



*Kenton C. Ward, Surveyor*

*Phone (317) 776-8495*

*Fax (317) 776-9628*

*Suite 188*

*One Hamilton County Square*

*Noblesville, Indiana 46060-2230*

June 7, 2006

To: Hamilton County Drainage Board

Re: Village of West Clay Drain, Section V02-B 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 V02-B 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	454 ft	18" RCP	139 ft.
15" RCP	304 ft	21" RCP	81 ft.

The total length of the drain will be 978 feet.

The retention pond (Druid Pond) which is located in Commons Block "G" of Section 3004 is not to be considered part of the regulated drain for maintenance purposes. Only the inlets and outlets will be maintained as part of the regulated drain. The maintenance of the pond (lake) shall be the responsibility of the Homeowners Association as per the subdivision covenants on pages 11 and 12, sections 4 and 5, and recorded in the Office of the Hamilton County Recorder as instrument number 199909946964. The Board will however, retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained, thereby, allowing no fill or easement encroachments.

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 Commissioner's 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 \$2,909.56.

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

Agent: Bond Safeguard Insurance Co.  
Date: May 8, 2006  
Number: 5020762  
For: Storm Sewers  
Amount: \$55,885.20

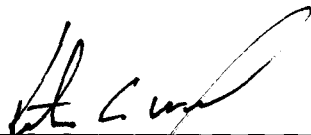
Agent: Bond Safeguard Insurance Company  
Date: May 8, 2006  
Number: 5020763  
For: Erosion Control  
Amount: \$26,400.00

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.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC36-9-27-67 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 V02-B as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for October 23, 2006.

  
\_\_\_\_\_  
Kenton C. Ward  
Hamilton County Surveyor

KCW/llm

STATE OF INDIANA       )  
                                      )  
COUNTY OF HAMILTON )

TO: HAMILTON COUNTY DRAINAGE BOARD

% Hamilton County Surveyor  
One Hamilton County Square, Suite 188  
Noblesville, IN. 46060-2230

In the matter of \_\_\_\_\_ Village of WestClay \_\_\_\_\_ Subdivision, Section  
VO2-B \_\_\_\_\_ 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 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 \_\_\_\_\_ Signed \_\_\_\_\_

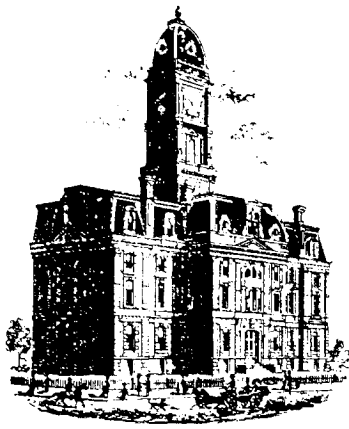
KEVIN KIRULIK, AGENT TO BREWICK TRD COMMUNITIES, LLC  
Printed Name \_\_\_\_\_ Printed Name \_\_\_\_\_

4/6/06  
Date \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Signed \_\_\_\_\_ Signed \_\_\_\_\_

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

\_\_\_\_\_  
Date \_\_\_\_\_ Date \_\_\_\_\_



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 16, 2007**

**Re: Village of West Clay Drain: Section V02B**

Attached are as-builts, certificate of completion & compliance, and other information for Village of West Clay Section V02B. 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 there were no significant changes made to the drainage plans submitted with my report for this drain-dated September 30, 2005. The report was approved by the Board at the hearing held November 28, 2005. (See Drainage Board Minutes Book 8, Pages 530-532) Therefore, the length of the drain remains at **13 feet**.

The non-enforcement was approved by the Board at its meeting on November 28, 2005 and recorded under instrument #200600055539.

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

**Bond-LC No:** 5017039  
**Insured For:** Storm Sewers  
**Amount:** \$22,224  
**Issue Date:** August 17, 2005

**Bond-LC No:** 5017040  
**Insured For:** Erosion Control  
**Amount:** \$17,086  
**Issue Date:** August 17, 2005

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

Sincerely,

Kenton C. Ward,  
Hamilton County Surveyor, CFM

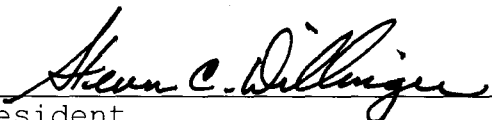
KCW/slm

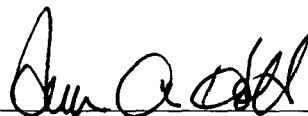
**FINDINGS AND ORDER**  
**CONCERNING THE MAINTENANCE OF THE**  
**Village of West Clay Drain, Section V02-B Arm**

On this **23rd day of October 2006**, 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 V02-B Arm**.

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

HAMILTON COUNTY DRAINAGE BOARD

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Member

  
\_\_\_\_\_  
Member

Attest: 