



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

August 22, 2023

TO: Hamilton County Drainage Board

RE: Cove Horney Drain, Osborne Trails Section 10

Attached is a petition filed by Lennar Homes of Indiana and plans for the proposed reconstruction of the Cove Horney Regulated Drain in Westfield, Indiana as a part of Osborne Trails Section 10. 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 HWC Engineering dated February 23, 2022 having Job No. 2020-277-A.

The new system in this report will convey the water through Osborne Trails Section 10 and offsite to the south and ultimately 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 drain's reconstruction begins at Str. 160 per the plans. From there, the drain runs west for 70 feet with 12" RCP before stopping at Str. 159 per the plans and Sta. 33+75 per the drain's 1903 description. The drain then turns south and runs for 378 feet with 42" RCP before stopping at Str. 158 per the plans. The drain then continues south for 545 feet in the form of Lake 1 (Common Area 10-1) per the plans which will be designated as open ditch in this report. Lake 1 outlets into Str. 103 per the plans where it then continues south for 349 feet with 42" RCP before stopping at Str. 102 per the plans. The drain then turns slightly westward before running offsite for 72 feet with 42" RCP and stopping at Str. 404 per the plans.

The reconstructed drain shall consist of the following:

Open Ditch	545 feet
12" RCP	70 feet
42" RCP	799 feet

The total length of the new reconstructed drain is 1,414 feet. The existing regulated drain from Sta. 33+75 to Sta. 47+84 will be removed and abandoned. The proposal will increase the length of regulated drain by 5 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 Osborne Trails 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 remaining drainage facilities, both RCP and SSD, shall be the maintenance responsibility of the City of Westfield.

The petitioner has provided the Performance Bond as follows:

Storm Sewers


Bonding Company: Hanover Insurance Company
Bond Number: 1097791
Bond Date: August 7, 2023
Bond Amount: \$303,851

Erosion Control

Bonding Company: Hanover Insurance Company
Bond Number: 1097792
Bond Date: August 7, 2023
Bond Amount: \$7,711

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 alteration of the regulated drain easement to those easement widths as shown on the secondary plat for Osborne Trails Section 10 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 October 23, 2023.



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN RE: _____)
Hamilton County, Indiana)


PETITION FOR RELOCATION AND RECONSTRUCTION

_____ Lennar Homes of Indiana, LLC (hereinafter "Petitioner"),

hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the _____ Cove Horney _____ 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 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, 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, without cost to other property owners on the watershed of the _____ Cove Horney _____ 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, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.



Signed
Stuart D. Huckelberry - Lennar Homes of Indiana, LLC

Printed

FINDINGS AND ORDER
CONCERNING THE PARTIAL VACATION OF THE

Little Eagle Creek Drain, Cove Horney Arm
Osborne Trails Section 10

Station 33+75 to Station 47+84

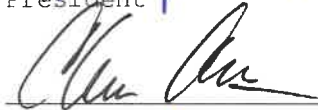
On this 23rd day of October, 2023, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Little Eagle Creek Drain, Cove Horney Arm, Osborne Trails Section 10 (Station 33+75 to Station 47+84).

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, Osborne Trails Section 10 (Station 33+75 to Station 47+84).

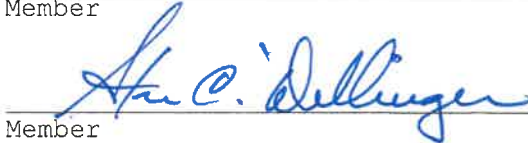
HAMILTON COUNTY DRAINAGE BOARD



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, Osborne Trails Section 10

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Little Eagle Creek Drain, Cove Horney Arm, Osborne Trails Section 10** came before the Hamilton County Drainage Board for hearing **on October 23, 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, Osborne Trails Section 10** 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



REGULATED DRAIN RECONSTRUCTION - ENGINEERS ESTIMATE					
	ITEM NAME:	UNIT	QUANTITY	UNIT COST	AMOUNT
REGULATED DRAIN	42" RCP	LF	814	\$ 181.00	\$ 147,334.00
	60" STORM MANHOLE	EA	2	\$ 5,300.00	\$ 10,600.00
	42" END SECTION	EA	1	\$ 3,250.00	\$ 3,250.00
	CONNECT TO EXISTING	EA	2	\$ 2,950.00	\$ 5,900.00
	RIP RAP	TON	20	\$ 30.00	\$ 600.00
	GRANULAR BACKFILL	TON	90	\$ 18.00	\$ 1,620.00
	REGULATED DRAIN SUBTOTAL				\$ 169,304.00
EROSION CONTROL	EROSION CONTROL BLANKET AND SEED	SY	3,787	\$ 1.25	\$ 4,733.75
	PERMANENT SEED AND MULCH	SY	1,078	\$ 0.49	\$ 528.22
	TEMPORARY SEED AND MULCH	SY	1,650	\$ 0.21	\$ 346.50
	EROSION CONTROL SUBTOTAL				\$ 5,608.47
REGULATED DRAIN: TOTAL					\$ 174,912.47

This Engineer's Estimate is an opinion of probable construction cost made on the basis of Engineer's experience and represent Engineer's judgement as a qualified professional generally familiar with the industry. However, since Engineer has no control over the cost of materials, equipment, labor or market conditions, Engineer cannot guarantee that actual construction cost will not vary from this Engineer's Estimate.

Kristopher K. Eichhorn

Kristopher K. Eichhorn, PE PS
 7/6/2021
 HWC Engineering



SUBDIVISION BOND

Bond No: 1097791

Principal Amount: \$303,851

KNOW ALL MEN BY THESE PRESENTS, that we Lennar Homes of Indiana, LLC, 11555 N. Meridian Street Suite 400 Carmel, IN 46032 as Principal, and The Hanover Insurance Company 440 Lincoln St. Worcester, MA 01653 an New Hampshire Corporation, as Surety, are held and firmly bound onto Hamilton County Board of Commissioners One Hamilton Square Noblesville, IN 46060 as Obligee, in the penal sum of Three Hundred Three Thousand Eight Hundred Fifty One and 00/100 (Dollars) (\$303,851.00), lawful money of the United States of America, for the payment of which will and truly to be made, we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, Lennar Homes of Indiana, LLC has agreed to construct in Osborne Trails Section 10 Subdivision, in Hamilton County, IN the following improvements:

Cove Horney Regulated Drain Improvements

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvement 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 until released by the Obligee, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed per the requirement of the Obligee, 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, but only by doing a rider to this original bond.

Signed, sealed and dated, this 8th day of August, 2022.

Lennar Homes of Indiana, LLC
a Delaware limited liability company
Principal

The Hanover Insurance Company
Surety

By: _____

By: _____

Name and Title: Kenneth Lash, VP

Name and Title: Sokha Evans, Attorney-in-Fact



THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

THIS Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

KNOW ALL PERSONS BY THESE PRESENTS:

That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, (hereinafter individually and collectively the "Company") does hereby constitute and appoint,

Mechelle Larkin, My Hua, Kathy R. Mair, Regina Rangel, Brenda Wong, Tenzer V. Cunningham, Martha Gonzales, Joaquin Perez and/or Sokha Evans

Of Marsh Risk & Insurance Services, Inc. of Los Angeles, CA each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

Any such obligations in the United States, in any amount

That this power is made and executed pursuant to the authority of the following Resolutions passed by the Board of Directors of said Company, and said Resolutions remain in full force and effect:

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

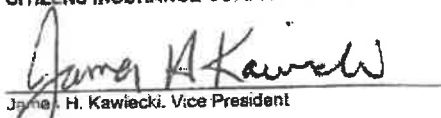
RESOLVED: That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile. (Adopted October 7, 1981 – The Hanover Insurance Company; Adopted April 14, 1982 – Massachusetts Bay Insurance Company; Adopted September 7, 2001 – Citizens Insurance Company of America and affirmed by each Company on March 24, 2014)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 22nd day of October, 2021.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
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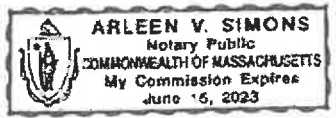

Bryan J. Sawalish, Executive Vice President



James H. Kawiecki, Vice President



THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this 22nd day of October, 2021 before me came the above named Executive Vice President and Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.




Arleen V. Simons, Notary Public
My Commission Expires June 15, 2023

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 8th day of August, 2022.

CERTIFIED COPY

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Carrick A. Bligh, Vice President

SUBDIVISION BOND

Bond No: 1097792

Principal Amount: \$7,711

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Cove Horney Regulated Drain Erosion Control

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvement 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 until released by the Obligee, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed per the requirement of the Obligee, 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.

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Lennar Homes of Indiana, LLC
a Delaware limited liability company
Principal

The Hanover Insurance Company
Surety

By: _____

Name and Title: Kenneth Lash, VP

By: _____

Name and Title: Sokha Evans, Attorney-in-Fact



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MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

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Of Marsh Risk & Insurance Services, Inc. of Los Angeles, CA each individually, if there be more than one named, as its true and lawful attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, any and all surety bonds, recognizances, undertakings, or other surety obligations. The execution of such surety bonds, recognizances, undertakings or surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company, in their own proper persons. Provided however, that this power of attorney limits the acts of those named herein; and they have no authority to bind the Company except in the manner stated and to the extent of any limitation stated below:

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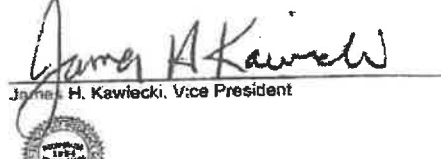
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IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 22nd day of October, 2021.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

THE HANOVER INSURANCE COMPANY
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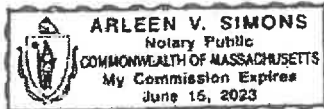

Bryan J. Swanson, Executive Vice President

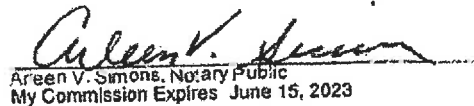

James H. Kawlecki, Vice President



THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

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Arleen V. Simons, Notary Public
My Commission Expires June 15, 2023

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GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 8th day of August, 2022.

CERTIFIED COPY

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Carrick A. Bligh, Vice President

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

***Little Eagle Creek Drain, Cove Horney Arm
Osborne Trails Section 10***

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, Osborne Trails Section 10** on **October 23, 2023** at **9:30 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,
Osborne Trails Section 10**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **October 23, 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