

SURVEYOR'S OFFICE
Hamilton County

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

July 31, 2008

To: Hamilton County Drainage Board

RE: Elizabeth Warner Drain; The Legacy Reconstruction

Attached is a petition and plans for the proposed relocation and reconstruction of the Elizabeth Warner Drain. The relocation is being proposed by Platinum Properties, LLC. The proposal is to reconstruct the Elizabeth Warner Drain through The Legacy development and outlet back into the pond in Haverstick, which is the downstream portion of the Elizabeth Warner Drain.

The new line will consist of the following: the drain begins as open channel in the Haverstick pond at the point where the existing drain enters the pond, then it goes north in the pond approximately 220 feet to Str. 131, then to Str. 131A, and then 132. The drain is then approximately 470 feet of open channel through Lake #1 to Str. 133, then to Str. 134, 137, 138, 139, 177, and 178. The drain again becomes 295 feet of open channel through Lake #2 to Str. 179. The drain continues to Str. 180, 181, 182, 183, 184, and ending at Str. 185, which is the outlet on Lake #3. This is all shown on sheet C203, C600, C601, and C602 of The Legacy Residential Section 1, Phase 1 plans by Stoeppelwerth and Associates, dated 12/12/07, having last revision date of 6/13/08, and having job number 55115-R1.

The drain in total will consist of the following lengths:

| | |
|------------------|------------------------|
| 18" RCP – 776 ft | 30" RCP – 503 ft |
| 36" RCP – 901 ft | 42" RCP – 477 ft |
| | Open Channel – 985 ft. |

The total length of new drain shall be 3,642 feet. The 3,335 feet of original drain between Sta. 0+00 and approximately Sta. 30+58 per the 1928 legal description for the Elizabeth Warner Drain and between Sta. 32+67 and Sta. 35+44 per the 1877 legal description for the Thomas L. Dawson Arm of the Elizabeth Warner Drain shall be vacated. This proposal will add 307 feet to the drains total length.

The cost of the relocation is to be paid by the Platinum Properties, LLC.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Co.: Bond Safeguard Insurance Company

Bond Number: 5033232

Bond Date: April 10, 2008

Bond Amount: \$182,400.00

As future development of the Legacy continues, a new drainage line will be provided from this reconstructed drain to the north to provide a future outlet point for 146th Street.

The easement for the drain in The Legacy development area shall be set at 75' per half from the centerline of the drain as set out in IC 36-9-27-33. The easements will be reduced in the future as future sections of The Legacy are platted and Subdivision Non-Enforcement Agreements are filed. The easement within the Settlers Ridge at Haverstick Subdivision, parcel 16-10-22-04-03-029.000, owned by Haverstick Homeowners Association, Inc., shall be those easements shown of the secondary plat for Settler's Ridge at Haverstick, Section 1, as recorded in the office of the Hamilton County Recorder, as instrument number 200000054647 (PC 2, Slide 510).

I recommend the Board set a hearing for this proposed drain for September 22, 2008.

Sincerely,



Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA


IN RE: Elizabeth Warner Legal Drain)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Platinum Properties, LLC (hereinafter "Petitioner"),
hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a
section of the Elizabeth Warner Drain, and in support of
said petition advises the Board that:

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

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


Signed _____
TIMOTHY J. WALKER
Printed _____

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Elizabeth Warner Drain, The Legacy 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 **Elizabeth Warner Drain, The Legacy Reconstruction** on **September 22, 2008**, at **9:05 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 **Elizabeth Warner Drain, The Legacy
Reconstruction**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 22, 2008** 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: Steven A. Holt
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Elizabeth Warner Drain, The Legacy Reconstruction

Station 0+00 to Approximately Station 30+58

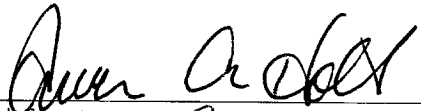
Elizabeth Warner Drain, Thomas L. Dawson Arm

Station 32+67 to Station 35+44


On this *22nd day of September 2008*, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Elizabeth Warner Drain, The Legacy Reconstruction, Station 0+00 to approximately Station 30+58 and Elizabeth Warner Drain, Thomas L. Dawson Arm, Station 32+67 to Station 35+44.**

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Elizabeth Warner Drain, The Legacy Reconstruction.**

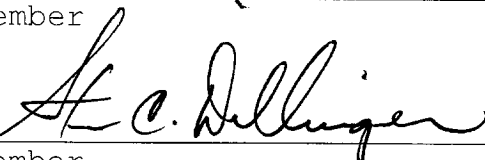
HAMILTON COUNTY DRAINAGE BOARD



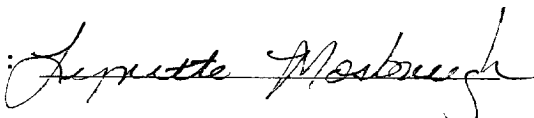
President



Member



Member

Attest: 

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Elizabeth Warner Drain, The Legacy Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the **Elizabeth Warner Drain, The Legacy Reconstruction** came before the Hamilton County Drainage Board for hearing **on September 22, 2008**, 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.

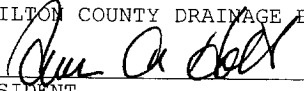
The Board having considered the evidence and objections, upon motion duly made, seconded and unanimously carried, did adopt the Schedule of Assessments as proposed, subject to amendment after inspection of the subject drain as it relates to the lands of any owners which may have been erroneously included 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 **Elizabeth Warner Drain, The Legacy Reconstruction** 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



The Legacy Residential
Section 1, Phase 1

Performance Bond Cost Estimate (Elizabeth Warner Reconstruction)
Revised 4/9/2008

By: TKB

| Item No. | Item | Unit | Unit Cost | Quantities | Cost |
|--------------------|----------------------------|------|-------------|------------|-------------------|
| 1 | Earthwork (Lake #1) | | | | |
| | Stripping Topsoil | CYS | \$ 1.20 | 911.00 | \$ 1,093 |
| | Mass Excavation | CYS | \$ 1.52 | 9,414.00 | \$ 14,309 |
| | Finish Grading | SYS | \$ 0.22 | 3,700.00 | \$ 814 |
| | Total | | | | \$ 16,220 |
| 2 | Erosion Control | | | | |
| | Seeding & Grading | SF | \$ 0.055 | 54,000.00 | \$ 2,970 |
| | Erosion Control Blanket | SF | \$ 0.15 | 33,300.00 | \$ 4,995 |
| | Total | | | | \$ 7,970 |
| 3 | Storm Drainage | | | | |
| | 36" Pipe | LF | \$ 40.32 | 503 | \$ 20,281 |
| | 36" End Section | EA | | | \$ - |
| | 36" Trash Guard | EA | | | \$ - |
| | 42" Pipe | LF | \$ 49.21 | 477 | \$ 23,473 |
| | 42" End Section | EA | \$ 1,926.00 | 1 | \$ 1,926 |
| | 42" Trash Guard | EA | | | \$ - |
| | 48" Pipe | LF | \$ 59.82 | 901 | \$ 53,898 |
| | 48" End Section | EA | \$ 2,155.00 | 1 | \$ 2,155 |
| | 48" Trash Guard | EA | | | \$ - |
| | 42" Outlet Structure | EA | \$ 1,872.00 | 1 | \$ 1,872 |
| | 54" Outlet Structure | EA | \$ 2,057.00 | 1 | \$ 2,057 |
| | 60" Manhole | EA | \$ 1,843.00 | 1 | \$ 1,843 |
| | 84" Manhole | EA | \$ 3,546.00 | 3 | \$ 10,638 |
| | 96" Manhole | EA | \$ 4,816.00 | 2 | \$ 9,632 |
| | Total | | | | \$ 127,780 |
| Grand Total | | | | | \$ 151,970 |

BY: 

Timothy J. Walter, P.E.
Indiana Registration No. 19900152