

March 9, 2005

To: Hamilton County Drainage Board

Re: Kirkendall Drain, Brookside Section 3 Arm

Attached is a petition filed by Langston Development Company along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Brookside Section 3 Arm, Kirkendall Drain to be located in Washington 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:

21"RCP	224 ft	27" RCP	257 ft	33" RCP	325 ft
24" RCP	396 ft	30" RCP	368 ft	36" RCP	186 ft

The total length of drain will be 1,756 feet.

The retention pond (lake) located in Block "D" is to be considered part of the regulated drain. Only the inlet, outlet and banks will be maintained as part of the regulated drain. The maintenance of the pond (lake), such as mowing and aquatic vegetation control, will be the responsibility of the Homeowners Association. The Board will also retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained. Thereby, allowing no fill or easement encroachments.

The purpose of this drain arm is to provide drainage for the area upstream within Woodshire Subdivision, which is not within the Town of Westfield. This was proposed in my report to the Board for Woodshire dated November 20, 1996 (See Drainage Board Minute Book 4, Pages 338 and 339). The remaining portions of drain will be maintained by the Town of Westfield.

Construction of this arm will not affect the current assessment rates for this drain. The area for this section of Brookside is currently assessed.

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

Agent: Bond Safeguard Insurance Company Date: October 5, 2004 Number: 5011956 For: Storm Sewers Amount: \$111,051.00

I believe that 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 is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Brookside Section 3 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for April 25, 2005.

Sincerely

Kenton C. Ward Hamilton County Surveyor

KCW/llm

STATE OF INDIANA

(Revised 06/08/04)

COUNTY OF HAMILTON

TO: HAMILTON COUNTY DRAINAGE BOARD c/o Hamilton County Surveyor One Hamilton County Square, Suite 188 Noblesville, IN 46060-2230

In the matter of Brookside		Subdivision, Section
Three Brookside Regulated	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 <u>Brookside Section 3</u>, 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.

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

RECORDED OWNER(S) OF LAND INVOLVED

Signed

Langston Development Company, TAC.

V.P

8-25-04

Date

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Signed

Printed Name

Signed

Printed Name

Date

Signed

÷ .

Printed Name

Date

Date

1132 OFFICE BUILDING



PERFORMANCE BOND DEVELOPMENT APPLICATION Town of Westfield

Case No._____

To petition the Town of Westfield to initiate the process of a Performance Bond for the development of a project in the Town of Westfield this application must be completed and submitted to Westfield Utilities, 2706 E. 171st. Street, Westfield, Indiana 46074.

Name of project Brc	okside Section 1	hree .	
Location of project (Attach 8 1	/2" x 11" map showing location	J	
Contractor/Developer name Langston Dev.	Name of primary contact John Edwards	Address 1132 S. Rangeline Rd Carmel, IN. 46032	Telephone number 846-7017 Fex number 846-0217
	CONSTR	RUCTION ESTIMATE	
Streets/Curbs	\$ 156,539	* The construction estimate total will be used to determine the amount of the Performance Bond. Therefore, it is necessary that a licensed	
Water	\$ 89,167	Engineer/Architect certify they are familian estimate is true and complete to the best	r with the project and the of their knowledge.
Sanitary sewer	\$ 76,890	Signature of Engineer	Thinks
Storm sewer	\$ 145,604	Printed Name of Engineer Allan H. Weihe	Date Signed 10 4
Side Walk (Path)	\$ 27,295	Telephone Number 846-6611	Fex Number 843-0546
Erosion Control	\$ 16,818		
Monuments and Marker	\$ 2,000		
TOTAL*	\$ 487,018		
Signature of Denideer/Confisctor	enteralis,		Date signed 8/6/64-
Thangoto	n Der. Co. the		₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩

For Town use only

Date Received

Amount of Parformance Bond needed
(110% of construction total)

Date received Performance Bond

Copy: Community Development Services

SUBDIVISION BOND

HCDB2004-00083

Bond No.: <u>5011956</u>

Principal Amount: \$111,051.00

KNOW ALL MEN BY THESE PRESENTS, that we	
Langston Development Company, Inc.	
1132 S. Rangeline Rd., Carmel, IN 46032	
as Principal, and	,
Bond Safeguard Insurance Company	
1919 S. Highland Avenue, Bldg. A, Ste. 300, Lombard, IL 60148 a	ТХ
Corporation, 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	
One Hundred Eleven Thousand Fifty One Dollars and 00/100	
(Dollars) (<u>\$ 111,051.00</u>), lawful	money of the
United States of America, for the payment of which well and truly to be made, we bir	d ourselves.
our heirs, executors, administrators, successors and assigns, jointly and severally, firm	nly by these
presents.	
-	
WHEREAS, Langston Development Company, Inc. has agreed to construct in	
WHEREAS, Langston Development Company, Inc. has agreed to construct in Brookside Section 3 Subdivision, in Noblesville, IN the follow	owing
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<u>Brookside Section 3</u> Subdivision, in <u>Noblesville, IN</u> the follo improvements:	owing

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.

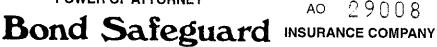
Signed, sealed and dated, this <u>5th</u> day of <u>October</u>, 2004

Langston Development Company, Inc.

Principal wad Bv

Bond Safeguard Insurance Company Surety By: <u>Line Diaz</u> Attorney-in-Fact

POWER OF ATTORNEY



KNOW ALL MEN BY THESE PRESENTS, that BOND SAFEGUARD INSURANCE COMPANY, an Illinois Corporation with its

principal office in Lombard, Illinois, 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 BOND SAFEGUARD INSURANCE COMPANY on the 7th day of November, 2001 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 \$500,000.00, Five Hundred Thousand 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 or undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, BOND SAFEGUARD INSURANCE COMPANY has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 7th day of November, 2001.



BOND SAFEGUARD INSURANCE COMPANY

David E. Campbell

President

ACKNOWLEDGEMENT

On this 7th day of November, 2001, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **BOND SAFEGUARD 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" JANET L. COPPOCK NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 8/14/05

net Janet L. Coppock

Notary Public

CERTIFICATE

I, the undersigned, Secretary of BOND SAFEGUARD INSURANCE COMPANY, An Illinois 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 <u>5th</u> Day of <u>C</u>	October , 20 04
This copy is from the Digital Archive of the Hamilton County	Donald D. Buchanan Donald D. Buchanan Surveyor's Office; Nobles Miletan 46060

FILE

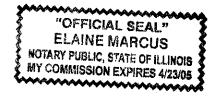
State of Illinois } } ss. County of Cook }

On October 5, 2004, before me, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Irene Diaz known to me to be Attorney-in-Fact of Bond Safeguard 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/she 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 4/23/2005

Elaine Marcus, Notary Public



FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Kirkendall Drain, Brookside Section 3 Arm

On this **25th day of April 2005**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Kirkendall Drain**, **Brookside Section 3 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

Pres

Member And Dille

Member

Attest: Vanely Jours

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF Kirkendall Drain, Brookside Section 3 Arm

NOTICE

To Whom It May Concern and:_____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Kirkendall Drain**, **Brookside Section 3 Arm** on **April 25**, 2005 at 9:10 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: Jamela Junks

ONE TIME ONLY

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF THE

Kirkendall Drain, Brookside Section 3 Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **April 25, 2005** 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

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Attest: Anola douts

ONE TIME ONLY

CERTIFICATE OF COMPLETETION AND COMPLIANCE

To: Hamilton County Surveyor

Re: Brookside Section Three

I hereby certify that:

- 1. I am a Registered Land Surveyor or 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.
- 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief been installed and completed in conformity with all plans and specifications.
- 5. The drainage facilities within the above referenced subdivision to the best of my knowledge, information and belief have been correctly represented on the Record Drawings, Digital Record Drawings and the Structure Data Spreadsheet.

Signature:		
Type or Print Name:	Allan H. Weihe	
Business Address:	10505 N. College Avenue	
	Indianapolis, IN_46280	
Telephone Number:	846-6611	
SEAL NO. 882 TATE	INDIANA REGISTRATION I 7 2 #8827	NUMBER



Conton C. Ward, CFMSurveyor of Hamilton CountyPhone (317) 776-8495Fax (317) 776-9628To: Hamilton County Drainage Board

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

March 5, 2008

Re: Vestal-Kirkendall: Brookside Section 3

Attached are as-builts, certificate of completion & compliance, and other information for Brookside Section 3. 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 March 9, 2005. The report was approved by the Board at the hearing held April 25, 2005. (See Drainage Board Minutes Book 8, Pages 261-262) The changes are as follows:

The 325 feet of 33" RCP was changed to 325 feet of 36" RCP

The length of the drain due to the changes described above remains at 1756 feet.

The non-enforcement was approved by the Board at its meeting on April 25, 2005 and recorded under instrument #200500073543.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its November 14, 2005 meeting.

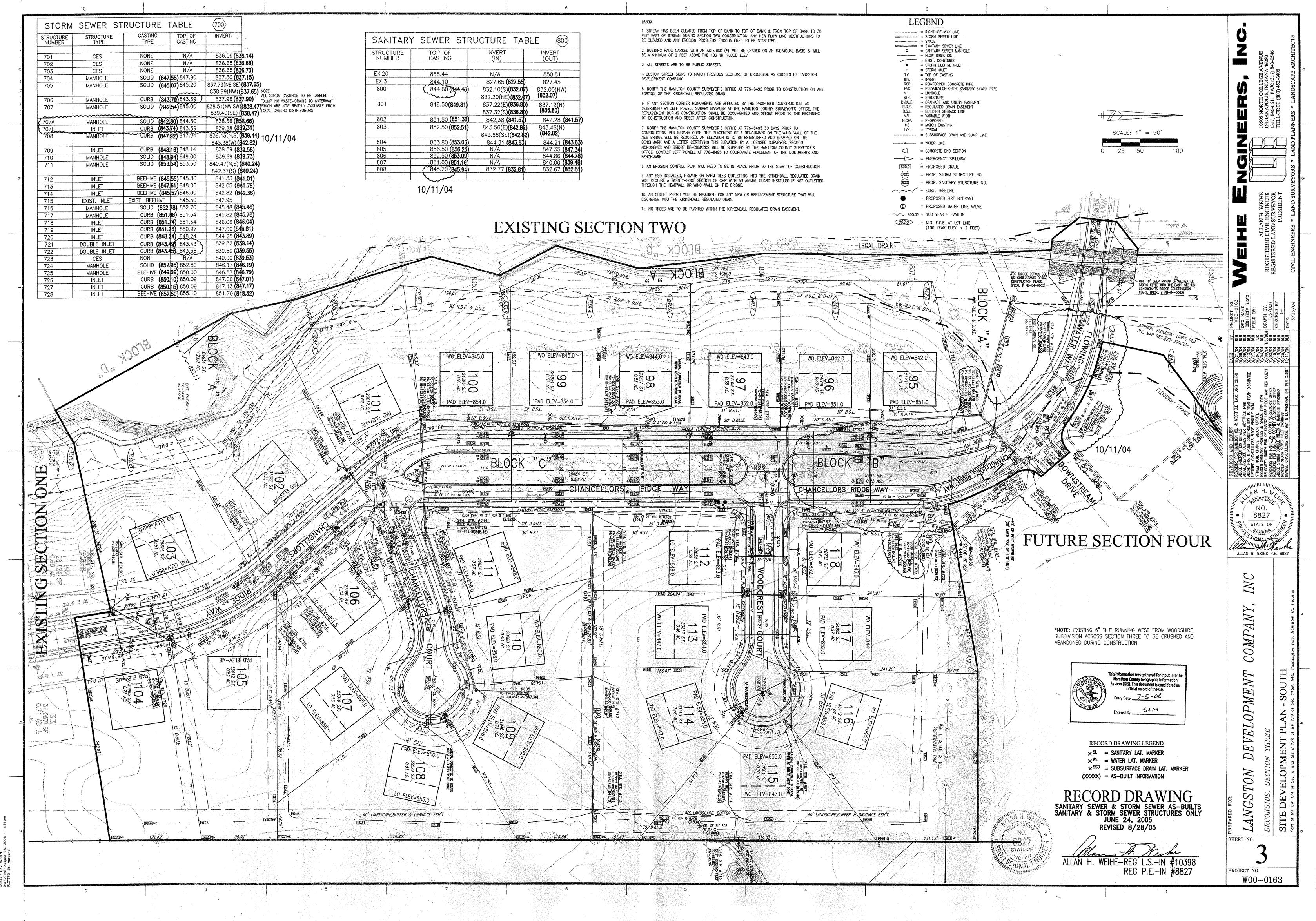
Bond-LC No: 5011956 Insured For: Storm Sewers Amount: \$111,051.00 Issue Date: October 5, 2004

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

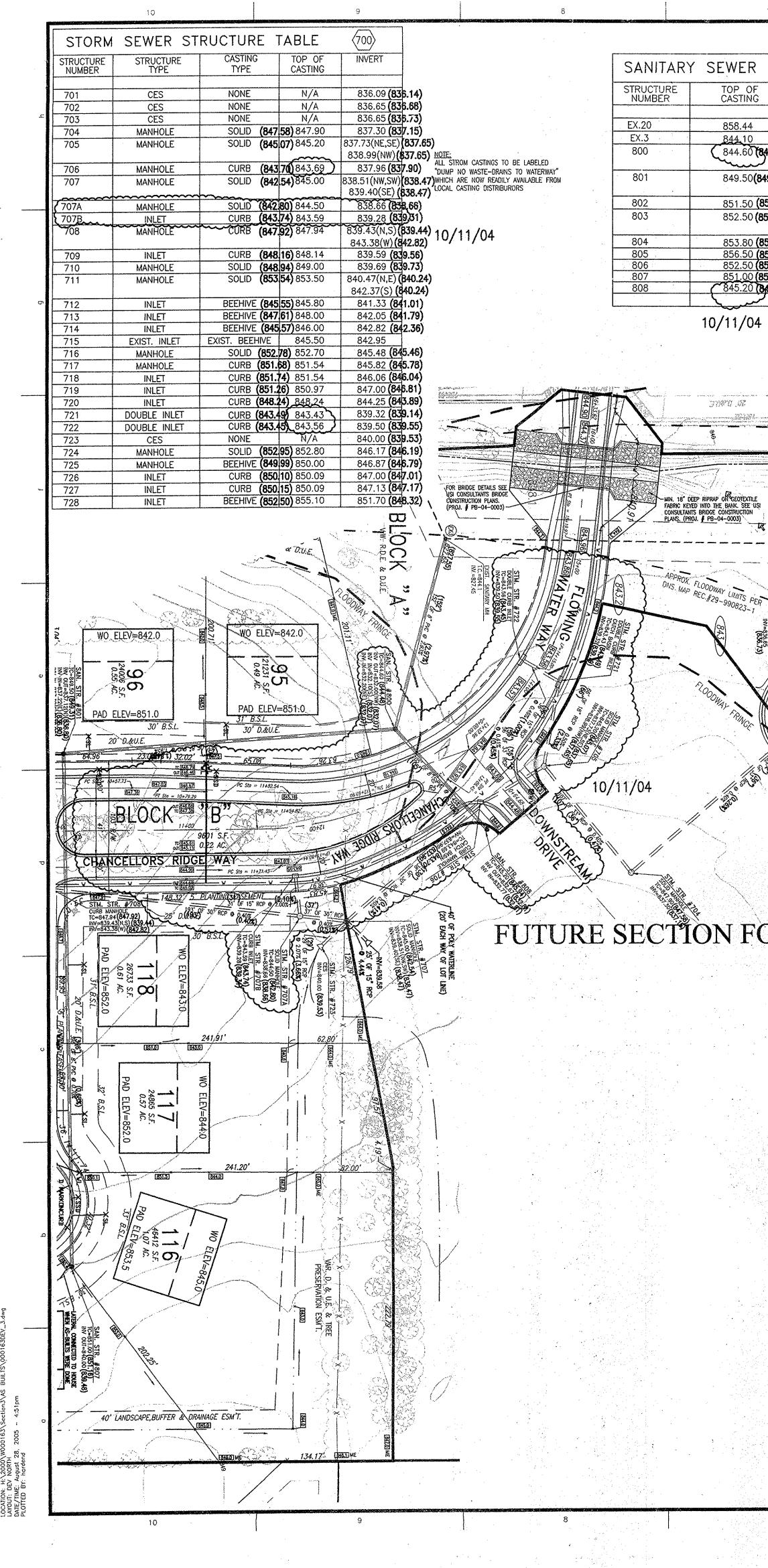
Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/slm



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