

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*

January 4, 2005

TO: Hamilton County Drainage Board

RE: Booth Snead Drain, Tanglewood Arm

Attached is a petition filed by Boomerang Development along with plans, calculations, quantity summary and assessment roll for the Tanglewood Arm, Booth Snead Drain to be located in Fall Creek 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 new drain will consist of the following:

42" RCP 71 ft.

48" RCP 259 ft.

The new section of drain is that portion from the Lake #5 to the manhole reconstructed as part of this petition. This is from Structure 104 to 103 and 103 to 102 on the attached plans by Schneider Corporation for Tanglewood Section 1, dated June 27, 2003, Sheet C607.

The total length of the new drain will be 330 feet.

The retention lake located as Lake #5 in the proposed Tanglewood, Section 3 is not to be considered part of the regulated drain. Only the outlet will be maintained as part of the regulated drain. The maintenance of the lake will be the responsibility of the Homeowners Association. The Board will however retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

Along with the new drain as described above is a reconstruction proposal to install 117 feet of 54" RCP in the same location as the existing 1902 drain located under 126<sup>th</sup> Street. This will be between stations 17+51 and 18+68 of the original drain. The reconstruction shall be between structures 105 and 102 and 102 to 101 as shown on the above referenced plans for Tanglewood, Section 1.

The total length of new tile shall be 117 feet. The 117 feet of original drain between 17+51 and 18+68 shall be removed. This reconstruction will not add any additional feet to the drains total length.

The cost of the construction is to be paid by Boomerang Development, LP.

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

All tracts are presently assessed to the Booth-Snead Drain. I recommend no changes in the current maintenance assessment.

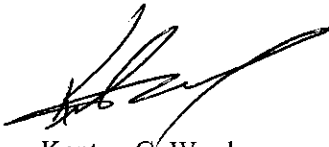
The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Performance Bond are as follows:

Agent: Lexon Insurance Company  
Date: July 8, 2004  
Number: 1008966  
For: Storm Sewer & Erosion Control  
Amount: \$28,742.80

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.

The developer shall submit a non-enforcement for the new portion of drain listed above when Tanglewood Section 3 is developed.

I recommend the Board set a hearing for this proposed drain for February 28, 2005.



Kenton C. Ward  
Hamilton County Surveyor

KCW/pll

STATE OF INDIANA     )  
                              )  
COUNTY OF HAMILTON )

TO: HAMILTON COUNTY DRAINAGE BOARD  
c/o Hamilton County Surveyor, Courthouse, Noblesville, IN 46060

In the matter of     Tanglewood   Subdivision,  
Section   One   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 Tanglewood, Section 1, 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

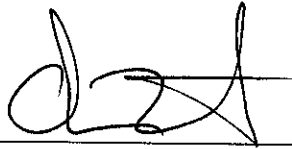
Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

The Petitioner also agrees to the following:

1. To provide the Drainage Board a Performance Bond for the portion of the drainage system, which will be made a regulated drain. The bond will be in the amount of 100% 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 Petitioner's cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain.



Signed \_\_\_\_\_

CHRISTOPHER W. WERTH, MEMBER,

Printed Name

BOOMERANG DEVELOPMENT, LLC

Signed \_\_\_\_\_

Printed Name \_\_\_\_\_

RECORDED OWNER(S) OF LAND INVOLVED

DATE

8/26/03

HAMILTON COUNTY DRAINAGE BOARD  
COURT HOUSE  
NOBLESVILLE, IN

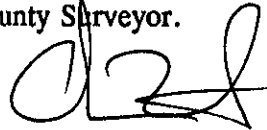
In Re: Tanglewood, Section 1  
Hamilton County, Indiana

**PETITION FOR RELOCATION AND RECONSTRUCTION**

Boomerang Development (hereinafter "Petitioner"), hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the Booth Snead Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the Booth Snead 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 Booth Snead 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 Booth Snead Drain without cost to other property owners on the watershed of the Booth Snead Drain.

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



Signed

CHRISTOPHER W. WERTH, MEMBER  
Printed Name



FACSIMILE TRANSMITTAL SHEET

TO: <b>Chris Werth</b>	FROM: <b>Jay Stachler</b>
FAX NUMBER: <b>576 9482</b>	DATE: <b>June 30, 2004</b>
COMPANY	TOTAL NO. OF PAGES INCLUDING COVER: <b>2</b>
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: <b>Tanglewood Offsite Storm - Across 126<sup>th</sup> Street</b>	YOUR REFERENCE NUMBER:

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Street Cut - \$12,933.00 -- (Includes 40ft of 54" RCP)

MII#102 - \$3,629.00

Rip-Rap (10 Tons) - \$500.00

End-Sections (2ea) - \$5,320.00

Str#101 -- Str#102 (60ft) - \$4,316.00

Str#102 -- Str#105 (17ft) - \$1,807.00

**Total = \$28,505.00**

15215 STONY CREEK WAY • NOBLESVILLE, IN 46060

PHONE: (317) 776-2966 • FAX: (317) 776-3050

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## Tanglewood - Erosion Control

	<u>Quantity</u>	<u>Units</u>	<u>Rate</u>	<u>Cost</u>
Permanent Seeding - On-Site		sf	\$ 0.070	\$ -
Permanent Seeding - Off-Site	3900	sf	\$ 0.052	\$ 202.80
Curb Inlet Protection		ea	\$ 25.00	\$ -
Beehive Protection	1	ea	\$ 35.00	\$ 35.00
				<hr/>
<b>Total Cost</b>				<b>\$ 237.80</b>

COPY

KDB2004-00053

**SUBDIVISION BOND**

Bond No.: 1008966

Principal Amount: \$28,742.80

KNOW ALL MEN BY THESE PRESENTS, that we Boomerang Development, LLC, 11911 Lakeside Drive, Fishers, IN 46038, as Principal, and Lexon Insurance Company, 1919 S. Highland Ave., Bldg-A, Ste. 300, Lombard, IL 60148, as Surety, are held and firmly bound unto Hamilton County Board of Commissioners, One Hamilton County Square, Noblesville, IN 46060, as Obligee, in the penal sum of Twenty Eight Thousand Seven Hundred Forty Two and 80/100 Dollars (\$28,742.80), 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.  
\* at 100% of Eng. Estimate

WHEREAS, Boomerang Development, LLC has agreed to construct in Tanglewood, Section 1, in Noblesville, IN the following improvements:

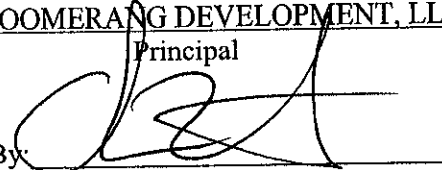
*Storm Sewer & Erosion Control*

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 City Board 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.

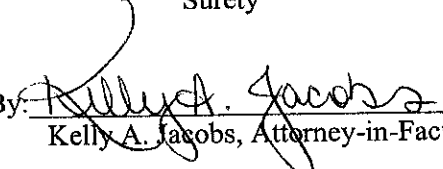
Upon approval by the Obligee, this instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed and dated, this 8th day July, 2004.

BOOMERANG DEVELOPMENT, LLC  
Principal

By: 

LEXON INSURANCE COMPANY  
Surety

By:   
Kelly A. Jacobs, Attorney-in-Fact



# Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint:

Michael J. Scheer, James I. Moore, Christine Woods, Irene Diaz

Bonnie Kruse, Stephen T. Kazmer, Dawn L. Morgan, Peggy Faust, Kelly A. Jacobs, Elaine Marcus, Jennifer J. McComb, Melissa Kotovsky

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$2,000,000.00, Two Million Dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 2nd day of July, 2003.



**LEXON INSURANCE COMPANY**

BY

David E. Campbell  
President

## ACKNOWLEDGEMENT

On this 2nd day of July, 2003, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"  
LYDIA J. DEJONG  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 1/12/2007

Lydia J. DeJong  
Notary Public

## CERTIFICATE

I, the undersigned, Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Lombard, Illinois this 8th Day of July, 20 04.



Donald D. Buchanan  
Secretary

STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
**Booth Snead Drain, Tanglewood Arm**

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Booth Snead Drain, Tanglewood Arm** came before the Hamilton County Drainage Board for hearing **on February 28, 2005**, 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 **Booth Snead Drain, Tanglewood 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.

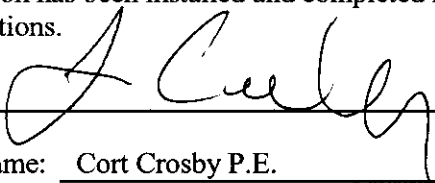
  
Executive Secretary

CERTIFICATE OF COMPLETION AND COMPLIANCE

TO: HAMILTON COUNTY SURVEYOR  
RE: Tanglewood, Section 1

I hereby certify that:

1. I am a Registered Engineer in the State of Indiana
2. I am familiar with the plans and specifications for the above referenced subdivision.
3. I have personally observed and supervised the completion of the Drainage Facilities for the above referenced subdivision, and
4. To the best of my knowledge, information and belief, the Drainage Facilities within the subdivision has been installed and completed in conformity with all plans and specifications.

Signature:  Date: 9/1/04

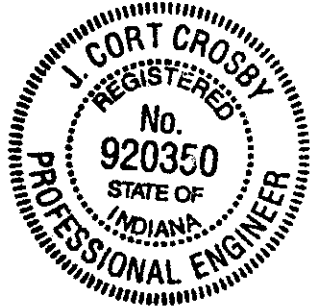
Type or print name: Cort Crosby P.E.

Business /Address: The Schneider Corporation

8901 Otis Avenue, Indianapolis, IN 46216

Telephone: (317) 826-7306

SEAL



INDIANA REGISTRATION NUMBER

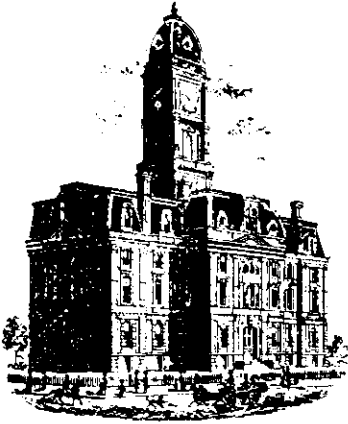
PE 920350

**FILED**

SEP 02 2004

OFFICE OF HAMILTON COUNTY SURVEYOR  
Noblesville, In 46060

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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*

**To: Hamilton County Drainage Board**

**September 9, 2005**

**Re: Booth-Snead Drain: Tanglewood Arm & Relocation**

Attached are as-builts, certificate of completion & compliance, and other information for September 9, 2005. 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 January 4, 2005. The report was approved by the Board at the hearing held February 28, 2005. (See Drainage Board Minutes Book 8, Pages 203-205) The changes are as follows:

Structure:	Length:	Size	Material:	Up Invert:	Dn Invert	Grade:	Changes:
104-103	67	42	RCP	814.93	814.03	1.34	-4
103-102	265	48	RCP	814.03	811.15	0.64	6
105-102	18	54	RCP	811.42	811.15	1.5	1
102-101	101	54	RCP	811.15	811.01	0.14	1

**RCP Pipe Totals:**

42	67
48	265
54	119

**Total: 451**

The length of the drain due to the changes described above is now **451 feet** for the arm and the relocation. There was 121 feet of the original Booth-Snead tile removed.

The non-enforcement will be recorded with Tanglewood Section 3.

The following sureties were guaranteed by Lexon Insurance Company and released by the Board on its June 13, 2005 meeting.

**Bond-LC No: 1008966**

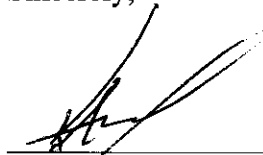
**Insured For: Erosion Control, Storm Sewers**

**Amount:** \$28,742.80

**Issue Date:** July 8, 2004

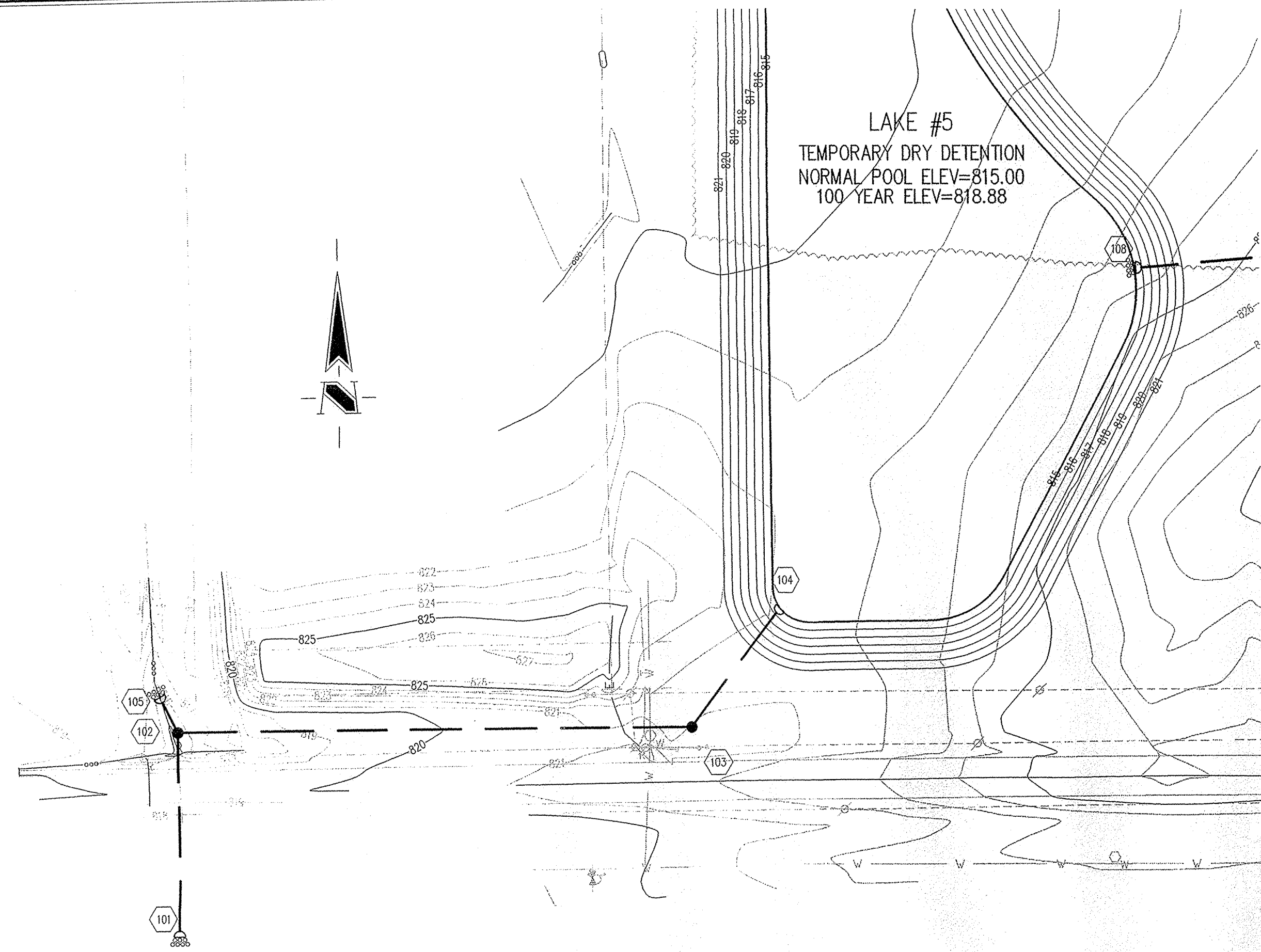
I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenton C. Ward', written over a horizontal line.

Kenton C. Ward,  
Hamilton County Surveyor

KCW/slm



HOLEY MOLEY SAYS  
**"DON'T DIG BLIND"**

**"IT'S THE LAW"**  
CALL 2 WORKING DAYS BEFORE YOU DIG  
1-800-382-5544  
CALL TOLL FREE  
PER INDIANA STATE LAW 15-69-1991,  
IT IS AGAINST THE LAW TO EXCAVATE  
WITHOUT NOTIFYING THE UNDERGROUND  
LOCATION SERVICE TWO (2) WORKING  
DAYS BEFORE COMMENCING WORK.

**GENERAL NOTES**

1. TEMPORARY TRAFFIC CONTROL DURING CONSTRUCTION TO CONFORM TO APPLICABLE LOCAL AND STATE STANDARDS.
2. ALL CONSTRUCTION ACTIVITY ON THIS SITE TO BE PERFORMED IN COMPLIANCE WITH APPLICABLE O.S.H.A. STANDARDS FOR WORKER SAFETY.
3. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY ALL UTILITY LOCATIONS BEFORE CONSTRUCTION BEGINS.
4. CONTRACTORS SHALL MINIMIZE DAMAGE TO EXISTING TREES.

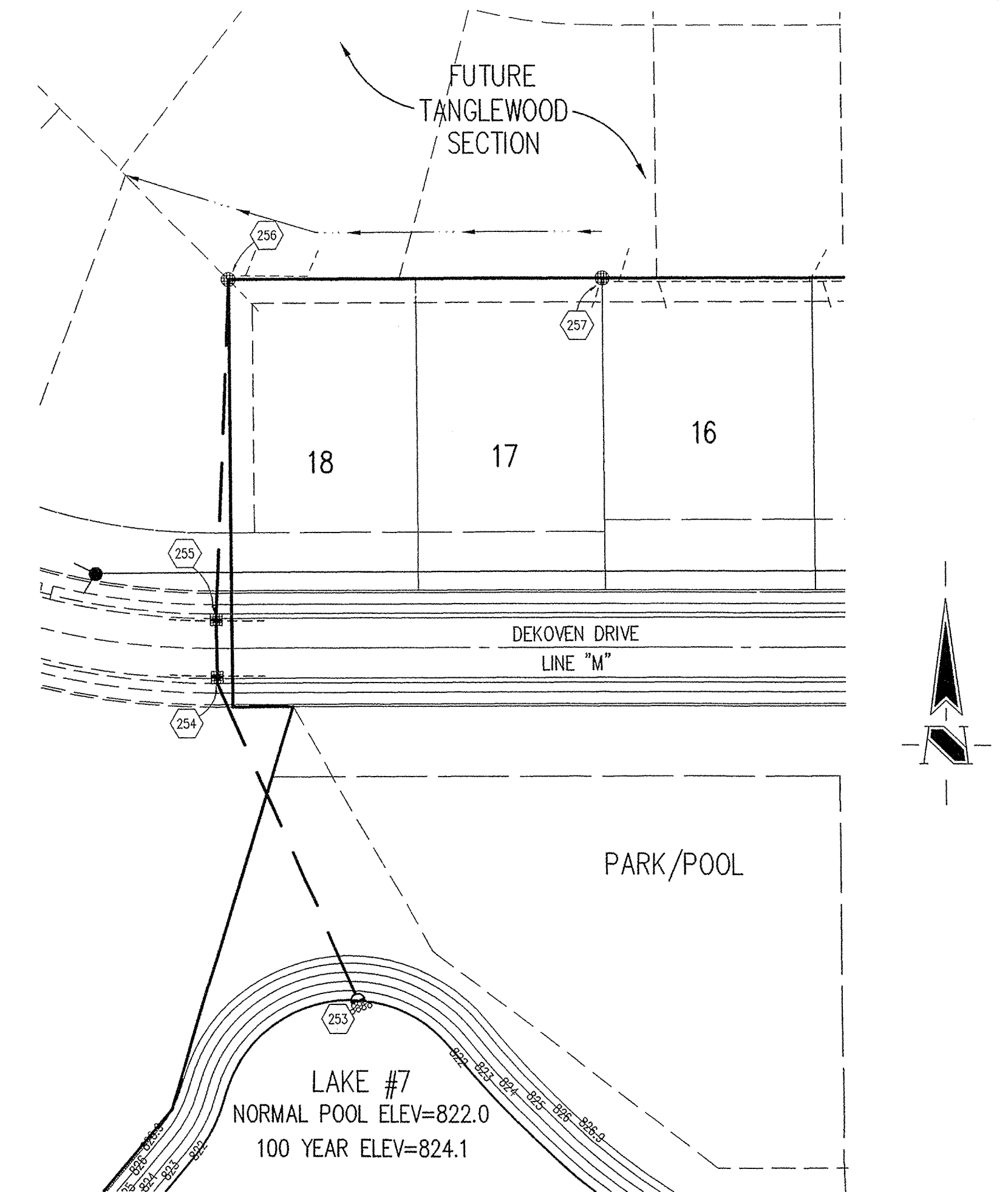
**BENCHMARK**

- BM #1 - HSE (Hamilton Southeastern Utilities) disc in concrete set 2.9 feet north of the back of curb of the west parking lot to Ironwood Golf Academy, 55.0 feet south of centerline of 126th Street and 110.0 feet east of centerline of Brooks School Road. (NAVD 1988)  
Elevation = 823.17
- TBM #1 - Railroad spike in the southwest side of powerpole #088240 at the northeast corner of 126th Street & Pennington Road. (NAVD 1988)  
Elevation = 828.40
- TBM #2 - Railroad spike in the west side of powerpole #PSI 254 3388 150 feet north of the northeast corner of the property on the east side of Pennington Road. (NAVD 1988)  
Elevation = 840.38
- TBM #3 - Railroad spike in the east side of a 36" oak tree along the west property line. (NAVD 1988)  
Elevation = 825.01

**LEGEND/DETAILS**

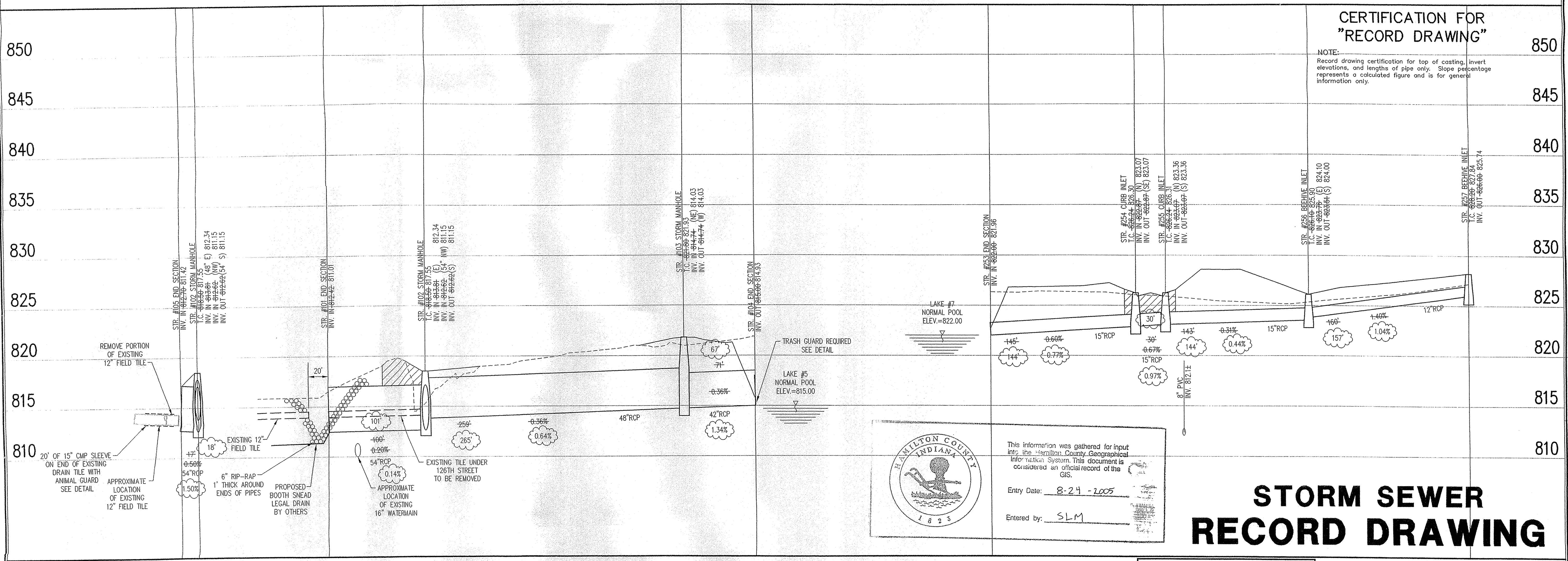
Sheet	Detail Number	Description
C802	4	Bedding Detail - Reinforced Concrete Pipe (RCP)
C802	2	Roll Curb Inlet Detail
C802	3	Beshive Inlet Detail
C802	1	Storm Manhole Detail
C802	5	Precast Concrete End Section
C802	8	Rip/Rap Detail @ End Section

**NOTE**



**STORM SEWER PLAN**

SCALE: 1"=50'



**STORM SEWER PROFILE**

**LEGEND**

	Existing Grade
	New Grade
	Granular Backfill

SCALE: HORZ.: 1"=50'  
VERT.: 1"=5'

**STORM SEWER RECORD DRAWING**

1. ALL MANHOLES, INLETS, AND RECEIVERS SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS (SSM) LATEST EDITION.  
2. ALL MANHOLES, INLETS, AND RECEIVERS SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS (SSM) LATEST EDITION.  
3. ALL MANHOLES, INLETS, AND RECEIVERS SHALL BE CONSTRUCTED TO MEET THE REQUIREMENTS OF THE INDIANA DEPARTMENT OF TRANSPORTATION (INDOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS (SSM) LATEST EDITION.

**L. CORT CROSBY**  
REGISTERED  
No. 920350  
STATE OF INDIANA  
PROFESSIONAL ENGINEER

DATE: 8/1/04

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**Schneider**

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8901 Otis Avenue  
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Telephone: 317.826.7100  
Fax: 317.826.7300  
www.schneidercorp.com

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Transportation Engineering

**TANGLEWOOD SECTION 1**  
FISHERS, INDIANA

**BOOMERANG DEVELOPMENT, LLC**  
FISHERS, INDIANA

**FILED**  
SEP 02 2004

DATE: 06/27/03 PROJECT NO.: 3543.001  
DRAWN BY: DRP CHECKED BY: JCC  
SHEET TITLE: STORM SEWER PLAN

DRAWING FILES:  
R:\3K\3543\001\DWG\CS601  
XREF: R:\3K\3543\001\DWG\STORM  
XREF: R:\3K\3543\001\DWG\001B  
XREF: R:\3K\3543\002\DWG\002B  
XREF: R:\3K\3543\001\DWG\3543TOP0

SHEET NO.: **C607**