Section 1 whose reconstruction of the Cove Horney Drain was approved on May 11, 2020 (Drainage Board Minutes Book 19, Page 205). The reconstruction will be divided into onsite work and offsite work and the stationing for the two sections are as follows:

**Onsite Monon Corner Section 1(Parcel #08-05-23-00-00-002.101)**

The reconstruction of the onsite regulated drain will begin at the point the existing Cove Horney Drain empties into Lake #1 of Monon Corner Section 1 which is Sta. 18+55 per the drains 1903 description. From the point the existing tile enters Lake 1 to new Str. 412 the drain runs southeast for 133 feet as open ditch through the lake per sheets C 606 and C 206 of the plans. From here, the reconstructed drain turns south and runs for 91 feet with 36-inch HP and stopping at Str. 411 which is the point the offsite portion of the drain begins (Sta. 20+25).

**Temporary Reconstruction Offsite (Parcel# 08-05-23-00-00-00-025.000, 08-05-23-00-00-00-024.000, 08-05-26-00-00-001.101**

The offsite reconstruction begins at the aforementioned Str. 411 and runs southwest to str. 410 as a 42" HP shown on Sheet C 606. At that point the regulated drain will outlet into a temporary swale at Sta. 20+25 per the drains 1903 description. The existing regulated drain from Sta. 20+25 to Sta. 33+00 will remain until future development occurs. The temporary open drainage ditch and the section between Structures 193 to 191 as shown on Sheet C 605 will not be part of the regulated drain.

The reconstruction of the Cove Horney Regulated Drain will continue at Str. 191 per Sheet C 605 of the plans which is located at Sta. 33+00 of the drains 1903 description. The drain will then run for 210 feet with 42" HDPE pipe before stopping at Str. 407 per the plans. The drain then runs southwestward for 406 feet with 42" HDPE before stopping at Str. 406 per the plans. The drain then turns slightly southeast and runs for 400 feet with 42" HDPE pipe before stopping at Str. 405 per the plans. The drain then turns slightly westward and runs for 400 feet with 42" HDPE pipe before stopping at Str. 404 per Sheets C 605 and C 604 of the plans. The drain then runs south for 399 feet with 42" HDPE pipe before stopping at Str. 403 per the plans. The drain thence continues south for 400 feet with 42" HDPE pipe before stopping at Str. 402 per the plans. The drain then turns southwestward and runs for 367 feet with 42" HDPE to Str. 401 per the plans. The drain then turns west and runs for 58 feet with 42" HDPE pipe before outletting into the existing pond located in Osborne Trails at Sta. 59+68 of the drains 1903 description which is Str. 400 per Sheet C 604 of the plans.

The overall cost of the reconstruction will be paid by Arbor Homes of Indiana.

The reconstructed drain shall consist of the following:

42" HDPE	2,640 feet
36" HP	91 feet
Open Ditch	133 feet

The total length of the new reconstructed drain is 2,864 feet. The existing regulated drain from Sta. 33+00 to Sta. 59+68 will be removed and abandoned while the upstream drain from Sta. 00+00 to 18+55 will remain and be tied into Lake #1 per the plans. The proposal will increase the length of regulated drain by 56 feet.

The petitioner has provided the Performance Bond as follows:

**Storm Sewers**

Bonding Company:	National Indemnity Company
Bond Number:	70NGP184935
Bond Date:	October 26, 2020
Bond Amount:	\$598,515.50

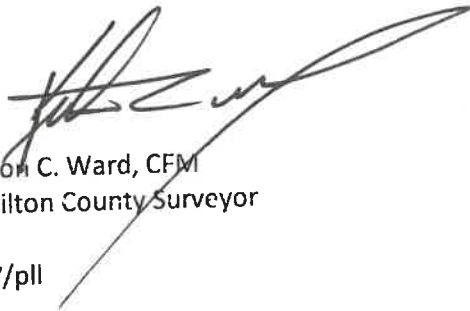
The reconstructed drain will be built within the limits of the existing easement orientation of the Cove Horney Regulated Drain.

The portion of the Cove Horney Drain as described as onsite within this report will be maintained as regulated drain. The maintenance of the remaining drainage facilities within Monon Corner, Section 1 will be maintained by the City of Westfield.

The detention pond (Lake #1 in Common Area "1-4") is to be considered part of the regulated drain. The maintenance of the pond shall include the inlet and outlet as part of the regulated drain. The maintenance of the pond such as sediment removal, and erosion control along the banks, mowing and aquatic vegetation control will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

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

I recommend that the Board set a hearing for this proposed drain for August 22, 2022.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN RE: Monon Corner, Section 1 )  
Hamilton County, Indiana )

**FILED**  
**JUL 31 2020**

OFFICE OF HAMILTON COUNTY SURVEYOR

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.

Sean Downey  
Signed  
Sean Downey  
Printed

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE


**Little Eagle Creek Drain, Cove Horney Arm  
Monon Corner Section 1 & Offsite**

**Station 33+00 to Station 59+68**

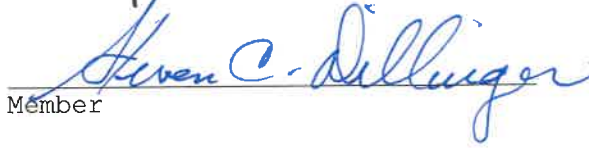
On this **22<sup>nd</sup> day of August, 2022**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Little Eagle Creek Drain, Cove Horney Arm, Monon Corner Section 1 & Offsite (Station 33+00 to Station 59+68)**.

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, Monon Corner Section 1 & Offsite (Station 33+00 to Station 59+68)**.

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 - Monon Corner Section 1 & Offsite**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, Cove Horney Arm, Monon Corner Section 1 & Offsite** came before the Hamilton County Drainage Board for hearing **on August 22, 2022**, 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, Monon Corner Section 1 & Offsite** 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

of: 317.849.5935  
fax: 317.849.5942

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

October 15, 2020

**FILED**

**OCT 28 2020**

OFFICE OF HAMILTON COUNTY SURVEYOR

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

Attention: Sam Clark

Re: Monon Corner, 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 Monon Corner, Section 1. The estimate is as follows:

**MONON CORNER SECTION 1 - ENGINEER'S ESTIMATE  
(HCSO OFFSITE LEGAL DRAIN RECONSTRUCTION)**

LEGAL DRAIN RECONSTRUCTION				
Description	Quantity	Unit	Unit Price	Item Total
42-INCH RCP	4020	LF	\$112.00	\$450,240.00
LARGE MANHOLES (72" DIA.)	11	EA	\$4,815.00	\$52,965.00
42-INCH END SECTION	1	EA	\$3,200.00	\$3,200.00
STONE BEDDING	1450	TONS	\$26.00	\$37,700.00
<b>LEGAL DRAIN RECONSTRUCTION SUBTOTAL:</b>				<b>\$544,105.00</b>

If you have any questions regarding the above estimate, please give Brian Robinson a call at (317) 570-4763.

Sincerely,  
STOEPPELWERTH & ASSOCIATES, INC.

David J. Stoepfelwerth  
Professional Engineer No. 19358



Cc: Sean Downey

BKR/meb

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**LAND DEVELOPMENT SUPPORT SOLUTIONS**

Bond #: 70NGP184935

## PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That Clayton Properties Group Inc., Dba: Arbor Homes as Principal (hereinafter called the Principal) and National Indemnity Company, a corporation organized and existing under the laws of the State of Indiana and authorized to transact surety business in the State of Indiana, as Surety ( hereinafter called the Surety) are held and firmly bound to Hamilton County Board of Commissioners (hereinafter called the Obligee) in the Penal Sum of five hundred ninety-eight thousand five hundred fifteen and fifty hundredths/100 dollars (\$598,515.50) for the payment whereof, well and truly to be made, said Principal and Surety bind themselves, their heirs, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITIONS OF THE OBLIGATION IS SUCH THAT: The above-named Principal has entered into an agreement, dated October 26, 2020 with the Obligee to do and perform work, to with: Offsite Legal Drain Reconstruction (Monon Corner Section 1)

WHEREAS: If the above-bounden Principal shall well and truly perform the work referred to in such agreement, then this obligation shall be void, otherwise remain in full force and effect.

PROVIDE, HOWEVER: That this bond is subject to the following conditions:

1. The Penal Sum amount of this bond shall not increase, absent Surety's written consent, regardless of any change, alterations, or modifications to the underlying documents. The aggregate liability of the surety is limited to the penal sum stated herein regardless of the number or amount of claims brought against this bond and regardless of the number of years this bond remains in force.
2. In no event shall the Surety be liable for fines, penalties, liquidated damages, or forfeitures assessed against the Principal.
3. No Claim, action, suit or proceeding, except as hereinafter set forth, shall be had or maintained against the Surety on this instrument unless same be brought or instituted upon the Surety within one(1) year from Principal default or termination.



# POWER-OF-ATTORNEY

70NGP184935

**NATIONAL INDEMNITY COMPANY**  
1314 DOUGLAS STREET, SUITE 1400, OMAHA, NEBRASKA 68102-1944  
(402) 916-3000

KNOW ALL MEN BY THESE PRESENTS: This Power-of-Attorney is not valid unless attached to the duly-executed bond that it authorizes. This Power-of-Attorney specifies **THE AUTHORITY OF THE ATTORNEY-IN-FACT** and **THE LIABILITY OF NATIONAL INDEMNITY COMPANY, WHICH SHALL NOT EXCEED:**

**FIVE HUNDRED NINETY-EIGHT THOUSAND, FIVE HUNDRED FIFTEEN AND 50/100 DOLLARS**  
**(\$ 598,515.50)**

NATIONAL INDEMNITY COMPANY, a Nebraska corporation, having its principal office in the City of Omaha, State of Nebraska, does hereby make, constitute and appoint Matthew G. Grantham in the City of Omaha, County of Douglas, State of Nebraska, its true and lawful attorney-in-fact, at Omaha, in the State of Nebraska, to make, execute, seal and deliver for and on its behalf, and as its act and deed, any and all bonds and undertakings, provided that the liability of the Company as surety on any such bond executed under this authority shall not in any event exceed the sum shown above.

## THIS POWER VOID IF ALTERED OR ERASED

The acknowledgement and execution of any such document by the said Attorney-In-Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly-elected officers of this Company.

This Power of Attorney is granted, and is signed and sealed by original signature, under and by the authority of the following Resolution adopted by the Executive Committee, as duly authorized by the Board of Directors of NATIONAL INDEMNITY COMPANY, at a meeting duly called and held on the 15th day of March, 2017:

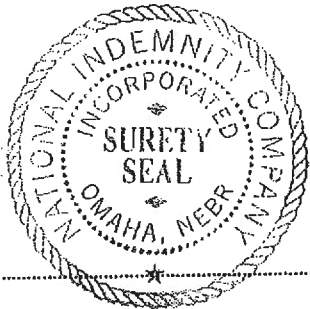
RESOLVED, That the President, any Vice President or the Secretary shall have the power and authority to (1) appoint Attorneys-in-fact and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

FURTHER RESOLVED, That any Surety Administrator or Surety Underwriter shall have the power and authority to appoint Attorneys-in-fact and to authorize them to execute on behalf of this Company any license bond with a limit of \$10,000 or less.

FURTHER RESOLVED, That any Surety Administrator shall have the power and authority to appoint Attorneys-in-fact and to authorize them to execute on behalf of this Company (1) any bond, except an appeal bond, with a limit of \$10,000 or less and (2) any license bond with a limit of \$50,000 or less.

In Witness Whereof NATIONAL INDEMNITY COMPANY has caused its official seal to be hereunder affixed, and these presents to be signed by its Senior Vice President this 2nd day of March, 2021.

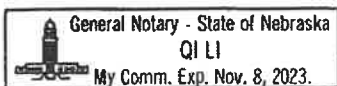
NATIONAL INDEMNITY COMPANY



BY Philip M. Wolf  
(Name) Philip M. Wolf  
(Title) Senior Vice President

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS } ss.:

On this 2nd day of March, 2021, before me, a Notary Public, personally appeared Philip M. Wolf, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as Senior Vice President of said NATIONAL INDEMNITY COMPANY and acknowledged said instrument to be the voluntary act and deed of said corporation.



Qi Li  
Notary Public, Nebraska

1. THIS POWER DOES NOT AUTHORIZE EXECUTION OF BONDS OF NE EXEAT OR ANY GUARANTEE FOR FAILURE TO PROVIDE PAYMENTS OF ALIMONY SUPPORT OR WAGE LAW CLAIMS, OR BONDS FOR CRIMINAL APPEARANCE.
2. THIS POWER DOES NOT AUTHORIZE THE EXECUTION OF BONDS FOR LOAN GUARANTEES.

NI-1180bb (08/18)

This Power Can Only Be Used in The State of: INDIANA  
This Power Can Only Be Used For The Following Oblige(e)s): HAMILTON COUNTY SURVEYOR'S OFFICE  
Bond Title or Description: PERFORMANCE BOND - OFFSITE LEGAL DRAIN RECONSTRUCTION (MONON CORNER SECTION 1)  
Principal or case reference: CLAYTON PROPERTIES GROUP, INC. DBA ARBOR HOMES

4. No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein or the heirs, executors, administrator or successors of Obligee.
5. If any conflict or inconsistency exists between the Surety's obligations or undertakings as described in this bond and as described in any underlying documents, then the terms of this bond shall prevail.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney in Fact the \_\_\_ day of March, 2021.

PRINCIPAL:

Clayton Properties Group, Inc., Dba: Arbor Homes

  
\_\_\_\_\_  
(SEAL)  
Peter R. Logan, COO  
(Print Name & Title)

  
\_\_\_\_\_  
Witness

SURETY:

NATIONAL INDEMNITY COMPANY

  
\_\_\_\_\_  
Matthew G. Grantham, Attorney-in-Fact



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Cove Horney Drain  
Monon Corner Section 1 and Offsite***

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 **Cove Horney Drain, Monon Corner Section 1 and Offsite** on **August 22, 2022** 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,  
Monon Corner Section 1 & Offsite**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **August 22, 2022** 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: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY