

SURVEYOR'S OFFICE

# Hamilton County

January 28, 2015

*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

Re: Albert Shaw Drain, Ashmoor Arm

Attached is a petition filed by RH of Indiana LP, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for Ashmoor Arm, Albert Shaw Drain to be located in Clay 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 drain will consist of the following:

12" RCP	1,077 ft.	30" RCP	620 ft.
15" RCP	587 ft.	33" RCP	668 ft.
18" RCP	1,453 ft.	36" RCP	394 ft.
21" RCP	203 ft.	30" HDPE	50 ft.
24" RCP	967 ft.	6" SSD	13,531 ft.

The total length of the drain will be 19,550 feet.

With this development, 8 feet of 24" RCP which is part of the Shelborne Estates, Section 1 Arm of the Albert Shaw Drain will be removed. This is from Str. 117, which is an end section, to Str. 115, per the original design plans for Shelborne Estates, Section 1. That pipe will be replaced with the outlet pipe from this development and a new pipe/end section to pick up surface drainage that went to the existing end section.

The retention pond (lake) located in Common Area C is not to be considered part of the regulated drain. Pond maintenance assumed by the Drainage Board shall only include the inlets and outlet as part of the regulated drain. The maintenance of the retention pond (lake) such as sediment removal and erosion control along the banks, mowing and aquatic vegetation maintenance and 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.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines in rear yards. Only the main SSD lines as described below, which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be

considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:

Curblin SSD in Streets:

Yancey Place  
Saddleworth Place  
Moorland Lane  
Rosendale Drive

Rear Yard SSDs:

Rear yard lots 1 to 2 from Str. 108 to Str. 109  
Rear yard lots 3 to 7 from Str. 109 to Str. 138  
Rear yard lots 7 to 11 from Str. 138 to Str. 125  
Rear yard lots 12 to 15 from Str. 105 to riser  
Rear yard lots 50 to 52 from Str. 134 to riser  
Rear yard lots 47 to 49 from Str. 120 to riser  
Rear yard lots 16 to 20 from Str. 111 to riser  
Rear yard lots 21 to 24 from Str. 111 to riser  
Common Area D from Str. 115 to Str. 116  
Common Area D from Str. 116 to Str. 147  
Common Area D from Str. 147 to Str. 146  
Common Area D from Str. 146 to Str. 145  
Common Area D from Str. 145 to Str. 144  
Common Area D from Str. 144 to Str. 114  
Common Area D from Str. 114 to Str. 115

I have reviewed the plans and believe the drain will benefit each lot equally. Therefore, I recommend each lot be assessed equally. I also believe that no damages will result to landowners by the construction of this drain. I recommend a maintenance assessment of \$10.00 per acre, \$10.00 per acre for roadways, with a \$45.00 minimum lot/tract rate. With this assessment the total annual assessment for this drain will be \$2,580.00.

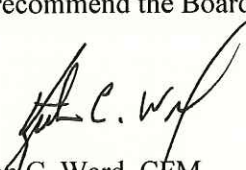
The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Subdivision Bond are as follows:

Agent: The Continental Insurance Company  
Date: October 20, 2014  
Number: 929603709  
For: Storm Sewers & Sub-Surface Drains  
Amount: \$535,201.90

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.

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 reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Ashmoor as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for March 23, 2015.

  
Kenton C. Ward, CFM  
Hamilton County Surveyor  
KCW/pll



(Revised 06/08/04)

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

**FILED**

**SEP 10 2014**

TO: HAMILTON COUNTY DRAINAGE BOARD  
% Hamilton County Surveyor  
One Hamilton County Square, Suite 188  
Noblesville, IN. 46060-2230

OFFICE OF HAMILTON COUNTY SURVEYOR

In the matter of Ashmoor Subdivision, Section  
One (only one section total) 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 Ashmoor, 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 or Non-Revocable Letter of Credit for the portion of the drainage system which will be made a regulated drain. The bond will be in the amount of 120% 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 Petitioners cost as per IC 36-9-27-46.

Adobe PDF Ffillable Form

The Petitioner further requests that the Drain be classified as an Urban Drain as per IC 36-9-27-69(d).

FILED

SEP 10 2014

RECORDED OWNER(S) OF LAND INVOLVED

OFFICE OF HAMILTON COUNTY SURVEYOR

K.E.W.

Signed

KENNETH E. WINDLER

Printed Name

8-15-14

Date

\_\_\_\_\_  
Signed

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

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

\_\_\_\_\_  
Date

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Signed

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

\_\_\_\_\_  
Date

FINDINGS AND ORDER

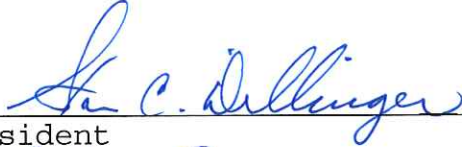
CONCERNING THE MAINTENANCE OF THE

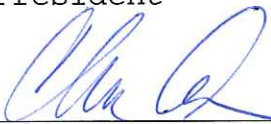
Albert Shaw Drain, Ashmoor Arm

On this 23<sup>rd</sup> day of March, 2015, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Albert Shaw Drain, Ashmoor Arm.**

Evidence has been heard. Objections were presented and considered. The Board then adopted the original/amended Schedule of Assessments. The Board now finds that the annual maintenance assessment will be less than the benefits to the landowners and issues this order declaring that this Maintenance Fund be established.

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest:   
\_\_\_\_\_  
Executive Secretary

FILED

OCT 24 2014

OFFICE OF HAMILTON COUNTY SURVEYOR

Public Improvement Engineer's Construction Cost Estimate

	Quantity	Units	Unit Cost	Total Cost
<b>Storm Sewer</b>				
12" RCP	1,049	LF	\$ 22.00	\$ 23,067.88
15" RCP	135	LF	\$ 25.00	\$ 3,375.00
18" RCP	234	LF	\$ 27.00	\$ 6,318.00
21" RCP	203	LF	\$ 31.00	\$ 6,289.90
24" RCP	966	LF	\$ 35.00	\$ 33,817.00
30" RCP	620	LF	\$ 40.00	\$ 24,792.00
33" RCP	668	LF	\$ 44.00	\$ 29,378.80
36" RCP	394	LF	\$ 50.00	\$ 19,680.00
Structures	57	EA	\$ 2,500.00	\$ 142,500.00
Sub-Surface Drain	14,253	LF	\$ 11.00	\$ 156,783.00
			<b>Total =</b>	<b>\$ 446,001.58</b>
			<b>120 % Total =</b>	<b>\$ 535,201.90</b>
<b>Monumentation</b>				
Centerline & Subdivision	27	EA	\$ 150.00	\$ 4,050.00
			<b>Total =</b>	<b>\$ 4,050.00</b>
			<b>120 % Total =</b>	<b>\$ 4,860.00</b>





**SUBDIVISION BOND**

Bond No.: 929603709

Principal Amount: \$535,201.90

HCDB-2014-000601

KNOW ALL MEN BY THESE PRESENTS, that we  
RH of Indiana, L.P.

9025 N. River Road, Ste. 100, Indianapolis, IN 46240

as Principal, and

The Continental Insurance Company

801 Warrenville Road, Lisle, IL 60532

a PA

Corporation, as Surety, are held and firmly bound unto

Hamilton County Board of Commissioners,

1 Hamilton County Square, Ste. 188, Noblesville, IN 46060

as Obligee, in the penal sum of

Five Hundred Thirty Five Thousand Two Hundred One Dollars and 90/100

(Dollars) (\$ 535,201.90), 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, RH of Indiana, L.P. has agreed to construct in  
Ashmoor Subdivision, in Hamilton County, IN the following  
improvements:

Ashmoor - Storm Sewers

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 Obligee 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 20th day of October, 2014

RH of Indiana, L.P.

Principal

By: [Signature]

The Continental Insurance Company

Surety

By: [Signature]  
Kelly A. Gardner Attorney-in-Fact



OCT 24 2014

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT



Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Kelly A. Gardner , Individually

of Westmont, IL its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond Number: 929603709

Principal: RH of Indiana, L.P.

Obligee: Hamilton County Board of Commissioners

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 16th day of May, 2012.

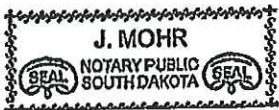


The Continental Insurance Company

Handwritten signature of Paul T. Bruflat over a horizontal line, with the name 'Paul T. Bruflat' and the title 'Vice President' printed below.

State of South Dakota, County of Minnehaha, ss:

On this 16th day of May, 2012, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2015

Handwritten signature of J. Mohr over a horizontal line, with the name 'J. Mohr' and the title 'Notary Public' printed below.

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 20th day of October, 2014.

The Continental Insurance Company



Handwritten signature of D. Bult over a horizontal line, with the name 'D. Bult' and the title 'Assistant Secretary' printed below.



## Authorizing Resolutions



ADOPTED BY THE BOARD OF DIRECTORS OF THE CONTINENTAL INSURANCE COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company at a meeting held on May 10, 1995.

"RESOLVED: That any Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Group Vice President to the Secretary of the Company prior to such execution becoming effective."

This Power of Attorney is signed by Paul T. Brufat, Vice President, who has been authorized pursuant to the above resolution to execution power of attorneys on behalf of The Continental Insurance Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25<sup>th</sup> day of April, 2012:

"Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the "Authorized Officers") to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and

Whereas, from time to time, the signature of the Authorized Officers in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, "Electronic Signatures"); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company."





**SUBDIVISION BOND**

Bond No.: 929603710

Principal Amount: \$4,860.00

HCDB-2014-00062

KNOW ALL MEN BY THESE PRESENTS, that we

RH of Indiana, L.P.

9025 N. River Road, Ste. 100, Indianapolis, IN 46240

as Principal, and

The Continental Insurance Company

801 Warrenville Road, Lisle, IL 60532

a PA

Corporation, as Surety, are held and firmly bound unto

Hamilton County Board of Commissioners,

1 Hamilton County Square, Ste. 188, Noblesville, IN 46060

as Obligee, in the penal sum of

Four Thousand Eight Hundred Sixty Dollars and 00/100

(Dollars) (\$ 4,860.00), 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, RH of Indiana, L.P.

has agreed to construct in

Ashmoor

Subdivision, in

Hamilton County, IN

the following

improvements:

Ashmoor - Monumentation

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 Obligee 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 20th day of October, 2014

RH of Indiana, L.P.

Principal

F By: [Signature]

The Continental Insurance Company

Surety

By: [Signature]  
Kelly A. Gardner Attorney-in-Fact



OCT 24 2014



POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT



Know All Men By These Presents, That The Continental Insurance Company, a Pennsylvania insurance company, is a duly organized and existing insurance company having its principal office in the City of Chicago, and State of Illinois, and that it does by virtue of the signature and seal hereof affixed hereby make, constitute and appoint

Kelly A. Gardner , Individually

of Westmont, IL its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

Surety Bond Number: 929603710

Principal: RH of Indiana, L.P.

Obligee: Hamilton County Board of Commissioners

and to bind them thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the insurance company and all the acts of said Attorney, pursuant to the authority hereby given is hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law and Resolutions, printed on the reverse hereof, duly adopted, as indicated, by the Board of Directors of the insurance company.

In Witness Whereof, The Continental Insurance Company has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 16th day of May, 2012.

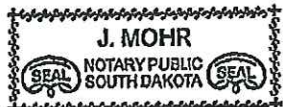


The Continental Insurance Company

Handwritten signature of Paul T. Bruflat over a horizontal line, with 'Paul T. Bruflat' and 'Vice President' printed below.

State of South Dakota, County of Minnehaha, ss:

On this 16th day of May, 2012, before me personally came Paul T. Bruflat to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of The Continental Insurance Company, a Pennsylvania insurance company, described in and which executed the above instrument; that he knows the seal of said insurance company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said insurance company and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said insurance company.



My Commission Expires June 23, 2015

Handwritten signature of J. Mohr over a horizontal line, with 'J. Mohr' and 'Notary Public' printed below.

CERTIFICATE

I, D. Bult, Assistant Secretary of The Continental Insurance Company, a Pennsylvania insurance company, do hereby certify that the Power of Attorney herein above set forth is still in force, and further certify that the By-Law and Resolution of the Board of Directors of the insurance company printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said insurance company this 20th day of October, 2014.

The Continental Insurance Company



Handwritten signature of D. Bult over a horizontal line, with 'D. Bult' and 'Assistant Secretary' printed below.



## Authorizing Resolutions

ADOPTED BY THE BOARD OF DIRECTORS OF THE CONTINENTAL INSURANCE COMPANY:

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the Board of Directors of the Company at a meeting held on May 10, 1995.

**“RESOLVED:** That any Group Vice President may authorize an officer to sign specific documents, agreements and instruments on behalf of the Company provided that the name of such authorized officer and a description of the documents, agreements or instruments that such officer may sign will be provided in writing by the Group Vice President to the Secretary of the Company prior to such execution becoming effective.”

This Power of Attorney is signed by Paul T. Bruflat, Vice President, who has been authorized pursuant to the above resolution to execution power of attorneys on behalf of The Continental Insurance Company.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 25<sup>th</sup> day of April, 2012:

**“Whereas, the bylaws of the Company or specific resolution of the Board of Directors has authorized various officers (the “Authorized Officers”) to execute various policies, bonds, undertakings and other obligatory instruments of like nature; and**

**Whereas, from time to time, the signature of the Authorized Officers in addition to being provided in original, hard copy format, may be provided via facsimile or otherwise in an electronic format (collectively, “Electronic Signatures”); Now therefore be it resolved: that the Electronic Signature of any Authorized Officer shall be valid and binding on the Company.”**



State of Illinois}
} ss.
County of Dupage }

On October 20, before me, Melissa Schmidt, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Kelly A. Gardner known to me to be Attorney-in-Fact of The Continental Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires May 14, 2016

Handwritten signature of Melissa Schmidt
Melissa Schmidt, Notary Public



Commission No. 697161



BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Albert Shaw Drain, Ashmoor Arm*

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Albert Shaw Drain, Ashmoor Arm** on **March 23, 2015** at **9:05 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF THE

**Albert Shaw Drain, Ashmoor Arm**

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **March 23, 2015** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY