

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor

Phone (317) 776-8495

Fax (317) 776-9628

Suite 146

One Hamilton County Square

Noblesville, Indiana 46060-2230

To: Hamilton County Drainage Board

October 28, 1999

Re: Bartholomew Irwin Drain

Attached is a petition and plans for the proposed relocation of the Bartholomew Irwin Drain. The relocation is being proposed by Duke Realty, LP. The proposal is to intercept the existing tile at STA 5+80 (approximately 15 feet East of the East right of way for Cumberland Rd.) and run thence South 172 feet; thence East 486 feet; thence Northeast 76 feet terminating in the detention pond which was a previous reconstruction of the Irwin Drain. (Report dated June 8, 1999)

This line will consist of the following:

172 feet – 12" RCP

99 feet – 15" RCP

463 feet – 18" RCP

The total length of new tile shall be 734 feet. The 230 feet of original drain between STA 5+80 and STA 8+10 and 340 feet of the open ditch, which was part of the relocation by Deflecto Development per my report dated June 8, 1999, shall be vacated. This proposal will add an additional 164 feet to the drains total length.

The cost of the relocation is to be paid by Duke Realty, LP. Because the project is to be paid by the petitioner and is within the boundaries of the petitioner's property, the project falls under the requirements as set out in IC 36-9-27-52.5. Therefore, a hearing is not required for the petition.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Co.: Reliance Insurance Co.

Bond #: B2 93 8847

Bond Date: August 5, 1999

Bond Amount: \$31,177.00

Bond Term (1 Year Max): August 5, 2000

I recommend approval by the Board at this time.

Sincerely,


Kenton C. Ward
Hamilton County Surveyor

KCW/llm

SUBDIVISION BOND



Bond No: B2 93 88 47

Principal Amount: \$31,177.00

KNOW ALL MEN BY THESE PRESENTS, that we DUKE-WEEKS REALTY LIMITED PARTNERSHIP as Principal, and Reliance Insurance Company a Pennsylvania corporation, as Surety, are held and firmly bound unto Hamilton County Commissioners, One Hamilton County Square, Noblesville, IN 46060 in the penal sum of THIRTY ONE THOUSAND ONE HUNDRED SEVENTY SEVEN (Dollars) (\$31,177), 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.

WHEREAS, DUKE-WEEKS REALTY LIMITED PARTNERSHIP has agreed to construct in EXIT FIVE BUSINESS PARK Subdivision, in Hamilton County, Indiana the following improvements;

Final completion of detention facility within the Bartholomew Irwin County Regulated Drain as it traverses through the EXIT 5 - TYPE II Development in accordance with plans approved by the County Surveyors Office. Work includes installation of storm pipe to reroute the legal drain, finalize pond construction, final grading and seeding, erosion control blanket and silt fencing, rip rap of outlet control structures, stone sediment traps, and necessary mobilization.


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 for one year, and the Surety, upon receipt of a resolution for the County Board indicating that the improvements have not been installed or completed, will complete the improvements or pay the municipality such amount up to the Principal amount of this bond which will allow the municipality to complete the improvements.

Signed, sealed and dated, this 5th day of August, 1999.

DUKE-WEEKS REALTY
LIMITED PARTNERSHIP


Blair Carmosino
Developmental Services

RELIANCE INSURANCE COMPANY


John C. Plate
Attorney-in-Fact

8888 Keystone Crossing
Suite 1200
Indianapolis, IN 46240
Phone: 317.808.8000

ADMINISTRATIVE OFFICE, PHILADELPHIA, PENNSYLVANIA

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that RELIANCE SURETY COMPANY is a corporation duly organized under the laws of the State of Delaware, and that RELIANCE INSURANCE COMPANY and UNITED PACIFIC INSURANCE COMPANY, are corporations duly organized under the laws of the Commonwealth of Pennsylvania and that RELIANCE NATIONAL INDEMNITY COMPANY is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called "the Companies") and that the Companies by virtue of signature and seals do hereby make, constitute and appoint Frank J. Patterson, Jessica J. Whitney, John C. Plate, Yvonne R. Ehredt., of Falls Church, Virginia their true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for and on their behalf, and as their act and deed any and all bonds and undertakings of suretyship and to bind the Companies thereby as fully and to the same extent as if such bonds and undertakings and other writings obligatory in the nature thereof were signed by an Executive Officer of the Companies and sealed and attested by one other of such officers, and hereby ratifies and confirms all that their said Attorney(s)-in-Fact may do in pursuance hereof.

This Power of Attorney is granted under and by the authority of Article VII of the By-Laws of RELIANCE SURETY COMPANY, RELIANCE INSURANCE COMPANY, UNITED PACIFIC INSURANCE COMPANY, and RELIANCE NATIONAL INDEMNITY COMPANY which provisions are now in full force and effect, reading as follows:

ARTICLE VII - EXECUTION OF BONDS AND UNDERTAKINGS

1. The Board of Directors, the President, the Chairman of the Board, any Senior Vice President, any Vice President or Assistant Vice President or other officer designated by the Board of Directors shall have power and authority to (a) appoint Attorney(s)-in-Fact and to authorize them to execute on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and (b) to remove any such Attorney(s)-in-Fact at any time and revoke the power and authority given to them.
2. Attorney(s)-in-Fact shall have power and authority, subject to the terms and limitations of the Power of Attorney issued to them, to execute deliver on behalf of the Company, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof. The corporate seal is not necessary for the validity of any bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof.
3. Attorney(s)-in-Fact shall have power and authority to execute affidavits required to be attached to bonds, recognizances, contracts of indemnity or other conditional or obligatory undertakings and they shall also have power and authority to certify the financial statement of the Company and to copies of the By-Laws of the Company or any article or section thereof.

This Power of Attorney is signed and sealed by facsimile under and by authority of the following resolution adopted by the Executive and Finance Committees of the Boards of Directors of Reliance Insurance Company, United Pacific Insurance Company and Reliance National Indemnity Company by Unanimous Consent dated as of February 28, 1994 and by the Executive and Financial Committee of the Board of Directors of Reliance Surety Company by Unanimous Consent dated as of March 31, 1994.

"Resolved that the signatures of such directors and officers and the seal of the Company may be affixed to any such Power of Attorney or any certificates relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such Power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company, in the future with respect to any bond or undertaking to which it is attached."

IN WITNESS WHEREOF, the Companies have caused these presents to be signed and their corporate seals to be hereto affixed, this June 11, 1998.



RELIANCE SURETY COMPANY
RELIANCE INSURANCE COMPANY
UNITED PACIFIC INSURANCE COMPANY
RELIANCE NATIONAL INDEMNITY COMPANY

David T. Akers

STATE OF Pennsylvania }
COUNTY OF Philadelphia } ss.

On this, June 11, 1998, before me, Valencia Wortham, personally appeared David T. Akers, who acknowledged himself to be the Senior Vice President of the Reliance Surety Company, and the Vice President of Reliance Insurance Company, United Pacific Insurance Company, and Reliance National Indemnity Company and that as such, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as its duly authorized officer.

In witness whereof, I hereunto set my hand and official seal.

Notary Seal
Valencia Wortham, Notary Public
Philadelphia, Philadelphia County
My Commission Expires Nov. 18, 2000



Valencia Wortham
Notary Public in and for the State of Pennsylvania
Residing at Philadelphia

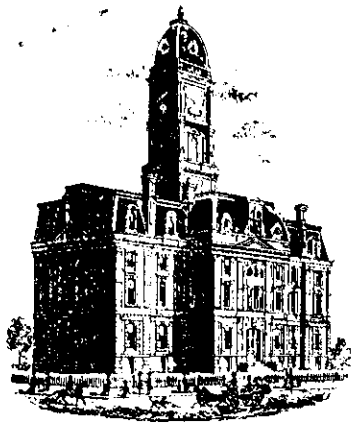
I, Anita Zippert, Secretary of RELIANCE SURETY COMPANY, RELIANCE INSURANCE COMPANY, UNITED PACIFIC INSURANCE COMPANY, and RELIANCE NATIONAL INDEMNITY COMPANY do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 5th day of August 1999.

Anita Zippert
Secretary



THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW



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 29, 2000

Re: Bartholomew Irwin Drain: Exit 5 Business Park Building 2

Attached are as-builts, certificate of completion & compliance, and other information for Exit 5 Business Park – Building 5. 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 that will alter the plans submitted with my report for this drain-dated October 28, 1999. The changes are as follows:

| Structure: | T.C.: | I.E.: | Pipe: | Length: | Original Plans: | Difference: |
|---------------|--------|--------|-------|---------|-----------------|-------------|
| endsection 9a | | 811.5 | | | | |
| 9 | 823.13 | 812.57 | 18 | 76 | | |
| 9 | 823.13 | 812.67 | | | | |
| 10 | 823.84 | 814.17 | 18 | 168 | | |
| 10 | 823.84 | 814.17 | | | | |
| 11 | 824.05 | 815.25 | 18 | 221 | | |
| 11 | 824.05 | 815.25 | | | | |
| 12 | 823.93 | 815.45 | 15 | 99 | | |
| 12 | 823.93 | 815.52 | | | | |
| 13 | 823.87 | 816.84 | 12 | 172 | | |

RCP Pipe Totals:

| | |
|----|-----|
| 12 | 172 |
| 15 | 99 |
| 18 | 465 |

The length of the drain due to the changes described above is now **736 feet**. The 230 of original drain between STA 5+80 and STA 8+10 along with 340 of open ditch, which was part of the relocation by Deflecto Development per my report dated June 8, 1999, was vacated. This project added an additional **166 feet** to the drains total length.

The non-enforcement was approved by the Board at its meeting on November 8, 1999 and recorded under instrument #199909966564.

The bond or letter of credit from Reliance Insurance Co., number B2 93 8847; dated August 5, 1999; in the amount of \$31,177.00; was released June 26, 1999.

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

Sincerely,



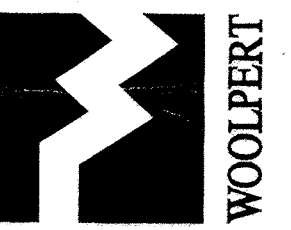
Kenton C. Ward,
Hamilton County Surveyor

KCW/slm

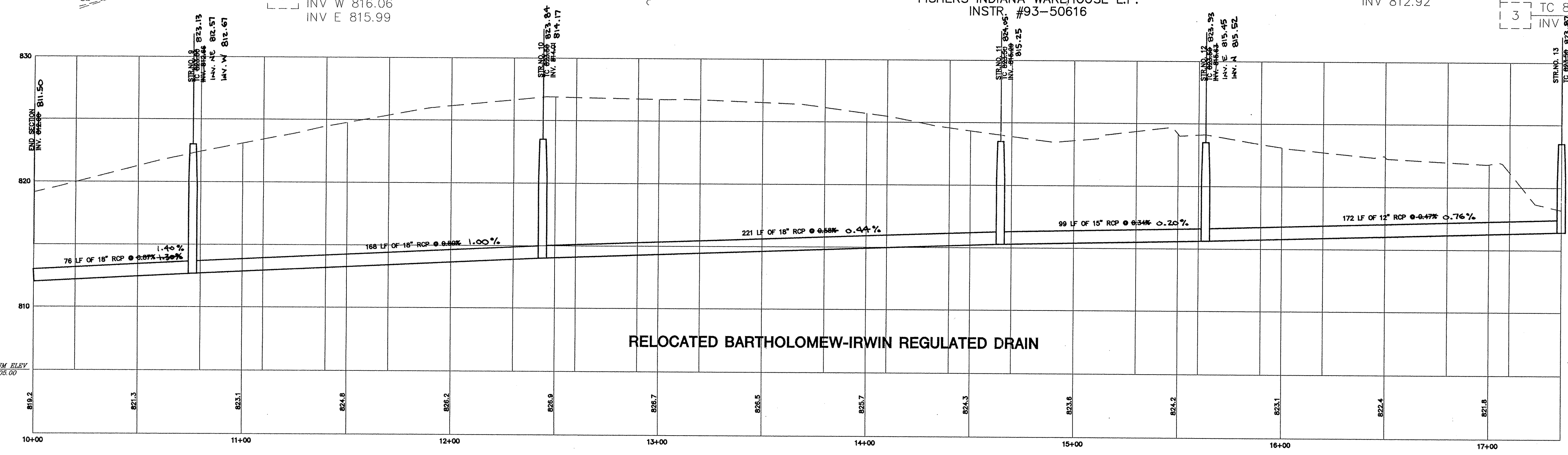
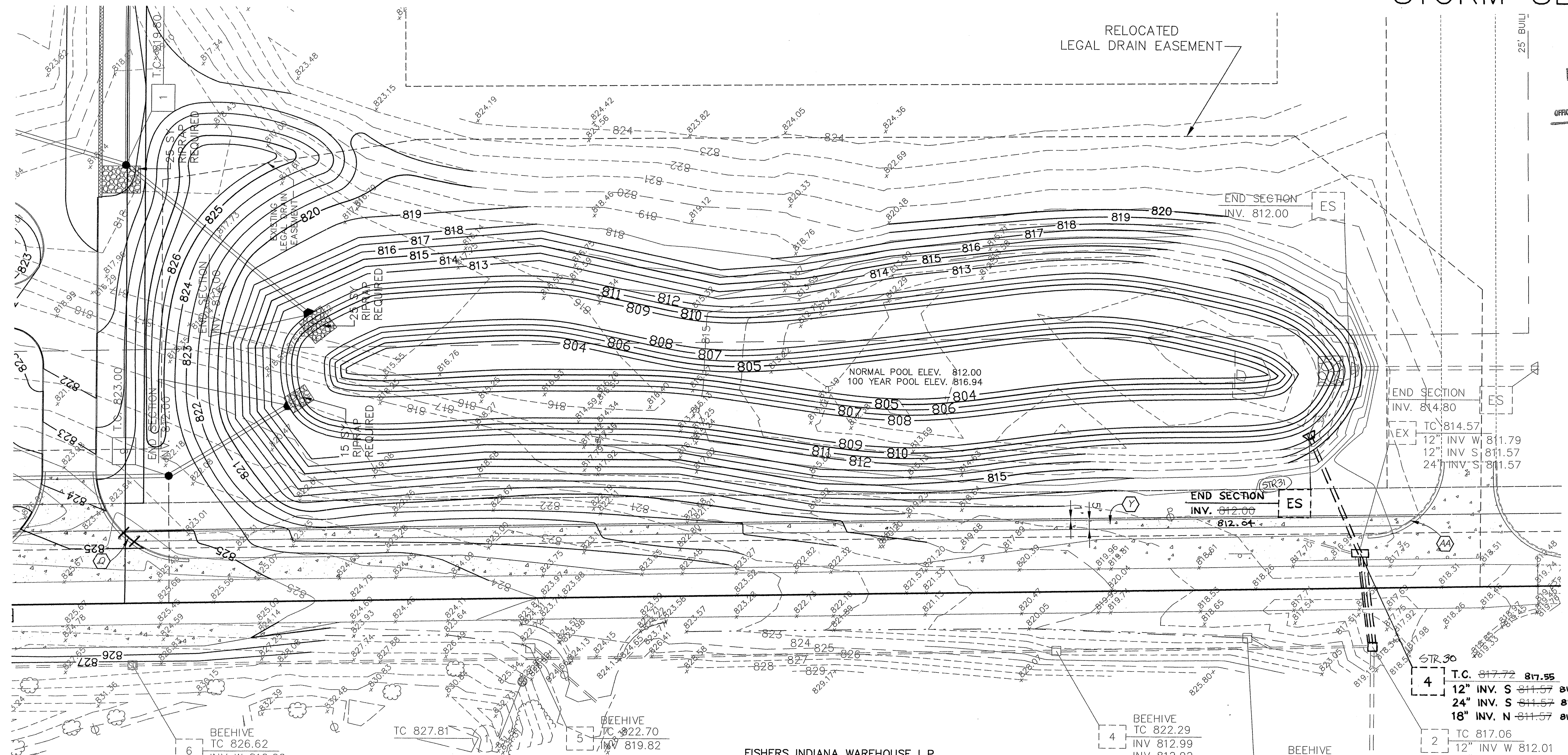
AS-BUILTS STORM SEWER

Duke
Duke Realty, L.P.
8888 Keystone Crossing
Suite 1200
Indianapolis, IN 46240
Phone: (317) 808-6000
Fax: (317) 808-6797

WOOLPERT LLP
7140 Waldemar Drive
Indianapolis, Indiana
46268-4192
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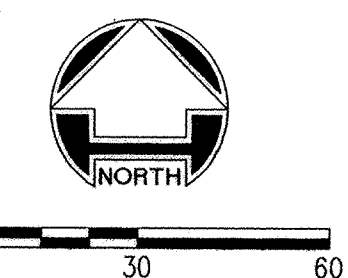
FILED
DEC 09 1999
OFFICE OF HAMILTON COUNTY SURVEYOR



LEGEND

| SYMBOL | DESCRIPTION |
|----------|---|
| (Symbol) | TYPE I CURBING |
| (Symbol) | CURB END TAPER |
| (Symbol) | 8' WIDE ASPHALT PATH |
| (Symbol) | SAWCUT EXISTING CURB TO REMOVE BACK PIECE |
| (Symbol) | CURB TRANSITION |

STORM PROFILE
SCALE: VERT. 1"=5'
HORZ. 1"=30'



Revisions: TAC SET 07/08/99 - S95 SUBMITTAL SET 07/29/99 - CONSTRUCTION ISSUE

Scale: 1"=30'
Date: 07/09/99
Drawn By: MGR
Checked By: JDP

EXIT 5 - BUILDING 2
EXIT 5 BUSINESS PARK
9880-9894 EAST 121st STREET
FISHERS, INDIANA

DETENTION GRADING PLAN & STORM SEWER PROFILE

Certified By:

Drawing Number: **C301**
2 of 12 Sheets
Duke Job Number: **4140**
A/E Job Number: **57014.01**