



Kenton C. Ward, Surveyor Phone (317) 776-8495 Fax (317) 776-9628

Suite 188 One Ilamilton County Square Noblesville, Indiana 46060-2230

December 1, 2004

To: Hamilton County Drainage Board

Re: Park Northwestern Drain

Attached is a petition and plans for the proposed reconstruction of the Park Northwestern drain. This drain is located in Clay Township. The reconstruction is being proposed by Kite Michigan Road, LLC. The proposal is to reconstruct the Park Northwestern Drain along the south property line of Weston Park, add additional storage capacity on lot 2 in Park Northwestern and add a new open ditch/detention area along the west line of Weston Park.

A total length of 860 feet of open drain/detention area is being reconstructed in place with new flowline profile and top of bank as shown on the plans by Civil Designs, LLP dated March 16, 2004. This section of open drain/detention area is located between Northwestern Drive and the western property line of tract 17-13-07-00-18-004.000 owned by Kite Michigan Road LLC. This is an expansion of the existing detention facility along the north side of Lots 2, 3, and 4 of Park Northwestern. This portion of the reconstruction will not add additional length to the drain.

This reconstruction will also add additional detention area on tract 17-13-07-00-01-002.000 which is part of Lot 2 of Park Northwestern and is owned by Kite Michigan Road, LLC. The detention area will become part of the regulated drain but the maintenance of the detention area, such as mowing, will be the responsibility of the property owner. The two 6" subsurface drains installed in this detention area will also become part of the regulated drain.

The open ditch/detention area on the west property line of tract 17-13-07-00-18-004.000 owned by Kite Michigan Road LLC, will also become part of the regulated drain. This open ditch was installed to drain the Right of Way of 106th Street and the intersection of 106th and Michigan Road. A portion of this open ditch may be enclosed in pipe in the future, as shown in the construction plans for Weston Park.

The line will consist of the following lengths:

6" SSD 460 feet

Open ditch 960 feet

This proposal will add an additional 1,420 feet to the drains total length.

The cost of the relocation/reconstruction is to be paid by Kite Michigan Road, LLC. The existing maintenance assessment rate will not be changed due to this reconstruction. 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 Company: SAFECO Insurance Company of America

Bond Number: 6256322

Bond Date: March 2, 2004

Bond Amount: \$115,969.93

Bond Term (1 Year Max): March 2, 2005

I recommend that upon approval of the reconstruction, the regulated drain easements be modified to include those easements widths shown on the secondary plat for Weston Park as recorded in the office of the Hamilton County Recorder. I also recommend that easement granted by Kite Michigan Road, LLC to the Board of Commissioners of Hamilton County, recorded as instrument number 200400040095 in the office of the Hamilton County Recorder, be considered as part of the regulated drain easement. All other easements for the Park Northwestern Regulated Drain shall remain as called out in my original report to the Hamilton County Drainage Board on July 6, 1981 (DB 1, pg 418).

I recommend the approval by the Board at this time.

Kentøn C. Ward

Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

IN RE	:
	PETITION FOR RELOCATION AND RECONSTRUCTION
	Kite Michigan Road, LLC (hereinafter Petitioner"),
hereby	petitions the Hamilton County Drainage Board for authority to relocate and improve a
section	of the Park Northwestern Drain, and in support of
said pe	etition advises the Board that:
1.	Petitioner owns real estate through which a portion of the Park Northwestern
	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 Park Northwestern 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 Park Northwestern Drain, without cost to other property owners
	on the watershed of the Park Northwestern 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.
V	WHEREFORE, Petitioner requests that an Order issued from the Hamilton County
Draina	ge Board authorizing relocation and reconstruction of the Park Northwestern
Drain,	in conformance with applicable law and plans and specifications on file with the Hamilton
County	y Surveyor.
	Signed PAX W. KITE, MEMBER Printed
MA	Printed Printed



SUBDIVISION IMPROVEMENTS PERFORMANCE BOND

BOND NO. 6256322 KNOW ALL MEN BY THESE PRESENTS: THAT we. Kite Construction, Inc. as Principal. and SAFECO Insurance Company of America , a corporation organized and doing business and under and by virtue of the laws of the State of Washington licensed to conduct surety business in the State of Indiana as Surety. are held and firmly bound unto Hamilton County Drainage Board, c/o Hamilton County Surveyor One Hamilton County Square, Suite 188 Noblesville, IN 46060-2230 as Obligee, in the sum of One Hundred Fifteen Thousand Nine Hundred Sixty-Nine & 93/100for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents. THE CONDITION OF THE OBLIGATION IS SUCH THAT: WHEREAS, the above named Principal, has agreed to construct in Weston Park Hamilton County, Indiana Subdivision, in the following improvements: Earth Work & Storm Drainage NOW, THEREFORE, the condition of this obligation is such, that if the above Principal shall well and truly perform said agreement or agreements during the original term thereof or of any extension of said term that may be granted by the Obligee with or without notice to the Surety, this obligation shall be void, otherwise it shall remain in full force and effect. 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, this 2nd day of March YEAR Kite Construction, Inc. Principal BY:

SAFECO Insurance Company of America



EXHIBIT B

IMPORTANT NOTICE TO SURETY BOND CUSTOMERS REGARDING THE TERRORISM RISK INSURANCE ACT OF 2002

As a surety bond customer of one of the SAFECO insurance companies (SAFECO Insurance Company of America, General Insurance Company of America, First National Insurance Company, American States Insurance Company or American Economy Insurance Company), it is our duty to notify you that the Terrorism Risk Insurance Act of 2002 extends to "surety insurance". This means that under certain circumstances we may be eligible for reimbursement of certain surety bond losses by the United States government under a formula established by this Act.

Under this formula, the United States government pays 90% of losses caused by certified acts of terrorism that exceed a statutorily established deductible to be paid by the insurance company providing the bond. The Act also establishes a \$100 billion cap for the total of all losses to be paid by all insurers for certified acts of terrorism. Losses on some or all of your bonds may be subject to this cap.

This notice does not modify any of the existing terms and conditions of this bond, the underlying agreement guaranteed by this bond, any statutes governing the terms of this bond or any generally applicable rules of law.

At this time there is no premium change resulting from this Act.



POWER OF ATTORNEY

SAFECO Incurance Company PO Box Seattle



PO E	30x 34526 Ile, WA 98124-1526	COPY
No.	12424	

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That SAFECO INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint *****MICHAEL M. BILL; MICHAEL H. BILL; EDWARD L. MOURNIGHAN; CYNTHIA L. JENKINS; GINGER J. KRAHN; SHERBE HSIEH; BRENDA JOHNSTON;

Its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind SAFECO INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA has executed and attested these presents

this	18th	day of September , 2003
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CHRISTINE MEAD, SECRETARY		MIKE MCGAVICK, PRESIDENT
	CERTIFICATE	, , , , , , , , , , , , , , , , , , ,

Extract from the By-Laws of SAFECO INSURANCE COMPANY OF AMERICA:

"Article V, Section 13. - FIDELITY AND SURETY BONDS ... the President, any Vice President, the Secretary, and any Assistant Vice President appointed for that purpose by the officer in charge of surety operations, shall each have authority to appoint individuals as attorneys-in-fact or under other appropriate titles with authority to execute on behalf of the company fidelity and surety bonds and other documents of similar character issued by the company in the course of its business... On any instrument making or evidencing such appointment, the signatures may be affixed by facsimile. On any instrument conferring such authority or on any bond or undertaking of the company, the seal, or a facsimile thereof, may be impressed or affixed or in any other manner reproduced; provided, however, that the seal shall not be necessary to the validity of any such instrument or undertaking."

> Extract from a Resolution of the Board of Directors of SAFECO INSURANCE COMPANY OF AMERICA adopted July 28, 1970.

"On any certificate executed by the Secretary or an assistant secretary of the Company setting out,

(I) The provisions of Article V, Section 13 of the By-Laws, and

(ii) A copy of the power-of-attorney appointment, executed pursuant thereto, and

(iii) Certifying that said power-of-attorney appointment is in full force and effect,

the signature of the certifying officer may be by facsimile, and the seal of the Company may be facsimile thereof."

I, Christine Mead, Secretary of SAFECO INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this	2nd	day of	March	,	2004
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CHRISTINE MEAD, SECRETARY



GENERAL PURPOSE RIDER

To be attached to and form part of Bond number 6256322 effective March 2, 2004 issued by the SAFECO Insurance Company of America in the amount of One Hundred Fifteen Thousand Nine Hundred Sixty-Nine & 93/100-----(\$115,969.93) DOLLARS, on behalf of Kite Construction, Inc. as Principal and in favor of Hamilton County Drainage Board as obligee:

Now, Therefore it is agreed that:

The obligee is changed to read:

Hamilton County Board of Commissioners, One Hamilton County Square, Noblesville, IN 46060.

It is also understood that the improvements are changed to read:

Earth Work, Erosion Control & Storm Sewers

It is further understood and agreed that all other terms and conditions of this bond shall remain unchanged.

This rider is to be effective the 2nd day of March, 2004 Signed, sealed and dated this 4th day of March, 2004

By Chan Company of America By Chan Chan Ginger J. Krabn, Attorney-in-Fact
Oniger J. Nath, Allomey-in-ract

Accepted	d by:		
		·	



OF ATTORNEY

SAFECO insurance Company PO Box 34526



allo, VAN 80124-1828	
12424	

KNOW ALL BY THESE PRESENTS:

That SAFECO INSURANCE COMPANY OF AMERICA, a Washington corporation, does hereby appoint *****MICHAEL M. BILL; MICHAEL H. BILL; EDWARD L. MOURNIGHAN; CYNTHIA L. JENKINS; GINGER J. KRAHN; SHEREE HSIEH; BRENDA JOHNSTON;

its true and lawful attorney(s)-in-fact, with full authority to execute on behalf of the company fidelity and surety bonds or undertakings and other documents of a similar character issued in the course of its business, and to bind SAFECO INSURANCE COMPANY OF AMERICA thereby as fully as if such instruments had been duly executed by its regularly elected officers at its home office.

IN WITNESS WHEREOF, SAFECO INSURANCE COMPANY OF AMERICA has executed and attested these presents

. this	18th	day of September , 2003
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CERTIFICATE

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I, Christine Mead, Secretary of SAFECO INSURANCE COMPANY OF AMERICA, do hereby certify that the foregoing extracts of the By-Laws and of a Resolution of the Board of Directors of this corporation, and of a Power of Attorney issued pursuant thereto, are true and correct, and that both the By-Laws, the Resolution and the Power of Attorney are still in full force and effect,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the facsimile seal of said corporation

this	4th	day of	March	2004
		auy or	1/101011	2004



CHRISTINE MEAD, SECRETARY



EXHIBIT B

IMPORTANT NOTICE TO SURETY BOND CUSTOMERS REGARDING THE TERRORISM RISK INSURANCE ACT OF 2002

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Under this formula, the United States government pays 90% of losses caused by certified acts of terrorism that exceed a statutorily established deductible to be paid by the insurance company providing the bond. The Act also establishes a \$100 billion cap for the total of all losses to be paid by all insurers for certified acts of terrorism. Losses on some or all of your bonds may be subject to this cap.

This notice does not modify any of the existing terms and conditions of this bond, the underlying agreement guaranteed by this bond, any statutes governing the terms of this bond or any generally applicable rules of law.

At this time there is no premium change resulting from this Act.

M-J INSURANCE, INC.

...An Assurex Global Partner

March 4, 2004

Ms. Jil Froelich Kite, Inc. 30 S. Meridian Street, Suite 1100 Indianapolis, IN 46204

RE:

Bond for Subdivision Improvements

Weston Park - Earth Work, Erosion Control & Storm Sewers

Bond No. 6256322

Dear Jil:

Enclosed please find a "Rider" to be filed with the obligee on the above-mentioned bond. Please request that the obligee acknowledge and accept this rider by signing the copy in the bottom left corner and return the copy in the envelope provided.

If you have any questions, please call.

Sincerely,

Ginger J. Krahn

Surety Service Representative

Enclosures /gjk





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

To: Hamilton County Drainage Board

March 10, 2010

Re: Park Northwestern: 2004 Reconstruction

Attached are as-builts, certificate of completion & compliance, and other information for Park Northwestern 2004 Reconstruction. 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 there were no significant changes made to the drainage plans submitted with my report for this drain dated December 1, 2004. The report was approved by the Board at the hearing held December 13, 2004. (See Drainage Board Minutes Book 8, Pages 111-112). Therefore, the length of the drain remains at **1420 feet**.

A non-enforcement was not required for this project. The following sureties were guaranteed by SAFECO Insurance Company of America and released by the Board on its March 13, 2006 meeting.

Bond-LC No: 6256322 **Insured For:** Storm Sewers

Amount: \$115,969.93

Issue Date: March 22, 2004

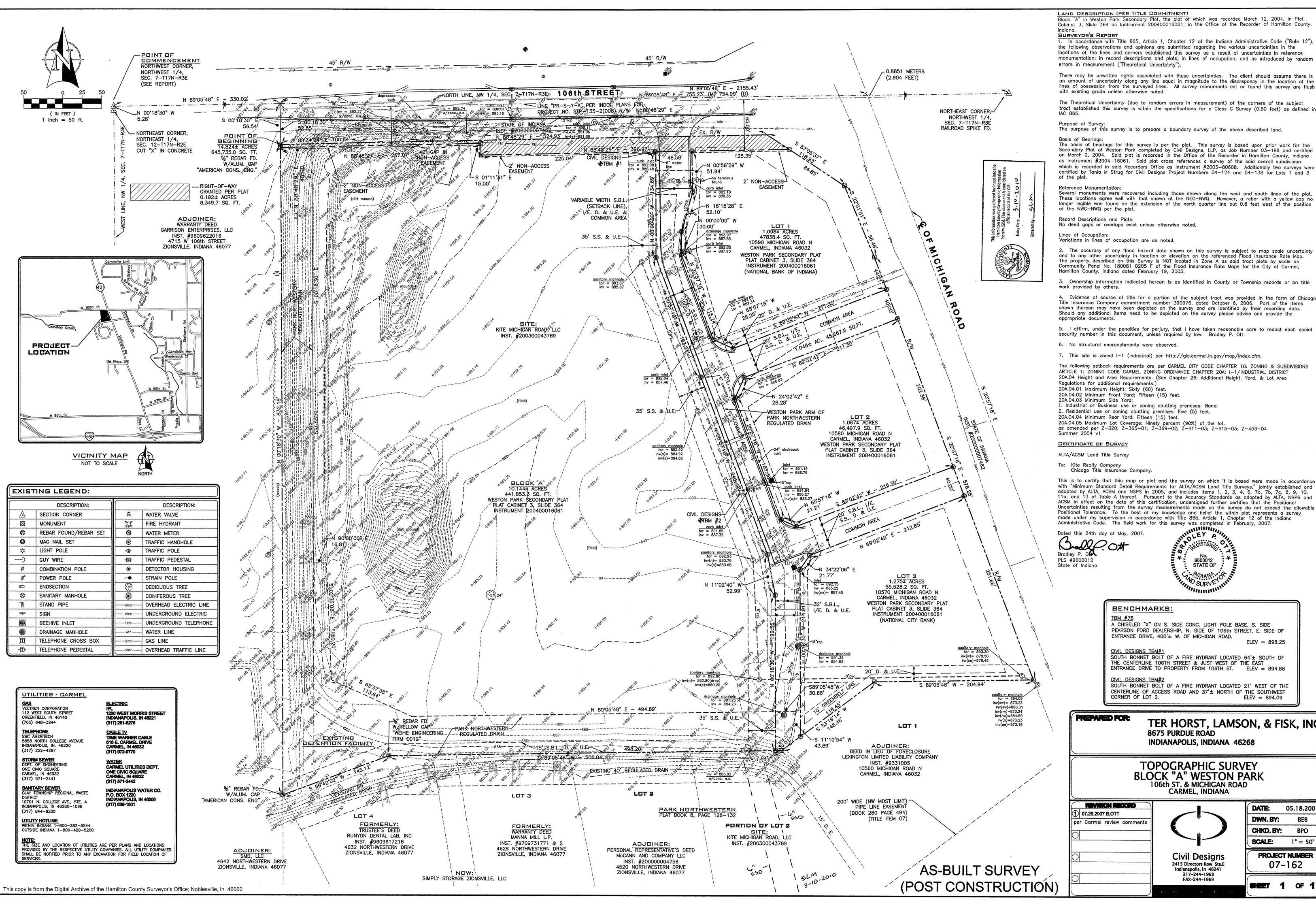
I recommend the Board approve the drain's construction as complete and acceptable.

Sincerely,

Kenton C. Ward, CFM

Hamilton County Surveyor

KCW/slm



Block "A" in Weston Park Secondary Plat, the plat of which was recorded March 12, 2004, in Plat Cabinet 3. Slide 364 as Instrument 200400016061, in the Office of the Recorder of Hamilton County.

the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established this survey as a result of uncertainties in reference monumentation; in record descriptions and plats; in lines of occupation; and as introduced by random

There may be unwritten rights associated with these uncertainties. The client should assume there is an amount of uncertainty along any line equal in magnitude to the discrepancy in the location of the lines of possession from the surveyed lines. All survey monuments set or found this survey are flush

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class C Survey (0.50 feet) as defined in

on March 2, 2004. Said plat is recorded in the Office of the Recorder in Hamilton County. Indiana as Instrument #2004-16061. Said plat cross references a survey of the said overall subdivision which is recorded in said Recorders Office as Instrument #2003-80608. Additionally two surveys were certified by Tania M Strug for Civil Designs Project Numbers 04-124 and 04-138 for Lots 1 and 3

Several monuments were recovered including those shown along the west and south lines of the plat. These locations agree well with that shown at the NEC—NWQ. However, a rebar with a yellow cap no

2. The accuracy of any flood hazard data shown on this survey is subject to map scale uncertainty and to any other uncertainty in location or elevation on the referenced Flood Insurance Rate Map. The property described on this Survey is NOT located in Zone A as said tract plots by scale on

3. Ownership information indicated hereon is as identified in County or Township records or on title

4. Evidence of source of title for a portion of the subject tract was provided in the form of Chicago Title Insurance Company commitment number 390976, dated October 6, 2006. Part of the items shown thereon may have been depicted on the survey and are identified by their recording data. Should any additional items need to be depicted on the survey please advise and provide the

5. I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social

ARTICLE 1: ZONING CODE CARMEL ZONING ORDINANCE CHAPTER 20A: I-1/INDUSTRIAL DISTRICT 20A.04 Height and Area Requirements. (See Chapter 26: Additional Height, Yard, & Lot Area

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes Items 1, 2, 3, 4, 6, 7a, 7b, 7c, 8, 9, 10, 11a, and 13 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance. To the best of my knowledge and belief the within plat represents a survey

ELEV = 898.25

ENTRANCE DRIVE TO PROPERTY FROM 106TH ST. ELEV = 894.86

SOUTH BONNET BOLT OF A FIRE HYDRANT LOCATED 21' WEST OF THE

TER HORST, LAMSON, & FISK, INC.

	DATE:	05.18.2007
	DWN. BY:	BEB
. <i>)</i>	CHKD. BY:	ВРО
	SCALE:	1" = 50'
esigns	PROJEC	T NUMBER

8.2007