



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

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

October 22, 2004

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Section 12002-A Arm.

Attached is a petition filed by Brenwick Development along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Section 12002-A Arm, Village of West Clay 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	887 feet	15" RCP	74 feet
18" RCP	175 feet	24" RCP	664 feet
27" RCP	256 feet		

The total length of the drain will be 2,056 feet.

The subsurface drains (SSD) under curbs are not to be part of the regulated drain. This is per the agreement between Brenwick Development and the Hamilton County Commissioners on April 26, 1999. (See Commissioners minute book 93, pages 565-566).

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 \$5.00 per acre, \$5.00 per acre for roadways, with a \$120.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$2,313.76.

The petitioner has submitted surety for the proposed drain at this time. Surety shall be submitted prior to the approval of the Hamilton County Board of Commissioners/commencement of construction. The sureties which are in the form of a Performance Bond are as follows:

Agent: Bond Safeguard Insurance

Date: August 4, 2004 Number: 5012499 For: Storm Sewers Amount: \$101,821.00 Agent: Bond Safeguard Insurance

Date: August 4, 2004 Number: 5012500 For: Erosion Control Amount: \$58,000.00

Parcels assessed for this drain may be assessed for the Collins-Osborn or Williams Creek Drain at sometime in the future. Parcels assessed for this drain will also be assessed for the Elliott Creek Drain except for portions of Bull Court and all of Lots 237, 238, and 239. These areas shall be also assessed to the Claridge Farms Drain.

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.

Portions of this drain are located within Claridge Farms, Section 2. This portion of the drainage facilities fall within Commons Block "A" of this subdivision which is designated as a regulated drain, utility and sewer easement on the plat for Section 2 of Claridge Farms as recorded as instrument number 9225702, Plat Cabinet 1, Slide 241 in the office of the Hamilton County Recorder.

I recommend that upon approval of the above proposed drain that the Board also approve the attached non-enforcement requests. The first request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Village of West Clay Section 12002-A as recorded in the office of the Hamilton County Recorder. The second request is for that portion of drain which falls within Claridge Farms, Section 2.

I recommend the Board'set a hearing for this proposed drain for November 22, 2004.

Kenton C. Ward

Hamilton County Surveyor

KCW/pll

STATE	OF	\mathbf{I}	NDIANA)
)
COUNTY	7 O	F	HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD c/o Hamilton County Surveyor, Courthouse, Noblesville, IN 46060

In t	he matter of	Village of WestClay		Subdivision,
Section	1202 A & B	7-4	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 Village of WestClay, 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 for the portion of the drainage system, which will be made a regulated drain. The bond will be in the amount of 100% 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 Petitioner's cost as per IC 36-9-27-46.

The Petitioner further requests that the Drain be classified as an Urban Drain.

Signed	And AGENT TO	BROWICK DEVELOPMENT COMPI BROWNILLTHD COMMUNITIE
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Printed N	ame	
Signed		
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RECO	RDED OWNE	R(S) OF LAND INVOLVED
	3/25/	,

N:\1238\1202\DOCS\REGULATED DRAIN FORM.doc

DATE: July 26, 2004

CUSTOMER: Brenwick Development Co.

JOB NAME: West Clay Section 12002A (Utilities Only)

LOCATION: Carmel, IN

VALENTI-HELD CONTRACTOR / DEVELOPER, INC. agrees to furnish and install the necessary materials, equipment, and labor, in the manner described below, and to perform such construction in a workmanlike manner, and as expeditiously as the construction schedule and weather conditions permit (but subject to delays from causes beyond our control; such as strikes, shortage of labor, fires, accidents, or acts of God). Our workmanship and material is guaranteed for one year from the date of job completion. In the event that defective workmanship or materials are determined to have occurred, VALENTI-HELD CONTRACTOR / DEVELOPER, INC. shall be liable only for the replacement of same. This proposal is valid for 30 days & is subject to increase due to fluctuation in labor and material costs if not started within 60 days.

This proposal is based on drawings prepared by The Schneider Clorp, dated 3/01/04 with revisions dated through 7/09/04. All topographic information provided on these drawings is assumed to be within + or - 0.5 feet of the actual elevation encountered at the project site and the average elevation of the entire site is assumed to be within + or - 0.1 feet of the actual elevations that exist on the site. We reserve the right to adjust our earthwork bid amount if a greater variance is found to exist and/or make field adjustments to design elevations (with the engineer's approval) in order to achieve the anticipated earthwork balance.

III. STORM SEWERS

Includes:

- A. Excavation and placement of the R.C.P. as shown on the drawings.
- B. Inlets and manholes.
- C. Concrete end sections.
- D. Riprap.
- E. Sand backfill with jet compaction as shown in proposed pavement areas.
- F. 6" subsurface drains using double wall pipe under curbs and in swales as shown.
- G. 4" lot lateral for each lot.
- H. #8 stone backfill as required for subsurface drains.
- I. 3 Year 20% Maintenance bond.

Excludes:

- A. Field engineering and soils testing.
- B. Permits or performance bonds.
- C. Possible utility conflicts and relocation of existing utilities.
- D. Granular or stone bedding of any kind for RCP.
- E. Cost for design engineer to produce as-built record drawings.
- F. Locating or height adjustment of castings due to grade changes made by others (i.e., at the end of the maintenance bond period). This work will be performed on a Time & Material basis.
- G. Sales tax.

TOTAL BID AMOUNT = \$101,821.00 ~

WAYNE J. KRAMER INC.

5845 S. 800 E. ZIONSVILLE,IN 46077

(317)-873-4558

Proposal

Proposal No.

2121

Date

7/28/04

Proposal Submitted To:

Brenwick Development 12722 Hamilton Crossing Blvd. Carmel, IN 46032 Work to be Performed at:

12002 A& B West Clay

Project:

Erosion Control

We hereby propose to furnish the materials and perform the labor necessary for the completion of:

TOTAL

\$ 96,000

\$58,000 12002-A \$38,000 12002-B

Proposal Includes:

All material guaranteed as specified and the above work performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of:

Payment to be made as follows: NET 30

Signature:

___Date_7/28/04

Acceptance Of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to complete this contract as specified. Payment will be made as outlined.

Date of Acceptance: ______

Signature:

Adams LZ5811 0199



BOND SAFEGUARD INSURANCE COMPANY Lombard, IL 60148

SUBDIVISION PERFORMANCE BOND

BOND #5012499

KNOW ALL MEN BY THESE PRESENTS, That we, Brenwick Development Company, Inc., 12821 East New Market Street, #200, Carmel, IN 46032, as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Avenue, Bldg. A-Suite 300, Lombard, IL 60148, as Surety, are held and firmly bound unto Board of Commissioners of Hamilton County, One Hamilton County Square, Noblesville, IN 46060, as Owner, in the sum of **One Hundred One Thousand Eight Hundred Twenty One and 00/100**Dollars (\$101,821.00), for payment of which we firmly bind ourselves, our heirs, executors, administrators, and assigns.

THE CONDITION OF THIS BOND is such that if the said Principal shall complete the construction of Storm Sewers for the Village of WestClay Subdivision, Section 12002-A, according to the approved plans and specifications on file with the Board of Commissioners of Hamilton County, then this obligation is null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 4th Day of August, 2004.

Brenwick Development Company, Inc.

KEITH LASH, V.P. OPERATIONS

Bond Safeguard Insurance Company

Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc. 7393 Business Center Drive, Suite 200 Avon, IN 46123 (317) 272-4861

POWER OF ATTORNEY

Bond Safeguard INSURANCE COMPANY

ao 30466

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: Anthony George Balzano,

Deborah Mary Roth, Jacqueline Demeter

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" MICHELE KOLLER Notary Public, State of Illinois My Commission Expires 08/28/07

Michele Koller **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 4th August Day of ARD INSURANCE ILLINOIS ve of the Hamilton County Surveyor's Office; Noblesville, In 46086 d D. Buchanan This copy Secretary



BOND SAFEGUARD INSURANCE COMPANY Lombard, IL 60148

SUBDIVISION PERFORMANCE BOND

BOND #5012500

KNOW ALL MEN BY THESE PRESENTS, That we, Brenwick Development Company, Inc., 12821 East New Market Street, #200, Carmel, IN 46032, as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Avenue, Bldg. A-Suite 300, Lombard, IL 60148, as Surety, are held and firmly bound unto Board of Commissioners of Hamilton County, One Hamilton County Square, Noblesville, IN 46060, as Owner, in the sum of **Fifty Eight Thousand and 00/100**Dollars (\$58,000.00), for payment of which we firmly bind ourselves, our heirs, executors, administrators, and assigns.

THE CONDITION OF THIS BOND is such that if the said Principal shall complete the construction of Erosion Control for the Village of WestClay Subdivision, Section 12002-A, according to the approved plans and specifications on file with the Board of Commissioners of Hamilton County, then this obligation is null and void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seal this 4th Day of August, 2004.

Brenwick Development Company, Inc.

KATH LASH UP OPERATIONS

Bond Safeguard Insurance Company

Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc. 7393 Business Center Drive, Suite 200 Avon, IN 46123 (317) 272-4861

POWER OF ATTORNEY

Bond Safeguard INSURANCE COMPANY

AO 30467



MON ALL MEN DI THESE PRESENTS.	, that BOND SAFEGUARD INSURANCE COMPANY, an Illinois Corporation with its
principal office in Lombard, Illinois, does hereby cons	stitute and appoint: Anthony George Balzano,
Deborah Mary Roth, Jacqueline De	meter
its true and lawful Attorney(s)-In-Fact to make, execu other writings obligatory in nature of a bond.	ite, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings o
This authority is made under and by the SAFEGUARD INSURANCE COMPANY on the 7th d	e authority of a resolution which was passed by the Board of Directors of BOND lay of November, 2001 as follows:
or other writings obligatory in nature of a bond not to execute through its duly elected officers, and affix the In-Fact shall be as binding upon the Company as if the	ny is hereby authorized to appoint and empower any representative of the Company of te on behalf of the Company any bonds, undertakings, policies, contracts of indemnity of exceed \$500,000.00, Five Hundred Thousand Dollars, which the Company might seal of the Company thereto. Any said execution of such documents by an Attorney-ley had been duly executed and acknowledged by the regularly elected officers of the eremoved for good cause and the authority so granted may be revoked as specified in
and any such power or certificate bearing such facsim	nt and the seal of the Company may be affixed by facsimile on any power of attorney ne seal of the Company may be affixed by facsimile to any certificate of any such power ille signature and seal shall be valid and binding on the Company. Any such power so sealed shall, with respect to any bond or undertaking to which it is attached, continue
IN WITNESS THEREOF, BOND SAFEGI President, and its Corporate Seal to be affixed this 7th	UARD INSURANCE COMPANY has caused this instrument to be signed by its a day of November, 2001.
AN ILLINOIS INSURANCE COMPANY	BOND SAFEGUARD INSURANCE COMPANY
	BY David E. Campbell President
	ACKNOWLEDGEMENT
	e me, personally came David E. Campbell to me known, who being duly sworn, did EGUARD INSURANCE COMPANY, the corporation described in and which executed ent on behalf of the corporation by authority of his office under the By-laws of said
"OFFICIAL SEAL" MICHELE KOLLER Notary Public, State of Illinois My Commission Expires 08/28/07	Michele Koller Notary Public
	CERTIFICATE
I, the undersigned, Secretary of BOND SAFI CERTIFY that the original Power of Attorney of which the revoked and the resolutions as set forth are now in force	EGUARD INSURANCE COMPANY, An Illinois Insurance Company, DO HEREBY he foregoing is a true and correct copy, is in full force and effect and has not been e.
Signed and Sealed at Lombard, Illinois this	4th Day of August 20 04
This copy strom the Hami	Honald D. Buchanan ilton County Surveyor's Office; Noblesville, In 48060ald D. Buchanan

Secretary

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Village of West Clay Drain, Section 12002-A Arm

On this **22nd day of November**, **2004**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Village of West Clay Drain**, **Section 12002-A 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 CO	UNTY BRAINAGE	BOARD
Mi	lle-	
President		*
Que	adel	
Member		
Member		

Attest: Synth Mashrung

CERTIFICATE OF COMPLETION AND COMPLIANCE

TO: HAMILTON COUNTY SURVEYOR RE: Village of West Clay Section 12002-A

I hereby certify that:

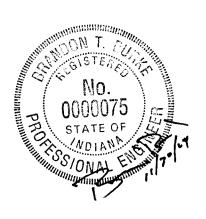
1. I am a Register Engineer in the State of Indiana

- 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, and
- 4. To the best of my knowledge, information and belief, the Drainage Facilities within the subdivision has been installed and completed in conformity with all plans and specifications.

Signature:	Date: 11/30/04
Type or print name:	Brandon T Burke, P.E.
Business /Address:	The Schneider Corporation
	12821 E. New Market Street, Suite 100, Carmel, IN 46032
Telephone: (317) 5	569-8112
	INDIANA REGISTRATION NUMBER

PE 10000075

SEAL





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

March 15, 2006

Re: Villages of West Clay Drain: Section 12002A Arm

Attached are as-builts, certificate of completion & compliance, and other information for Village of West Clay Section 12002A. 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 22, 2004. The report was approved by the Board at the hearing held November 22, 2004. (See Drainage Board Minutes Book 8, Pages 75-77) The changes are as follows:

J				Up			
Structure:	Length:	Size	Material:	Invert:	Dn_Invert	Grade:	Changes(ft):
G622-G619	288	18	RCP	885.2	884.8	0.14	
G619-G618	146	24	RCP	884.8	884.44	0.25	-1
G618-G617	187	27	RCP	884.44	884.17	0.14	1
G617-G616	29	27	RCP	884.17	884.02	0.52	
G616-G615	40	27	RCP	884.02	883.94	0.2	-1
G621-G620A	47	15	RCP	885.59	885.34	0.53	
G620A-G620	28	15	RCP	885.34	885.23	0.39	
G620-G619	176	15	RCP	885.23	884.8	0.24	1
P604-P603	153	12	RCP	881.67	881.09	0.38	-9
P603-P602	214	12	RCP	881.09	880.03	0.5	2
P602-P601	203	12	RCP	879.85	878.59	0.62	24
P601-EXISTING	203	12	RCP	879.85	878.59	0.62	
G631-G630	127	24	RCP	883.13	882.89	0.19	-3
A745-G630	385	24	RCP	882.89	882.53	0.09	-2

RCP Pipe Totals:

12	773		
15	251		
18	288		
24	658		
27	256		

2226

Total:

The length of the drain due to the changes described above is now 2,226 feet.

The non-enforcement was approved by the Board at its meeting on November 22, 2004 and recorded under instrument #200400080357.

The following sureties were guaranteed by Bond Safeguard Insurance and released by the Board on its January 23, 2006 meeting.

Bond-LC No: 5012499 **Bond-LC No:** 5012500

Amount: \$101,821 **Amount:** \$58,000

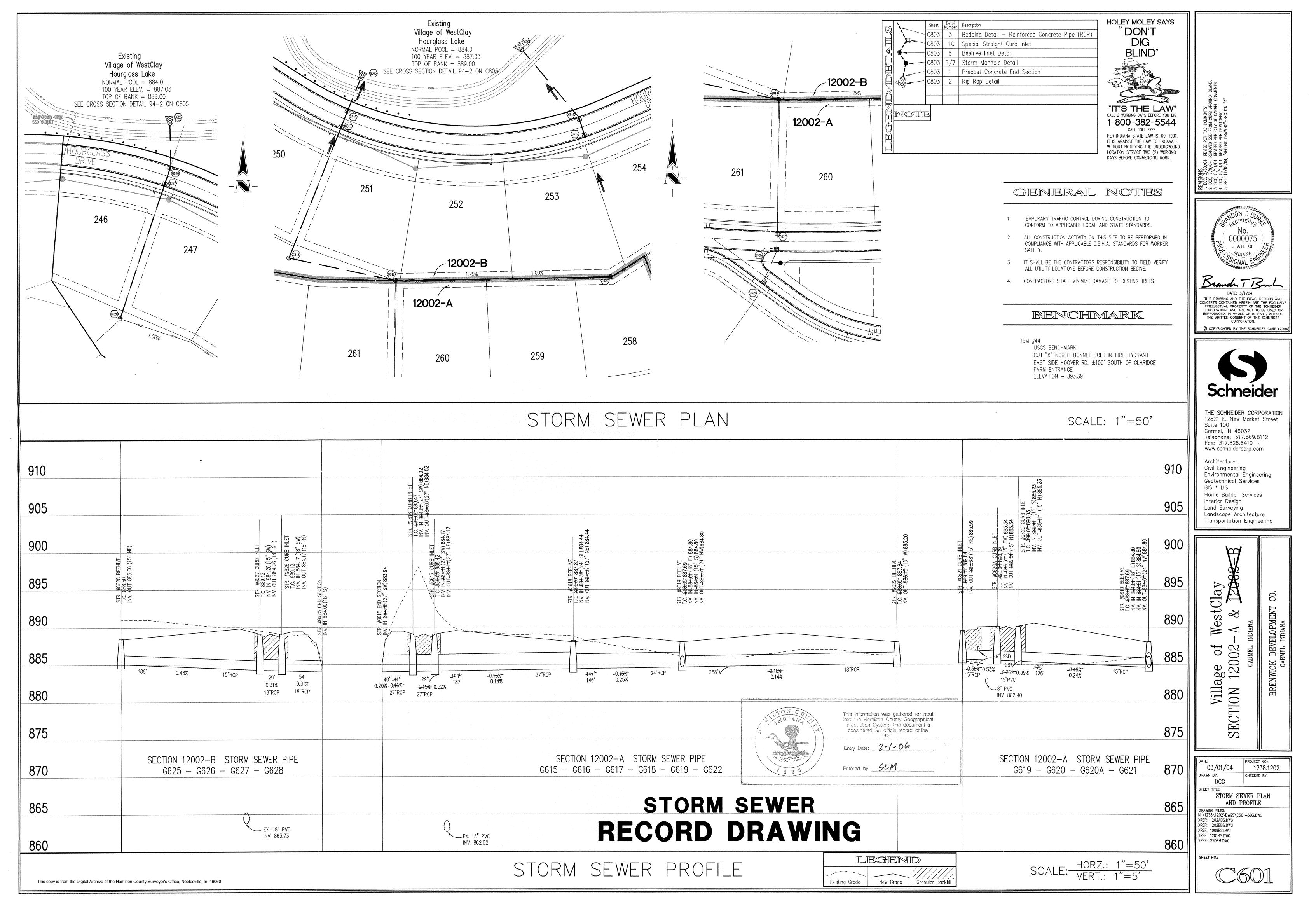
I recommend the Board approve the drain's construction as complete and acceptable.

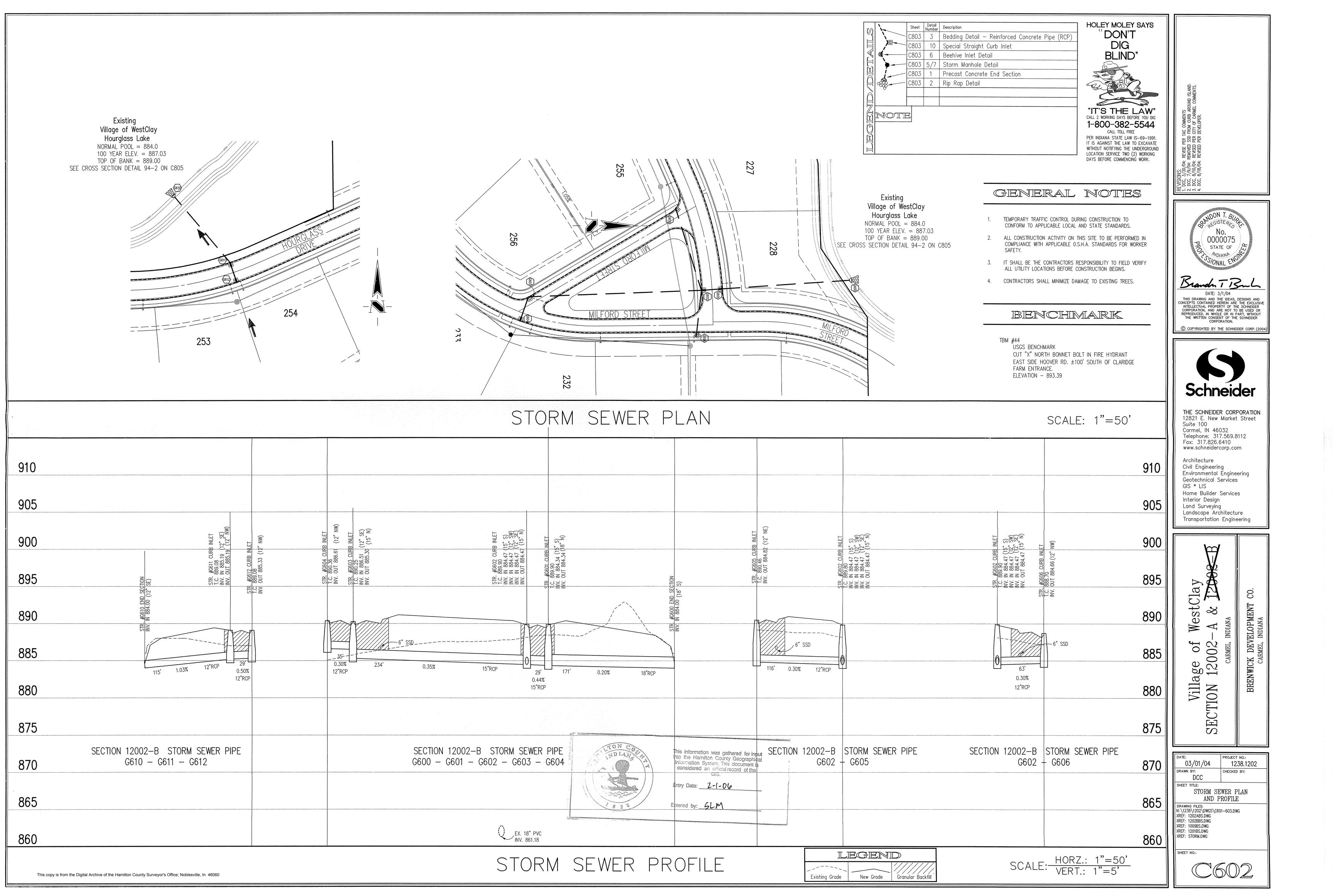
Sincerely,

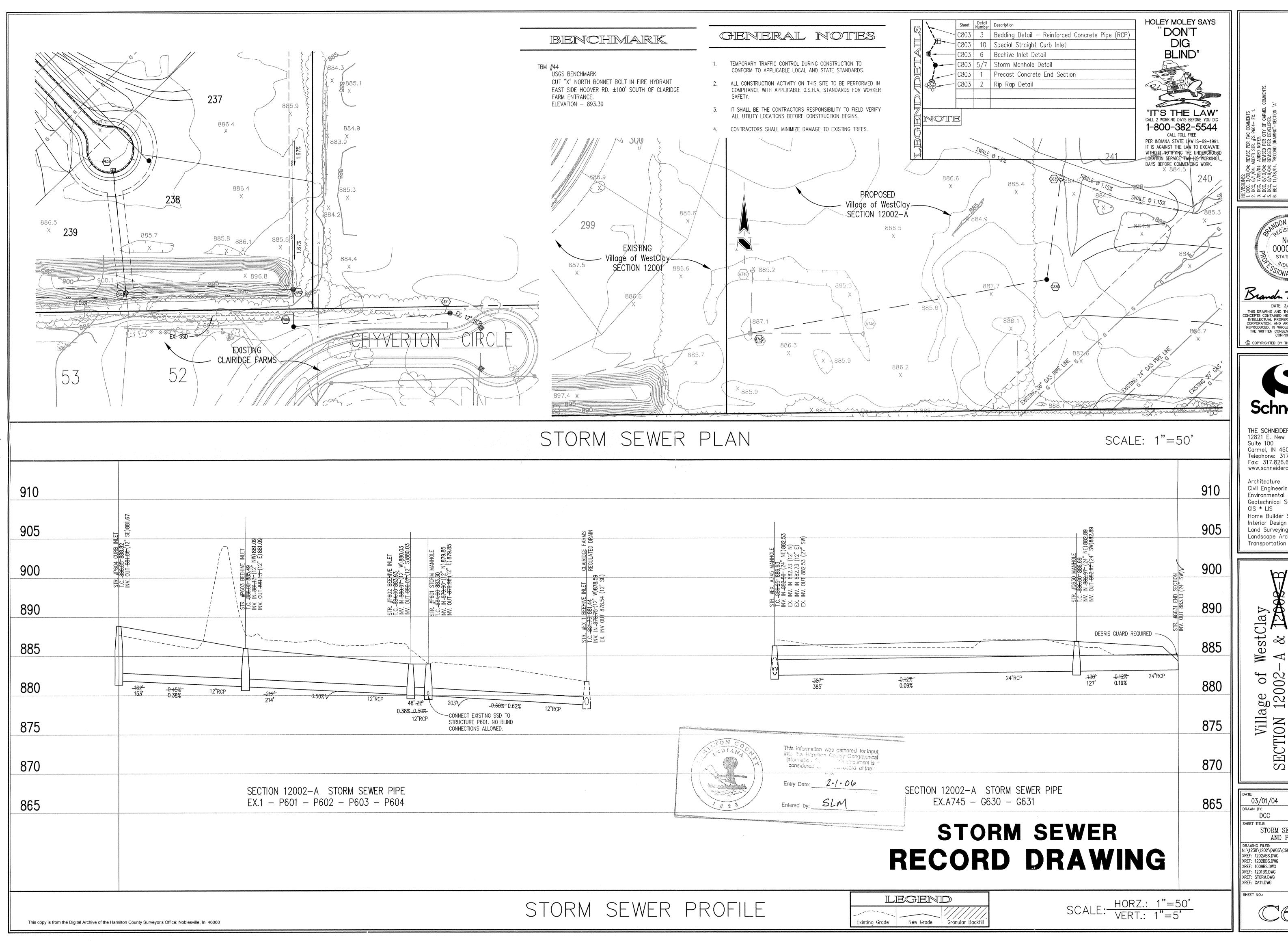
Kenton C. Ward,

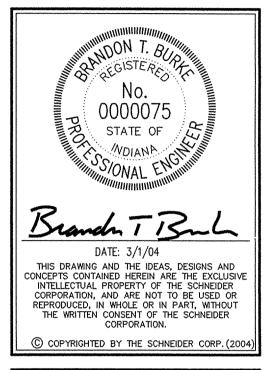
Hamilton County Surveyor

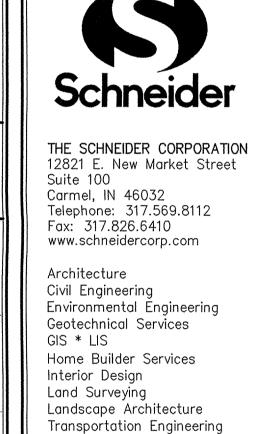
KCW/slm











Village of WestClay SECTION 12002-A & ISBREE

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	 	1238.1202			
	DRAWN BY:	CHECKED BY:			
	DCC				
	SHEET TITLE:				
	STORM SEWER PLAN				
	AND PROFILE				
	DRAWING FILES: N: \1238\1202\DWGS\C60	N: \1238\1202\DWGS\C601-603.DWG			
	XREF: 1202ABS.DWG				
	XREF: 1202BBS.DWG XREF: 1009BS.DWG				
	XREF: 1201BS.DWG				
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