

*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*

October 17, 2007

To: Hamilton County Drainage Board

Re: Thistlewaite Drain, South Sheridan Drain Arm

Attached is a petition and plans for the proposed relocation and reconstruction of the South Sheridan Drain. The relocation and reconstruction is being proposed by C.P. Morgan Communities, L.P. The proposal is to relocate and reconstruct the drain from the east property line of C.P. Morgan Communities, L.P., parcel number 02-05-06-02-03-056.000, westerly, to the open Thistlewaite Drain on the Sheridan Trace Development Co., LLC properties parcel number 02-05-06-00-00-010.001. I have reviewed the submittals and petition and have found each to be in proper form.

The relocated drain shall begin at structure #153 as shown on Maple Run of Sheridan Section 1 plans by Mid-States Engineering project # 111-1510 stamped approved by the Hamilton County Surveyor's Office on Aug. 3, 2005. The drain will follow the existing South Sheridan Drain, running westerly 526 feet in a 36" RCP to structure #152. From structure #152 the 36" RCP will run west-north-westerly 67 feet to structure #151. From Structure #151 the 36" RCP will run westerly 158' to the open Thistlewaite Drain.

This will replace the existing drain from at or near station 6+20 to station 13+38 of the original drain as shown on sheet 3 of the plans prepared by HNTB dated 9-1-78, job number 5433-13-00.

The new drain will consist of 751 lineal feet of 36" RCP, which shall be the total length of the drain reconstruction. The relocation and reconstruction will add approximately 33 feet to the South Sheridan Drain replacing 718' of 36" CMP with 751 feet of RCP.

The cost of the relocation and reconstruction is to be paid by C.P. Morgan Communities, L.P.

The petitioner has submitted surety for the proposed reconstruction at this time. The surety is in the form of a Subdivision Performance Bond as follows:

Agent: Fidelity and Deposit Company of Maryland  
Date: July 5, 2005  
Number: 08812884  
For: Reconstruction of the South Sheridan Drain  
Amount: \$64,716.00

The easement for the Sheridan Trace Development Co. LLC property tract 02-05-06-00-00-010.001 shall be 26 feet by parallel lines off the south side of the tract.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement request. The request is for the reduction of the South Sheridan regulated drain easement to those easement widths as shown on the secondary plat for the Maple Run of Sheridan, Section 1 subdivision as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposal for November 26, 2007.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

***Thistlewaite Drain, South Sheridan Drain  
Relocation & Reconstruction***

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 **Thistlewaite Drain, South Sheridan Drain Relocation & Reconstruction** on **November 26, 2007**, at **9:20 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 **Thistlewaite Drain, South Sheridan Drain  
Arm**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **November 26, 2007** 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: Christine Altman  
PRESIDENT

ATTEST: Lynette Mosbaugh  
SECRETARY

# Mid-States ENGINEERING

350 E. New York St., Suite 300  
Indianapolis, IN 46204  
(317) 634-6434 Phone  
(317) 634-3576 FAX

www.mid-stateseng.com

July 28, 2005

Mr. Andy Conover  
Hamilton County Surveyor's Office  
One Hamilton County Square Suite 188  
Noblesville, IN 46060

RE: Maple Run, Section 1  
Project #111-1510

FILED  
AUG 02 2005

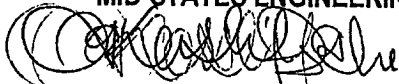
Dear Mr. Conover:

In response to your request for an engineer's estimate of the construction costs for the South Sheridan Drain, the following breakout of costs is being provided:

Storm Sewers, 36" RCP	\$41,305
End Section, 36"	\$1,625
Manhole, 60"	\$10,500
Mobilization	\$500
<b>TOTAL</b>	<b>\$53,930</b>

If you have any questions or need further breakdown for these estimates please feel free to contact me at your earliest convenience.

Respectfully submitted,  
**MID-STATES ENGINEERING**



Kashif Khan, PE

**111-1510 Maple Run, Section 1  
Cost Estimate  
for Hamilton County Surveyor's Office**

7/28/2005

<b>Contract Item</b>	<b>Unit</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total</b>
Pipe, RCP, Type II, 36 in	LFT	751	55	\$41,305
36" End Section, Storm	EA	1	1,625	\$1,625
60" dia manhole ( depth 6-10 ft)	EA	3	3,500	\$10,500
Mobilization storm crew	LS	1	500	\$500
<b>SUB-TOTAL</b>				<b>\$53,930</b>



**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

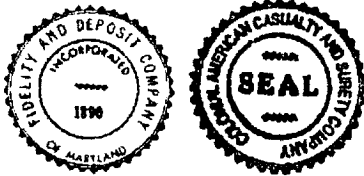
KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, corporations of the State of Maryland, by PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Peggy FAUST, Kelly A. JACOBS, Stephen T. KAZMER, Bonnie KRUSE, Jennifer J. MCCOMB, Elaine MARCUS, James I. MOORE, Dawn MORGAN and Mary Beth PETERSON, all of Countryside, Illinois, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seals of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, this 6th day of March, A.D. 2003.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**  
**COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**



*T. E. Smith*

T. E. Smith Assistant Secretary

*Paul C. Rogers*

By: Paul C. Rogers Vice President

State of Maryland }  
 City of Baltimore } ss:

On this 6th day of March, A.D. 2003, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came PAUL C. ROGERS, Vice President, and T. E. SMITH, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Companies aforesaid, and that the seals affixed to the preceding instrument is the Corporate Seals of said Companies, and that the said Corporate Seals and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Sandra Lynn Mooney*

Sandra Lynn Mooney Notary Public  
 My Commission Expires: January 1, 2004





"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

**EXTRACT FROM BY-LAWS OF COLONIAL AMERICAN CASUALTY AND SURETY COMPANY**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

**CERTIFICATE**

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the respective By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, and the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990 and of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies,

this 29TH day of JULY, 2005.

*A. D. Sanchez*  
Assistant Secretary



STATE OF INDIANA )  
 ) ss:  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON COUNTY  
DRAINAGE BOARD  
NOBLESVILLE, INDIANA

IN THE MATTER OF THE  
RECONSTRUCTION OF THE  
*Thistlewaite Drain, South Sheridan Drain Arm*

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Thistlewaite Drain, South Sheridan Drain Arm* came before the Hamilton County Drainage Board for hearing on *November 26, 2007*, 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 *Thistlewaite Drain, South Sheridan Drain 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

HAMILTON COUNTY DRAINAGE BOARD  
NOBLESVILLE, INDIANA

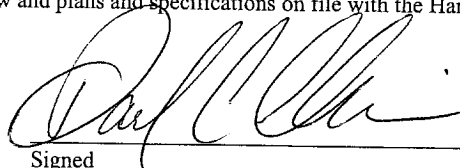
IN RE: Thistlewaite Legal Drain )  
Hamilton County, Indiana )

PETITION FOR RELOCATION AND RECONSTRUCTION

C.P. Morgan Communities, L.P. (hereinafter "Petitioner"),  
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a  
section of the South Sheridan Drain Drain, and in support of  
said petition advises the Board that:

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

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



Signed

PAUL C. CLAIRE

Printed



*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 11, 2008**

**Re: Thistlewaite Drain: Maple Run Relocation**

Attached are as-builts, certificate of completion & compliance, and other information for the Maple Run Relocation of the South Sheridan Drain. 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 October 17, 2007. The report was approved by the Board at the hearing held November 26, 2007. (See Drainage Board Minutes Book 10, Pages 524-526) The changes are as follows:

<b>Structure:</b>	<b>Length:</b>	<b>Size</b>	<b>Material:</b>	<b>Up Invert:</b>	<b>Dn Invert</b>	<b>Grade:</b>	<b>Changes(ft):</b>
151-150	171	36	RCP	935.35	935.25	0.06	13
152-151	68	36	RCP	935.39	935.35	0.06	1
153-152	513	36	RCP	935.81	935.39	0.08	-13

The length of the drain due to the changes described above is now **752 feet**. The length of the original South Sheridan Drain removed was 735 feet.

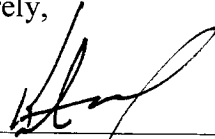
The non-enforcement was approved by the Board at its meeting on November 26, 2007 and recorded under instrument # 2007066456.

The following sureties were guaranteed by Fidelity and Deposit Company of Maryland and released by the Board on its July 23, 2007 meeting.

**Bond-LC No:** 08812884  
**Insured For:** Storm Sewers  
**Amount:** \$64,716.00  
**Issue Date:** July 29, 2005

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

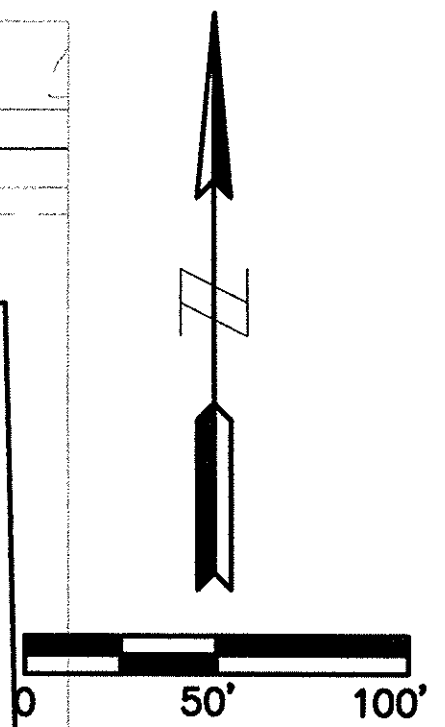
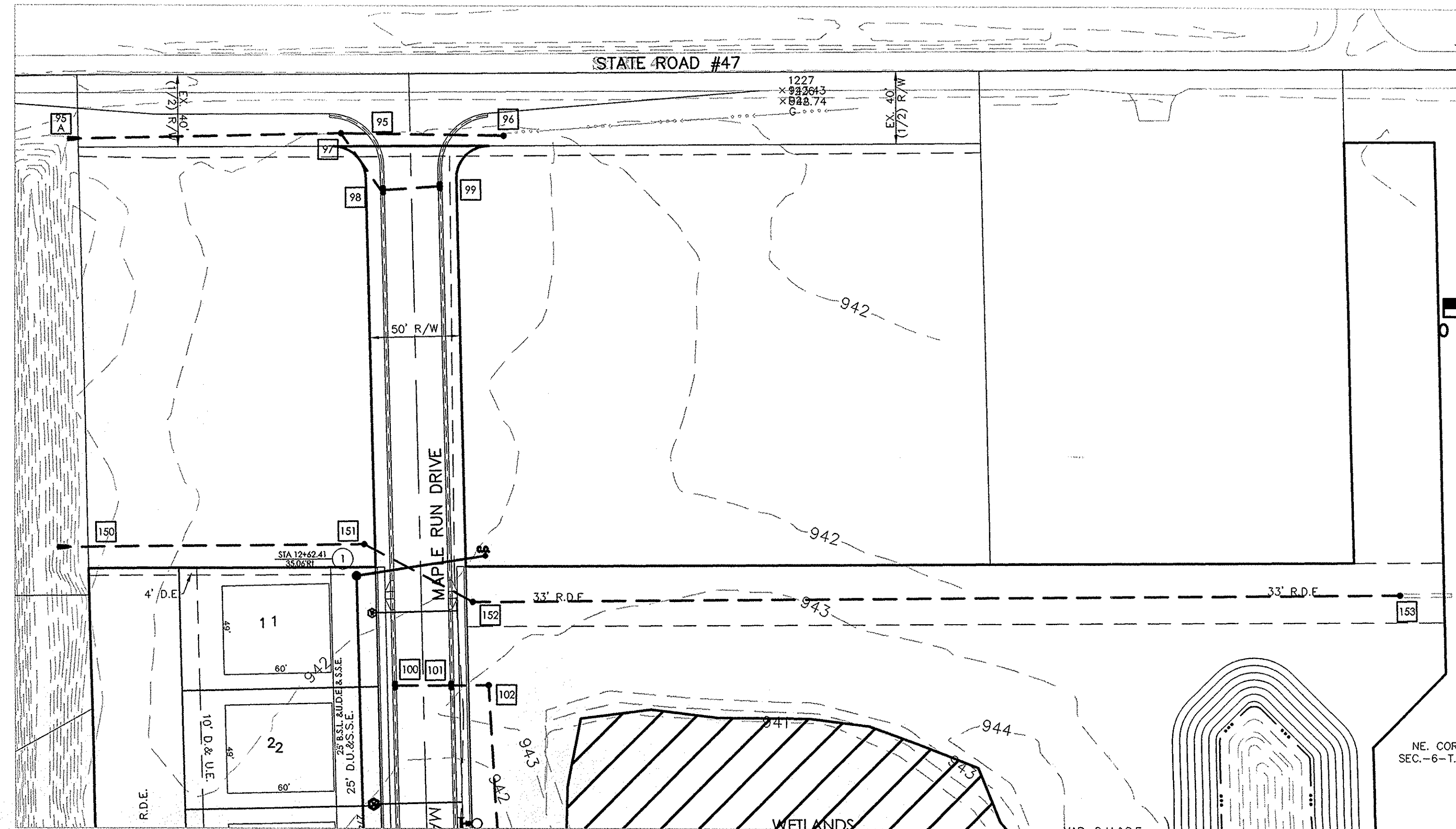
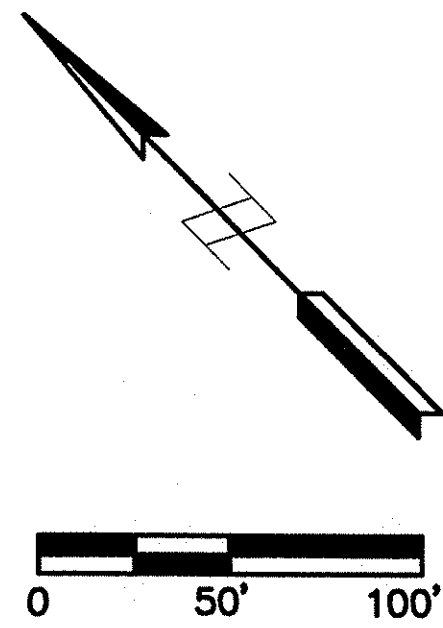
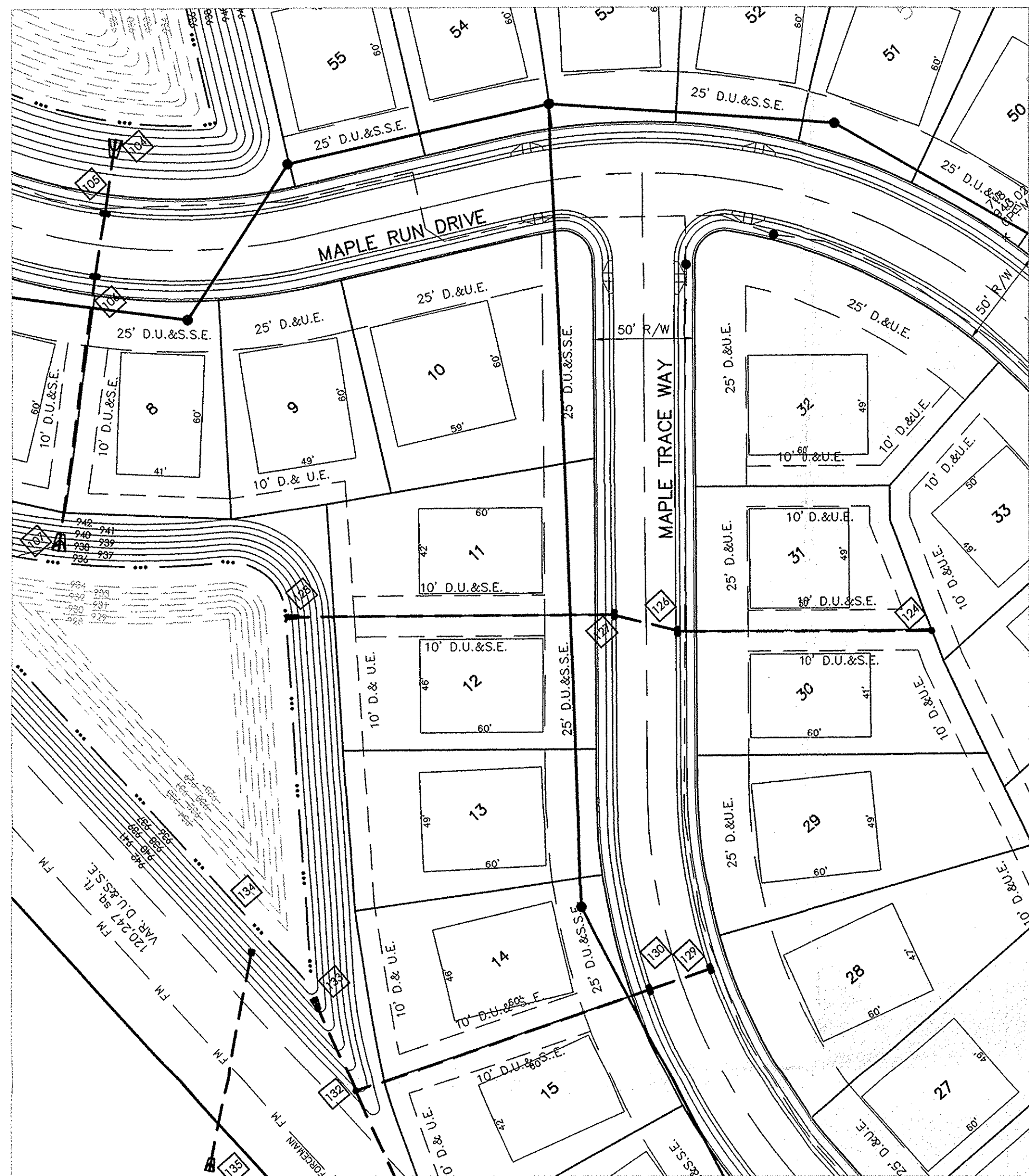
Sincerely,

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

Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/slm

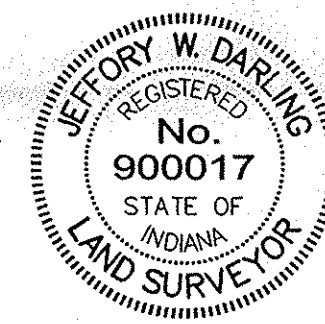




# RECORD DRAWING

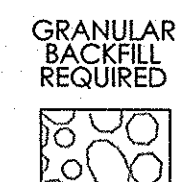
*Jeffery W. Darling*  
 JEFFERY W. DARLING  
 Registered Land Surveyor  
 No. 900017

1/16/06  
 DATE



NOTES:  
 LENGTHS OF PIPES INDICATED ARE FROM CENTER TO CENTER OF STRUCTURES AND ARE NOT ACTUAL PIPE LENGTHS.  
 CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL PERMIT ISSUING AGENCIES WITHIN THE TIME SPECIFIED BY THAT AGENCY PRIOR TO BEGINNING CONSTRUCTION.

PLAN SCALE: 1" = 50'  
 PROFILE SCALES: 1" = 50' HOR  
 1" = 5' VER



HOLEY MOLEY SAYS  
 "DON'T DIG BLIND!"

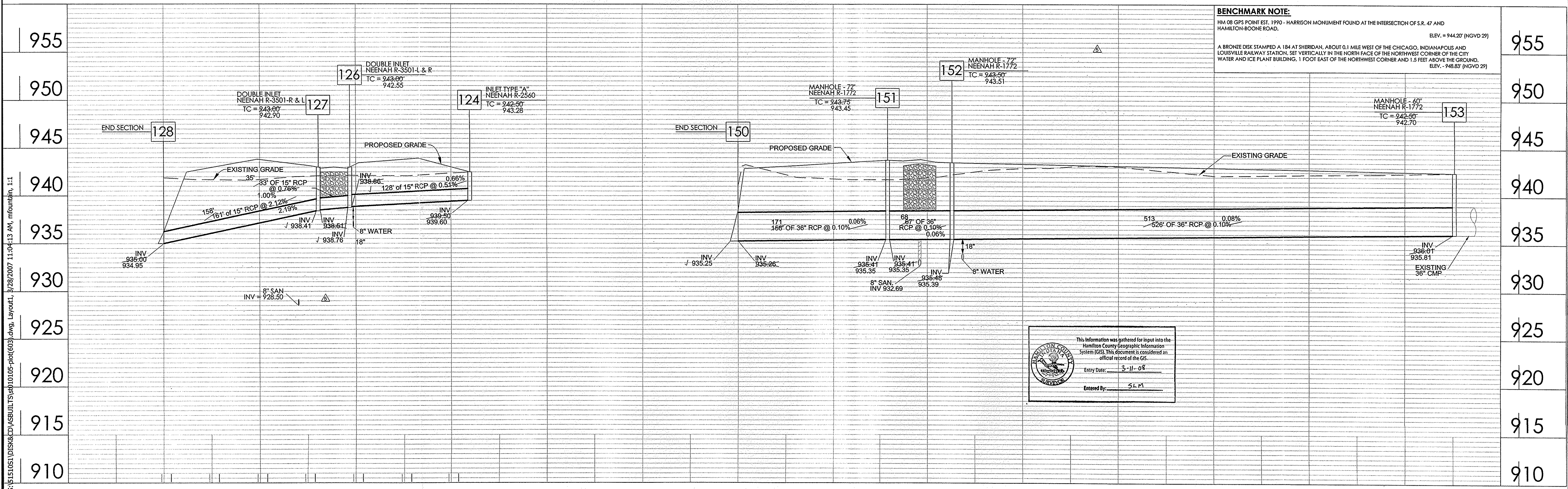
"IT'S THE LAW"  
 CALL 2 WORKING DAYS BEFORE YOU DIG  
 1-800-382-5544  
 CALL TOLL FREE  
 PER INDIANA STATE LAW 36-9-906  
 IT IS AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE BACKGROUND LOCATION SERVICE TWO (2) WORKING DAYS BEFORE COMMENCING WORK.

MAPLE RUN SUBDIVISION  
 SECTION ONE

STORM SEWER PLAN & PROFILE

DESIGNED BY:	CSB
DRAWN BY:	CSB
CHECKED BY:	JHM
APPROVED BY:	KJK

REVISIONS AND DATES	
07/24/05 REVISED PER COUNTY SUPERVISOR COMMENTS	
07/28/06 REVISED LOT LINES FOR LOTS 1-5, 15-21 & 42-51	
REVISED EASEMENTS	
ASBUILT: 1/16/08 CRMM/MSF	



**BENCHMARK NOTE:**  
 HMA 08 GPS POINT EST. 1990 - HARRISON MONUMENT FOUND AT THE INTERSECTION OF S.R. 47 AND HAMILTON-BEONE ROAD. ELEV. = 944.20' (NGVD 29)  
 A BRONZE DISK STAMPED A 184 AT SHERIDAN, ABOUT 0.1 MILE WEST OF THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY STATION. SET VERTICALLY IN THE NORTH FACE OF THE NORTHWEST CORNER OF THE CITY WATER AND ICE PLANT BUILDING, 1 FOOT EAST OF THE NORTHWEST CORNER AND 1.5 FEET ABOVE THE GROUND. ELEV. = 948.83' (NGVD 29)

This information was gathered for input into the Hamilton County Geographic Information System (GIS). This document is considered an official record of the GIS.  
 Entry Date: 3-11-08  
 Entered By: SLM

PREPARED BY:  
 Mid-States ENGINEERS  
 350 E. New York St., Suite 300  
 Indianapolis, IN 46204  
 (317) 634-4434  
 (317) 634-3576 Fax

PREPARED FOR:  
 MORGAN  
 4670 Heaven Point Blvd.  
 Indianapolis, IN 46280  
 (317) 580-4517 Phone  
 (317) 569-6536 Fax

DATE: 05-27-2005  
 SCALE: As-Shown  
 PROJECT NO.: 111-1510  
 SHEET NO.: C603