

October 22, 2004

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Section 5001 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 5001 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	464 feet	15" RCP	492 feet
18" RCP	172 feet	27" RCP	353 feet

The total length of the drain will be 1,481 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 for common areas and platted lots, \$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 \$6,531.30.

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	Agent: Bond Safeguard Insurance
Date: August 4, 2004	Date: August 4, 2004
Number: 5012514	Number: 5012515
For: Storm Sewers	For: Erosion Control
Amount: \$97,704.00	Amount: \$31,000.00

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

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.

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 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 5001 as recorded in the office of the Hamilton County Recorder.

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

Hamilton County Surveyor

KCW/pll

STATE OF INDIANA)) COUNTY OF HAMILTON)

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

In the	e matter of	Village of WestClay		Subdivision,
Section _	5001		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>Village of WestClay</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 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.

KEUEN KALLEL BRENWELK DEVELOPMENT COMPANY, DNL Printed Name AN AGENT TO BRENWELK TND COMMUNICATES, LLC. (OWNER)

Signed

Printed Name

RECORDED OWNER(S) OF LAND INVOLVED

DATE 3/25/04

N:\1238\5001\docs\REGULATED DRAIN FORM.doc



317-769-6922

1-800-886-6922

FAX 317-769-5525

4937 Fieldstone Drive

Whitestown, IN-46075

DATE: August 12, 2004

CUSTOMER: Brenwick Development Co.

JOB NAME: West Clay 5001 & West Clay 5002 (Bulk)

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 i pontrol; 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 / DEVE OPER, INC. shall be liable only for the replacement of same. This proposal is valid for 30 days

This proposal is based on drawings and specifications prepared by chineider Engineering dated 3/1/04 with revisions dated 4/19/04. 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 c 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 anticipated earthwork balance. Verification of existing elevations will take place as soon as construction staking for the project occurs.

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

- West Clay 5001 & 5002 (Bulk)2 Proposal & Contract 08/12/2004
 - F. Refection of existing utilities.
 - G. Cost regimeer to produce as-built record drawing
 - H. Videotape instantion of the sanitary sewer mains after the installation.
 - I. Bituminous coating to pholes or installation of ania-Shield" seals.
 - J. Fine grading, seeding and some of offerences.
 - K. Locating or height adjustment of the set of castings or clean outs due to grade changes made by others (i.e., at the end of statistical number of period). This work will be performed on a Time & Material contrasts.
 - L. The installation of a deep well dewatering system to be the water table below the pipe grade.
 - M. Sale

TOTAL BID AMOUNIT =

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. Granular backfill in all proposed paved areas,
- F. 6" Double Wall SSD (HDPE) subsurface drains under curbs and 4" yard laterals.
- G. #8 stone backfill as required for subsurface drains.
- H. 3 Year 20% Maintenance bond.

Excludes:

- A. Field engineering and soils testing.
- B. West Clay 5002 Utilities
- C. Permits or performance bonds.
- D. Relocation of existing utilities.
- E. Granular or stone bedding of any kind,
- F. #8 stone backfill as required for subsurface drains.
- G. Cost for design engineer to produce as-built record drawings.
- H. 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.
- I. Sales tax.

TOTAL BID AMOUN'T = \$ 104,777.00



BOND SAFEGUARD INSURANCE COMPANY Lombard, IL 60148

SUBDIVISION PERFORMANCE BOND

HCDB-2004-00071

BOND #5012515

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 ****Thirty One Thousand and 00/100**Dollars (\$31,000.00)**, 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 5001, 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.

By: KATTH LASH, VP OPERATIONS

Bond Safeguard Insurance Company

By: K/1h

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



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:

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

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

ulu

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 ar	nd Sealed at Lo	mbard, Illir	nois this <u>4th</u>	Day of	August	. 20	04	
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	SEEGUARD INSUR	NACK)			\cap	110	12 1	
	AN AN				-Hon	ald Di	Duchanan	
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	INSURANCE	=)₹					D. Buchanan	
\						S	ecretary	



Anthony George Balzano,



HCDB-2004-0007D

BOND SAFEGUARD INSURANCE COMPANY Lombard, IL 60148

SUBDIVISION PERFORMANCE BOND

BOND #5012514

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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 5001, 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.

By: ITH LASH, VP. OPERATIONS Bond Safeguard Insurance Company

By: Kulacak)

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

^{AO} 30482 Bond Safeguard INSURANCE COMPANY

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

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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.

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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

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Michele Koller Notary Public

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Signed and Sealed at Lombard, Illinois this <u>4th</u> Day of	August . 20 04	
This copy is from the Hamilton County Surveyor's C	Office; Noblesville, In 46060 Donald D	Buchanan Buchanan cretary

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Village of West Clay Drain, Section 5001 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 5001 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

Seguette Markow Attest: -

Village of West Clay Drain - Section 5001: There were neither landowners present nor objections on file.

The Surveyor presented his report to the Board for approval.

"October 22, 2004

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Section 5001 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 5001 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	464 feet 927	15" RCP	492 feet	157
18" RCP	172 feet 170	27" RCP	353 feet	353

The total length of the drain will be 1,481 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 for common areas and platted lots, \$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 \$6,531.30.

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:	5012	2514	
For: 5	Storm S	Sewers	
Amount	\$97,	704.00	

Agent: Bond Safeguard Insurance Date: August 4, 2004 Number: 5012515 For: Erosion Control Amount: \$31,000.00

......

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.

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CERTIFICATE OF COMPLETION AND COMPLIANCE

TO: HAMILTON COUNTY SURVEYOR

RE: Village of West Clay Section 5001

I hereby certify that:

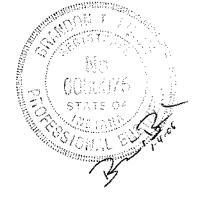
- 1. I am a Register Engineer in the State of Indiana
- 2. I am familiar with the plans and specifications for the above referenced subdivision.
- 3. I have personally observed and supervised the completion of the Drainage Facilities for the above referenced subdivision, and
- 4. The drainage facilities within the above referenced subdivision to the best of my knowledge, information, and belief have 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:	Date: Date:
Type or print name:	Brandon T Burke, P.E.
Business /Address:	The Schneider Corporation
-	12821 E. New Market Street, Suite 301, Carmel, IN 46032

Telephone: (317) 826-6401

INDIANA REGISTRATION NUMBER

SEAL



PE 10000075



DRAIN: <u>HIGHOFT CREEK</u> IMPROVEMENT-ARM: <u>VOWC 5001</u> HEARING DATE: <u>Nov 22, 2004</u> DRAIN BOOK & PAGE: <u>BK 3 P6 69-70</u> Just. 2004

Oct. 9, 2001,

\$ 2005 00044101

FINAL REPORT CHECKLIST

- RELEASE BONDS
- NON-ENFORCEMENT
- ENG CERT OF CC
- ASBUILTS

181004

- FIGURE PIPE LENGTHS
- ENTER INTO GIS
- WRITE FINAL REPORT
- ENTER INTO POSSE

ENTER INTO GASB 34 SPREADSHEET

SCAN SURVEYOR'S REPORTS

EMAIL WORD FILES TO LYNNETTE

COPIES OF REPORTS TO LYNNETTE

JAN 9,06 JAN 9,06 1728-07 Bone 10-2-07 10.2.07





Kenton C. Ward, CFM Surveyor of Hamilton County Phone (317) 776-8495 Fax (317) 776-9628 To: Hamilton County Drainage Board

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

September 28, 2007

Re: Village of West Clay Drain: Section 5001

Attached are as-builts, certificate of completion & compliance, and other information for Village of West Clay Section 5001. 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 69-70) The changes are as follows:

Structure:	Length:	Size	Material:	Up Invert:	Dn_Invert	Grade:	Changes:
674-EX	39	12	RCP	896.65	895.88	1.97	
675-EX	37	12	RCP	896.62	895.9	1.95	1
675A-675	38	12	RCP	897.09	896.65	1.16	
676-EX	58	12	RCP	896.12	896	0.21	1
676A-676	20	12	RCP	896.3	896.25	0.25	
645A-EX	24	12	RCP	896.2	895.56	2.67	
645-645A	62	12	RCP	897.43	896.23	1.84	1
646-645	30	12	RCP	899.02	898.63	1.3	
662-EX	44	15	RCP	896.76	896.19	1.3	
663-662	126	12	RCP	898.2	897.09	0.88	-2
640B-640A	10	12	RCP	899.73	899.58	1.5	2
661-650	21	12	RCP	898.74	898.5	1.14	
661A-661	20	12	RCP	899.13	899	0.65	
657-649	112	18	RCP	896.48	896.25	0.21	2
658-657	58	18	RCP	896.61	896.48	0.22	4
647A-EX	26	27	RCP	895.26	895.15	0.42	2
647-647A	34	27	RCP	895.52	895.32	0.59	-24
648-647	264	27	RCP	896.2	895.52	0.26	1
649-648	29	27	RCP	896.25	896.2	0.17	
650-649	43	15	RCP	897	896.25	1.74	-2
651-650	72	15	RCP	897.37	897.03	0.47	
651A-651	20	12	RCP	897.41	897.37	0.2	
652-651A	203	12	RCP	898.71	897.45	0.62	-2

653-652	109	12	RCP	899.3	898.71	0.54	2
654-653	30	12	RCP	899.68	899.39	0.97	
655-647	14	12	RCP	899.39	899.12	1.93	2
656-655	30	12	RCP	899.55	899.42	0.43	
656A-656	36	12	RCP	900.37	899.88	1.36	

RCP Pipe Totals:

Total:		1609
	27	353
	18	170
	15	159
	12	927

The length of the drain due to the changes described above is now 1609 feet.

The non-enforcement was approved by the Board at its meeting on November 22, 2004 and recorded under instrument #200500044101.

The following sureties were guaranteed by Bond Safeguard Inaurance and released by the Board on its October 9, 2006 meeting.

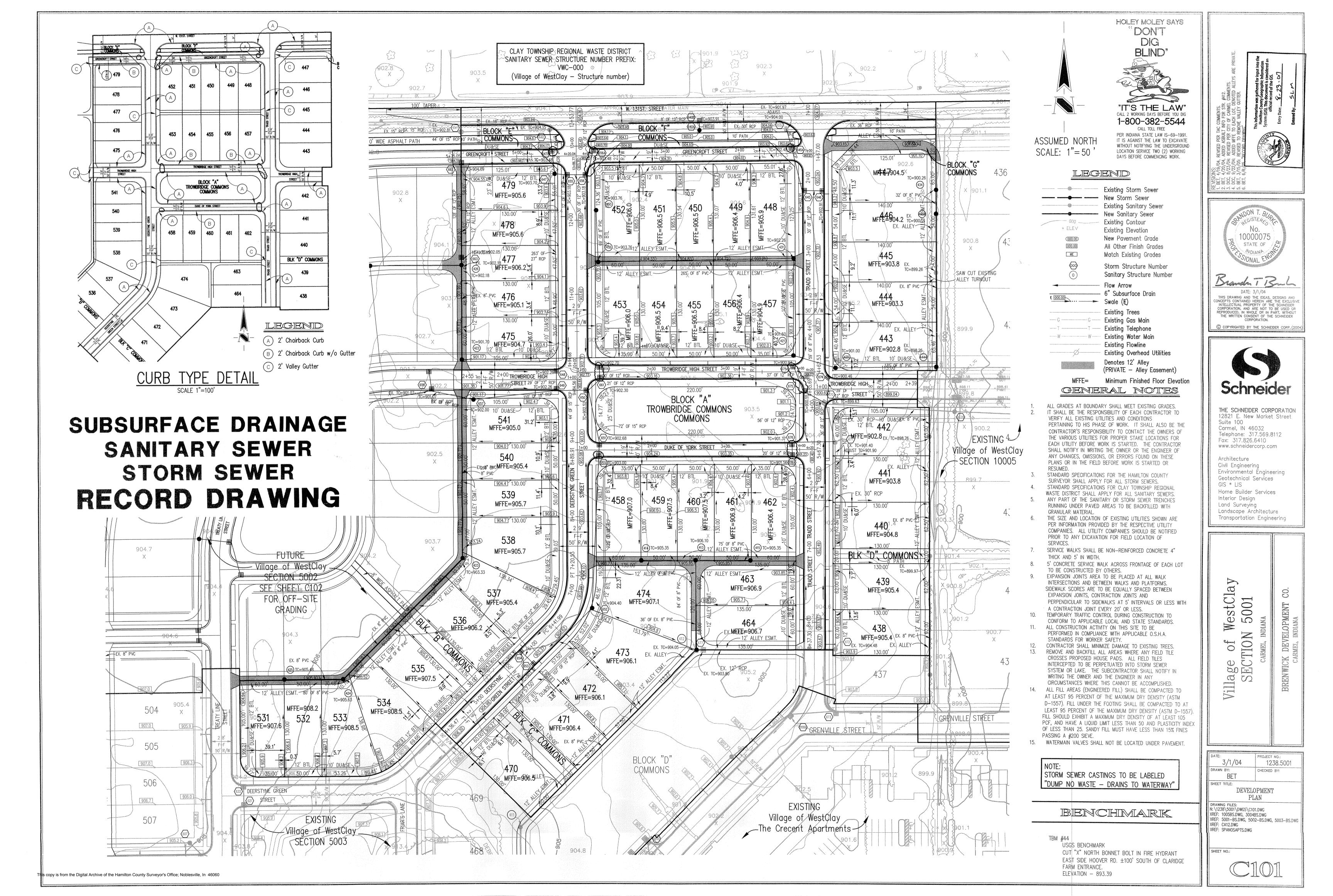
Bond-LC No: 5012514 Insured For: Storm Sewers Amount: \$97,704.00 Issue Date: August 4, 2004 Bond-LC No: 5012515 Insured For: Erosion Control Amount: \$31,000.00 Issue Date: August 4, 2004

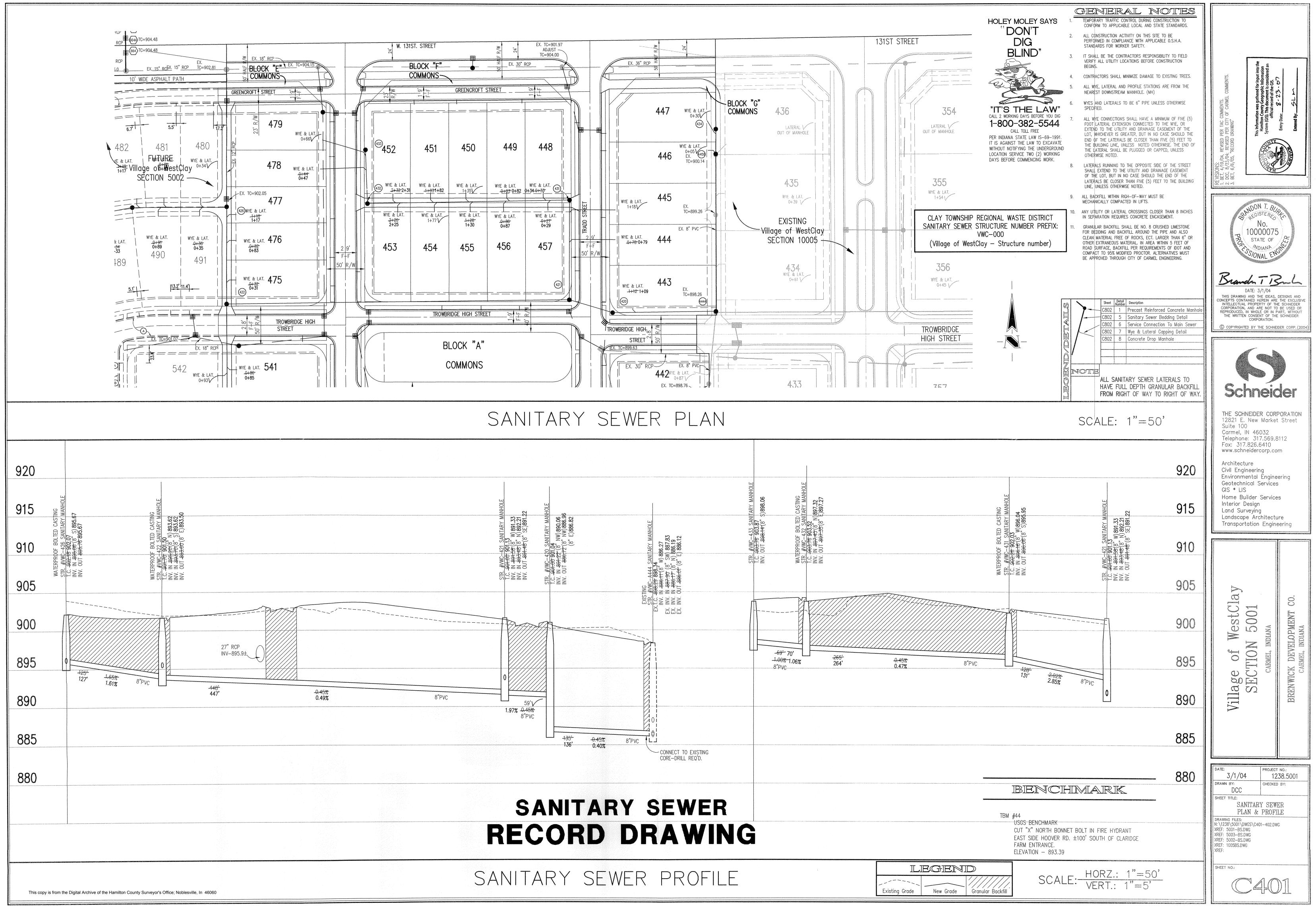
I recommend the Board approve the drain's construction as complete and acceptable.

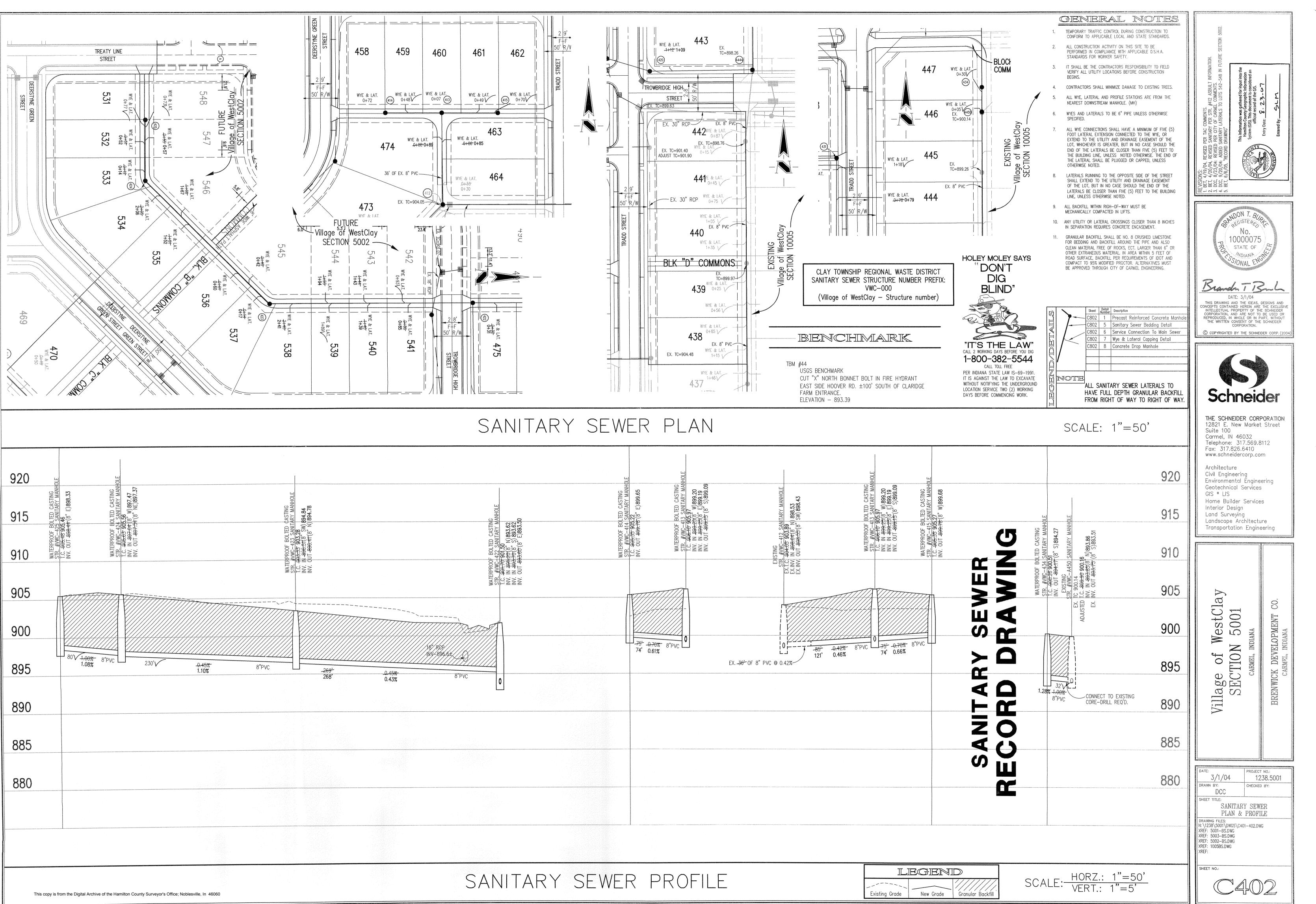
Sincerely,

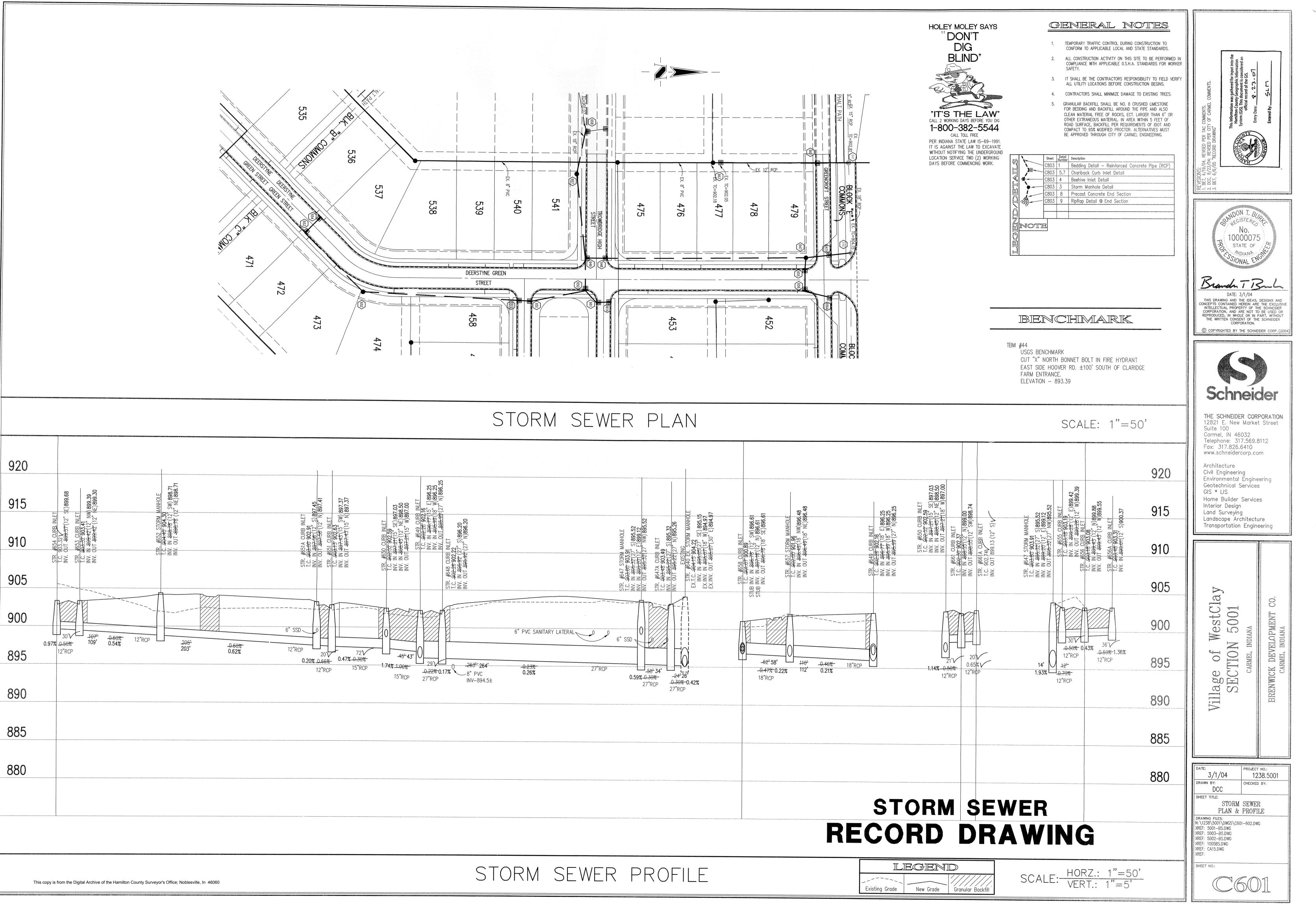
Kenton V. Ward, CFM Hamilton County Surveyor

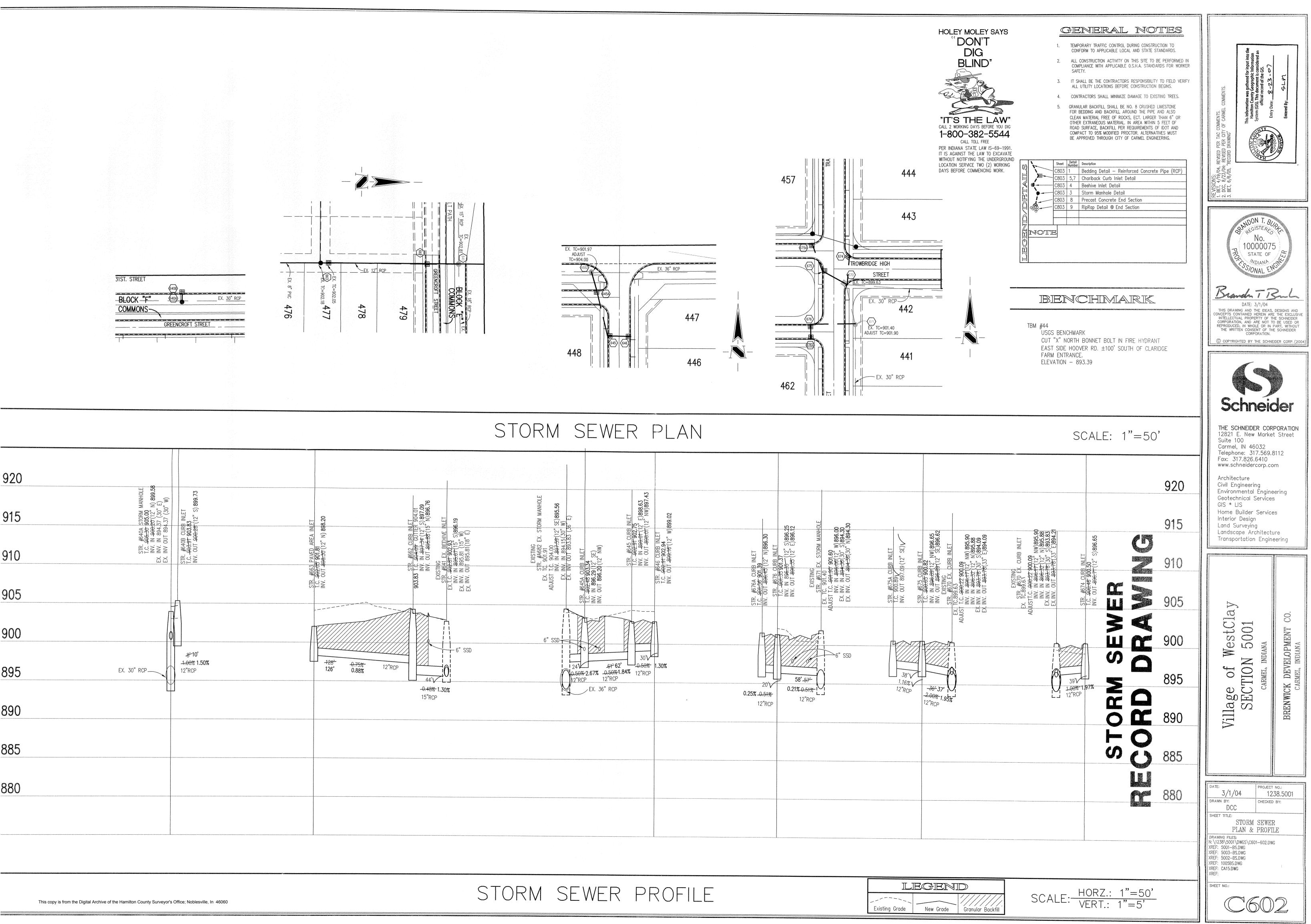
KCW/slm











		LEGEND
JRIVI JEWER	PRUFILE	
		Existing Grade New Grade Gra