Drain: <u>CLAY CREE</u>	EK_	Drain #	. 210
Improvement/Arm: //	MILIALE AVE .		<u>- 318</u>
Operator:) ()	LECTOR OF L	TEST CLAY	SECTION 10004-A
Operator: J. Liului Drain Classification	Lestal	Date:	3-30-04
Drain Classification:	Urban/Rural	Year Insta	lled: 2003

GIS Drain Input Checklist

- Pull Source Documents for Scanning
- Digitize & Attribute Tile Drains
- Digitize & Attribute Storm Drains
- Digitize & Attribute SSD
- Digitize & Attribute Open Ditch
- Stamp Plans
- Sum drain lengths & Validate
- Enter Improvements into Posse
- Enter Drain Age into Posse
- Sum drain length for Watershed in Posse
- Check Database entries for errors



GASB 34 Calculations

Village of West Clay Sec. 10004-A

Bond Amt: \$261,830.00 Total Drain: 4694 feet Village of West Clay Drain: 4134 feet Clay Creek Drain: 560 feet

Clay Creek Drain: 560/4694 = 12% (\$261,830.00) = \$31,419.60 Village of West Clay Drain: 4134/4694 = 88% (\$261,830.00) = \$230,410.40



Kenton C. Ward, Survey Phone (317) 776-8495 Fax (317) 776-9628

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

May 20, 2003

To: Hamilton County Drainage Board

Re: Village of West Clay Drain, Section 10004-A Arm

Attached is a petition filed by Brenwick TND Communities, LLC along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Section 10004-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" CM 12" RC 15" RC	P 912	ft :	18" R(21" R(24" R(CP :	216 356 746	ft ft	27" 30" 36"	RCP CMP	616 569 260	ft ft
							Oper	n Ditch	40	ft

The total length of the drain will be 4,134 feet.

The retention ponds (lakes) located in Block B and Block C Commons are to be considered part of the regulated drain. Only the inlet and outlet will be maintained as part of the regulated drain. The maintenance of the ponds (lakes) will be the responsibility of the Homeowners Association. 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 the curbs are not to be part of the regulated drain. This is per an agreement between the Hamilton County Commissioners and Brenwick Development 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 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 \$4,800.00.

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/Letter of Credit, are as follows:

Agent: Bond Safeguard Ins. Co.	Agent: Bond Safeguard Ins. Co.
Date: May 7, 2003	Date: May 7, 2003
Number: 5004969	Number: 5004970
For: Storm sewers	For: Erosion Control
Amount: \$221,830.00	Amount: \$40,000.00

Parcel assessed for this drain may be assessed for the Collins-Osborne or Williams Creek Drain at sometime in the future. Parcels assessed for this drain will also be assessed for the Clay Creek Drain.

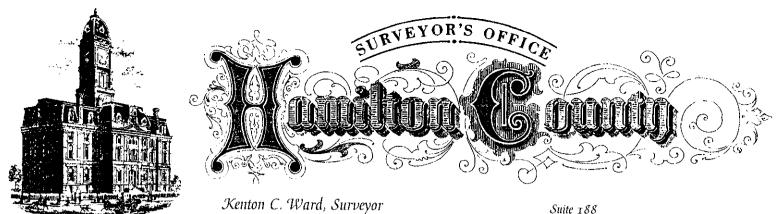
I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC 36-9-27-67 to 69. Therefore, this drain shall be designated as an Urban Drain.

I recommend that upon approval of the above-proposed drain that the Board also approve the attached non-enforcement request. This request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat Village of West Clay Section 10004-A as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for June 23, 2003.

Kenton C. Ward Hamilton County Surveyor

KCW/llm



May 21, 2003

Kenton C. Ward, Surveyo Phone (317) 776-8495 Fax (317) 776-9628

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

To: Hamilton County Drainage Board

Re: Clay Creek

The following tracts within the Village of West Clay Section 10004-A should be added to the maintenance assessment for the Clay Creek Drain.

Lots 874 - 897, 918 – 928 Common Areas A, B, C, D Streets – Shaftbury Road, Eyebrow off of Shaftbury Road, Blisland Street, Montcalm – 10.45 acres

These shall be added to the drainage shed at the assessment rate of \$5.00 per acre, \$50.00 minimum for lots and common areas and \$10.00 per acre, \$50.00 minimum for roads, streets and alleys. This will bring in a total annual assessment for this section of \$2,054.40.

The existing 48" RCP and the open section of drain which runs through Block "C" Commons of Village of West Clay Section 10004-A shall become part of the Clay Creek Regulated Drain. This will add the following to the drains length:

48" RCP 280 ft. Open Ditch 280 ft.

This shall add 560 feet to the drains total length.

I recommend a hearing set for this item for June 23, 2003.

Sincerely,

Kenton C. Ward Hamilton County Surveyor

KCW/pll

SUBDIVISION PERFORMANCE BOND

HCDB 2003-00034

Bond # 5004970

日本部の大学院

KNOW ALL MEN BY THESE PRESENTS, that we Brenwick Development Company, Inc., 12821 East New Market Street, Suite 200, Carmel, IN 46032

as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Ave., Bldg. A, Suite 300, Lombard, IL 60148

for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally firmly by these present;

NOW, THEREFORE, the condition of the obligation is such, that if the said Principal shall complete the above improvements in accordance with the plans and specifications prepared by <u>The Share'see</u> Core

from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise to remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following; express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder:

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety.

2. Legal proceedings for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Princ pal on account of which claim is made.

3. The Principal shall be made a party to any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.

4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.

SIGNED, SEALED AND DATED this	Day of, 2003
renwick Development Company, Inc.	Bond Safeguard Insurance Company
By: KEITH LASH UP OPERATIONS	By: <u>Deborah M. Roth</u> , Attorney-in-Fact

Bond Saleguard 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 M. 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.



181

COMPANY

12

BOND SAFEGUARD INSURANCE COMPANY

David E: Campbell

President

Secretary

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		·	A	Janet L. Coppock Janet L. Coppock Notary Public
۰.	CEF	RTIFICATE		
I, the undersigned, Secretary of BOND SAI CERTIFY that the original Power of Attorney of which revoked and the resolutions as set forth are now in for	the foregoi	INSURANC	E COMPAN and correct	Y, An Illinois Insurance Company, DO HEREBY copy, is in full force and effect and has not been
Signed and Sealed at Lombard, Illinois this	7th	Day of _	Мау	, <u>2003</u>
This copy printed ison the Digital Active of the Ham		/ Surveyor's O	ffice; One H	amilton b. quary ste. 183 Stober 1960 Donald D. Buchanan

SUBDIVISION PERFORMANCE BOND TB 2003-00033

Bond <u># 5004969</u>

KNOW ALL MEN BY THESE PRESENTS, that we Brenwick Development Company, Inc., 12821 East New Market Street, Suite 200, Carmel, IN 46032

as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Ave., Bldg. A, Suite 300, Lombard, IL 60148

authorized to do business in the State of ______Indiana____ Board of Commissioners of Hamilton County, One County Square, Noblesville, IN 46060 as Obligee, in the penal sum of Two Hundred Twenty One Thousand Eight Hundred Thirty and No/100-----

for the payment of which sum well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally firmly by these present;

WHEREAS, the above bounden Principal has been granted approval by the above named Obligee for _____ Village of WestClay, Section 10004-A - Storm Sewers

NOW, THEREFORE, the condition of the obligation is such, that if the said Principal shall complete the above improvements in accordance with the plans and specifications prepared by The Schneiter Corp. , and shall indemnify and save harmless the Obligee from all costs and damages which it may suffer by reason of failure to do so, and fully reimburse and repay Obligee any outlay and expense which it may incur in making good any such default, then this obligation shall be null and void, otherwise to remain in full force and effect.

THE FOREGOING OBLIGATION, however, is limited by the following express conditions, the performance of which shall be a condition precedent to any rights of claims or recovery hereunder:

1. Upon the discovery by the Obligee, or by the Obligee's agent or representative, of any act or omission that shall or might involve a loss hereunder, the Obligee shall endeavor to give written notice thereof with the fullest information obtainable at the time to the Surety.

2. Legal proceedings for recovery hereunder may not be brought unless begun within twelve (12) months from the date of the discovery of the act or omission of the Princ pal on account of which claim is

3. The Principal shall be made a party to any suit or action for recovery hereunder, and no judgment shall be rendered against the Surety in excess of the penalty of this instrument.

4. No right of action shall accrue hereunder to or for the use or benefit of anyone other than the Obligee, and the Obligee's right hereunder may not be assigned without the written consent of the Surety.

SIGNED, SEALED AND DATED this	Day of	2003
Brenwick Development Company, Inc.	Bond Safeguard Insurar	nce Company
By: KEITH LASH VP OPERATIONS	By: <u>Deborah M.</u> Roth	Attorney-in-Fact

Bond Saleguard 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 M. 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" JANET L. COPPOCK NOTARY PUBLIC, STATE OF ILLINOIS MY COMMISSION EXPIRES 8/14/05

Jam	ut L. Coppart
	Janet L. Coppock
\mathcal{I}	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	7th Day of May	, 20_0	3
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To: Hamilton County Drainage Board

Noblesville, Indiana 46060-2230

January 25, 2005

Re: Clay Creek Drain: Section 10004A Arm

Attached are as-builts, certificate of completion & compliance, and other information for Villages of West Clay Section 10004A. 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 May 20, 2003. The report was approved by the Board at the hearing held June 23, 2003. (See Drainage Board Minutes Book 6, Pages 86-87) The changes are as follows:

The 280 feet of 48" RCP was already regulated with Villages of West Clay Section 100001- See my report dated November 14, 2000. The 280 feet of open ditch was previously regulated in the 2003 Clay Creek ditch extension - See my report dated Sept 6, 2001. Therefore, the length of the drain due to the changes described above is now 0 feet.

The non-enforcement was approved by the Board at its meeting on June 23, 2003 and recorded under instrument #200300093800.

The following sureties were guaranteed by Bond Safeguard Insurance & Co. and released by the Board on its May 24, 2004 meeting.

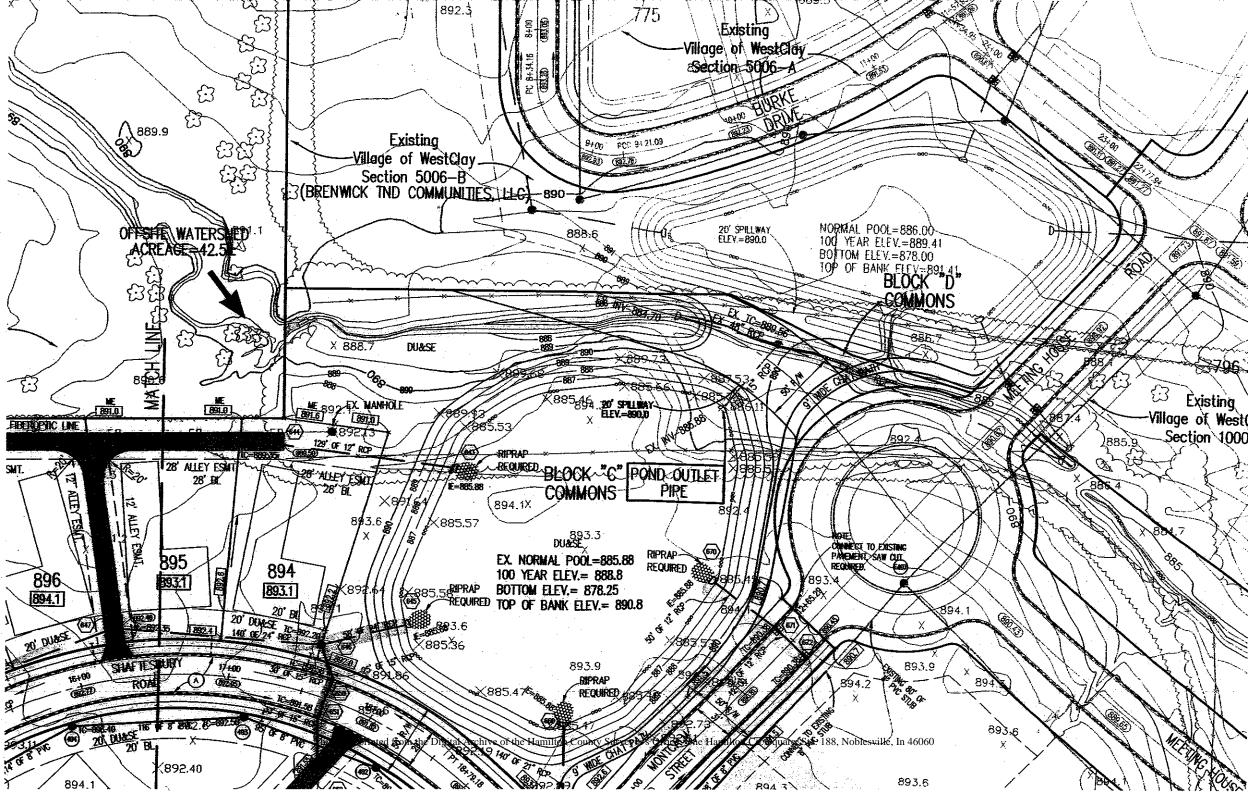
Bond-LC No: 5004969 Insured For: Storm Sewers **Amount:** \$221,830.00 Issue Date: May 7, 2003

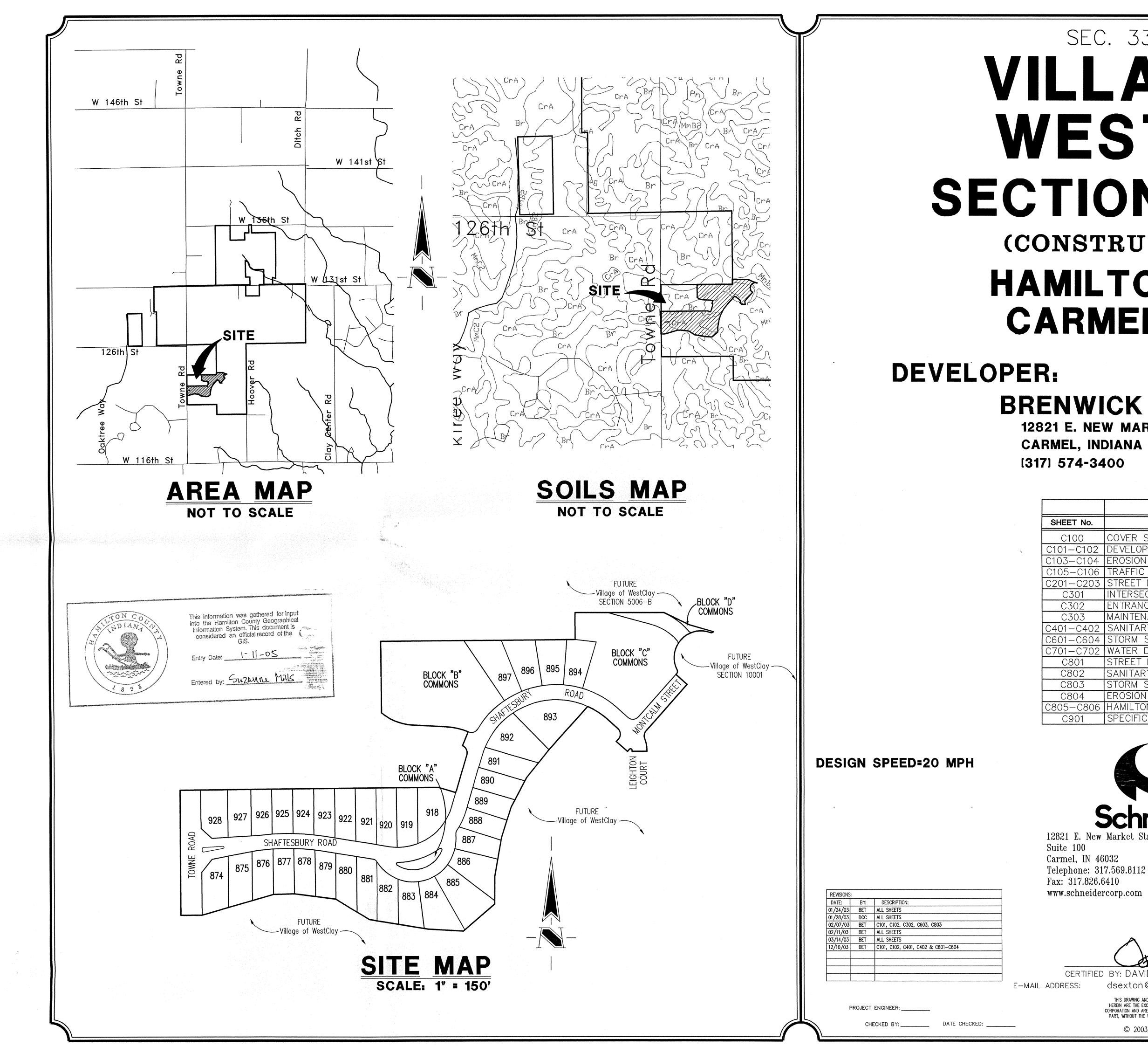
Bond-LC No: 5004970 **Insured For:** Erosion Control **Amount:** \$40,000.00 Issue Date: May 7, 2003

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

Sincerely,

Kenton C. Ward. Hamilton County Surveyor





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SEC. 33-T18N-R3E VILAGE OF WESTCLAY SECTION 10004-A (CONSTRUCTION PLANS) HAMILTON COUNTY CARMEL, INDIANA

BRENWICK DEVELOPMENT CO.

12821 E. NEW MARKET STREET, SUITE 200 CARMEL, INDIANA 46032 [317] 574-3400

INDEX	
DESCRIPTION	
COVER SHEET	
DEVELOPMENT FLAN	
EROSION CONTROL PLAN	
TRAFFIC CONTROL PLAN	
STREET PLAN AND PROFILE	
INTERSECTION DETAILS	
ENTRANCE PLAN	
MAINTENANCE OF TRAFFIC PL	AN
SANITARY SEWER PLAN & PR	OFILE
STORM SEWER PLAN & PROFI	LE
WATER DISTRIBUTION PLAN	
STREET DETAILS	·
SANITARY SEWER DETAILS	
STORM SEWER DETAILS	
EROSION CONTROL DETAILS	
HAMILTON COUNTY DETAILS	
SPECIFICATIONS	



12821 E. New Market StreetArchitectureSuite 100Civil EngineeringCarmel, IN 46032Environmental EngineeringTelephone: 317.569.8112Geotechnical ServicesFax: 317.826.6410GIS * LISwww.schneidercorp.comHome Builder ServicesInterior DesignLand SurveyingLand SurveyingLandscape ArchitectureTransportation Engineering

CERTIFIED BY: DAVID K. SEXTON

dsexton@schneidercorp.com

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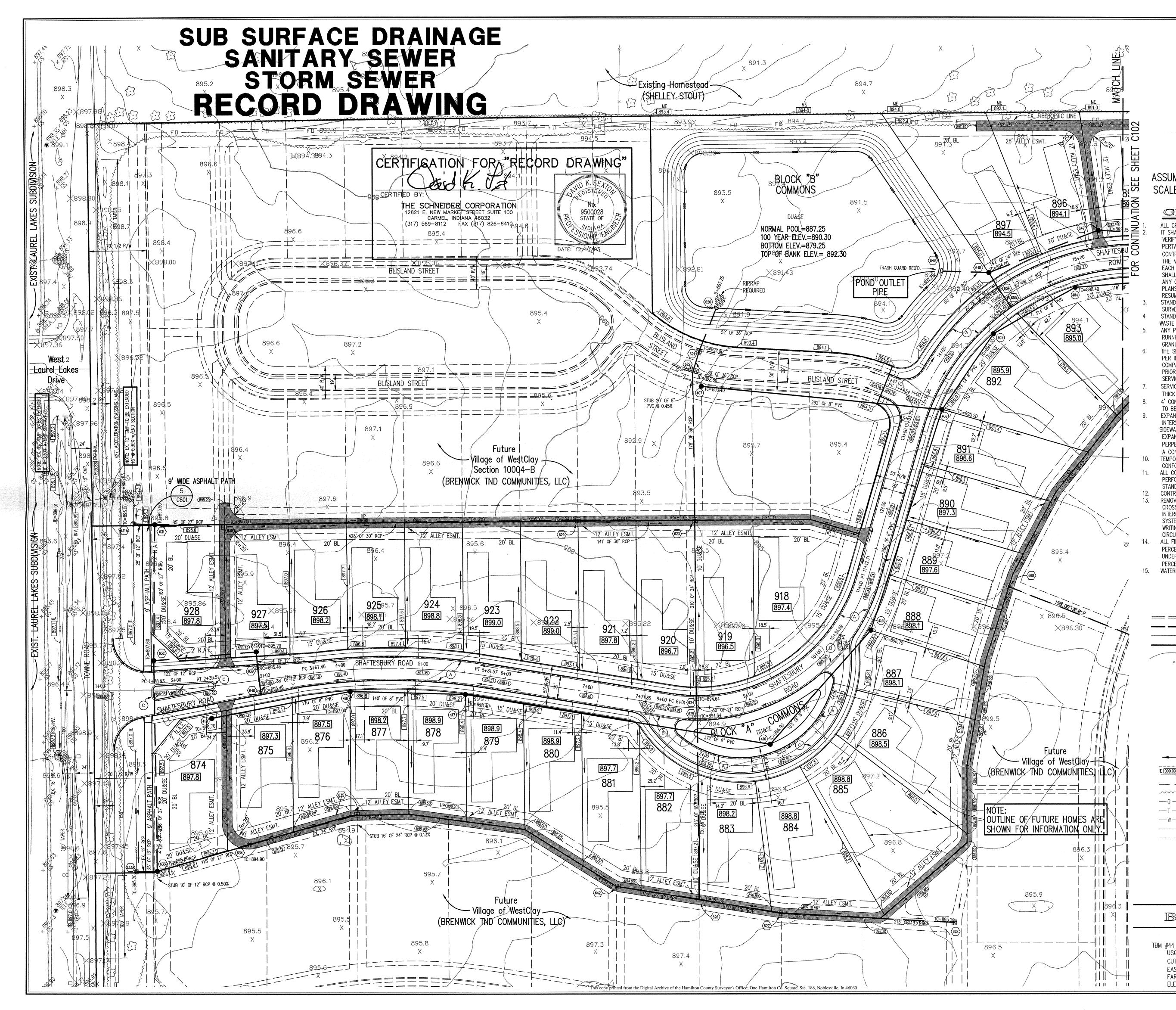
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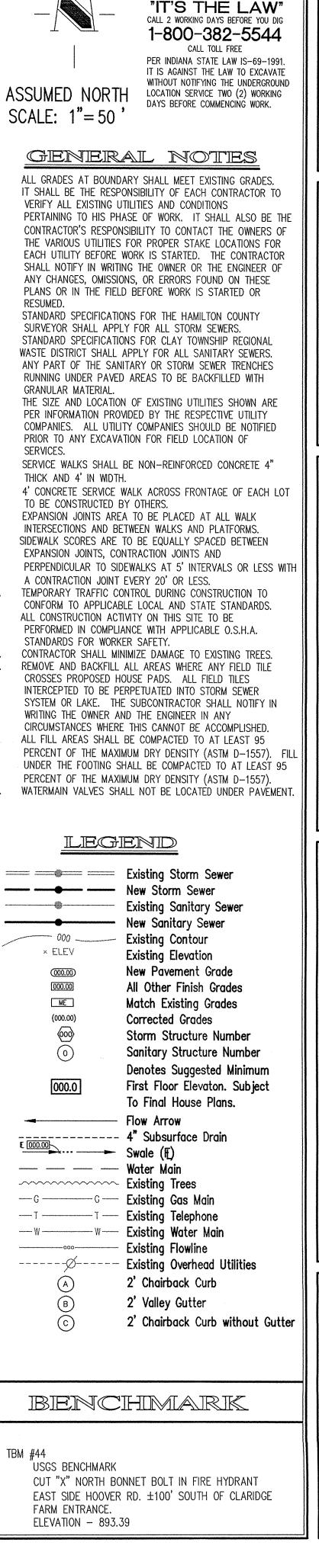
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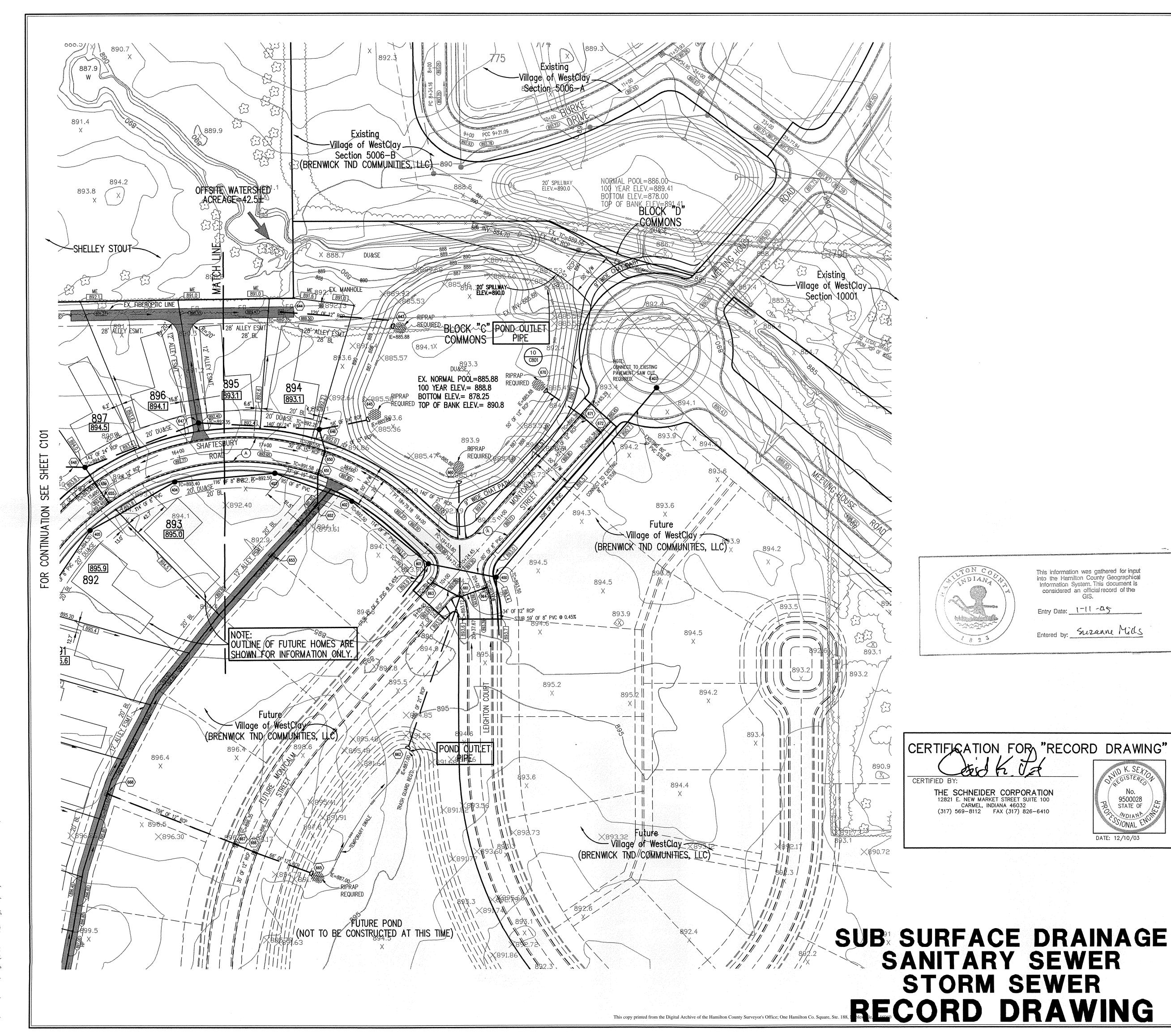


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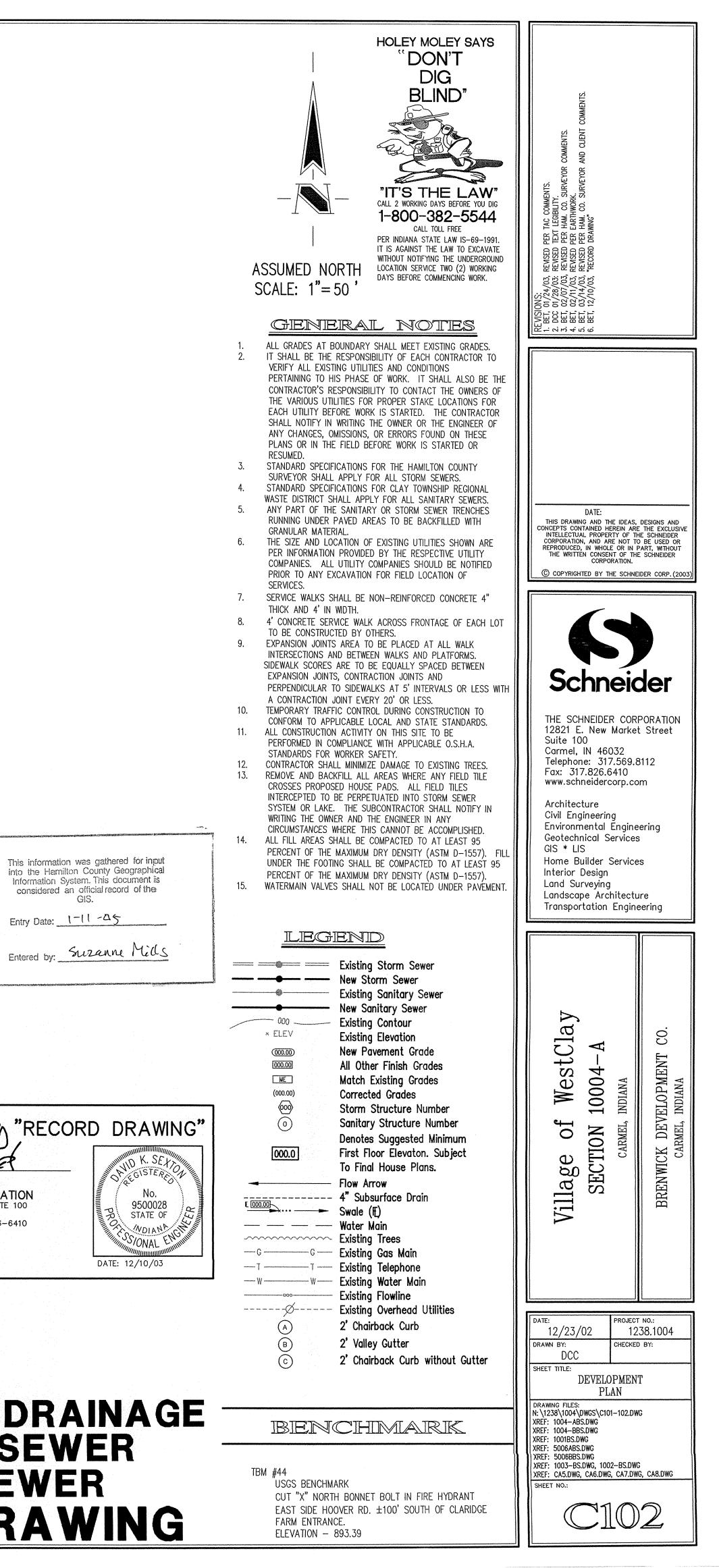
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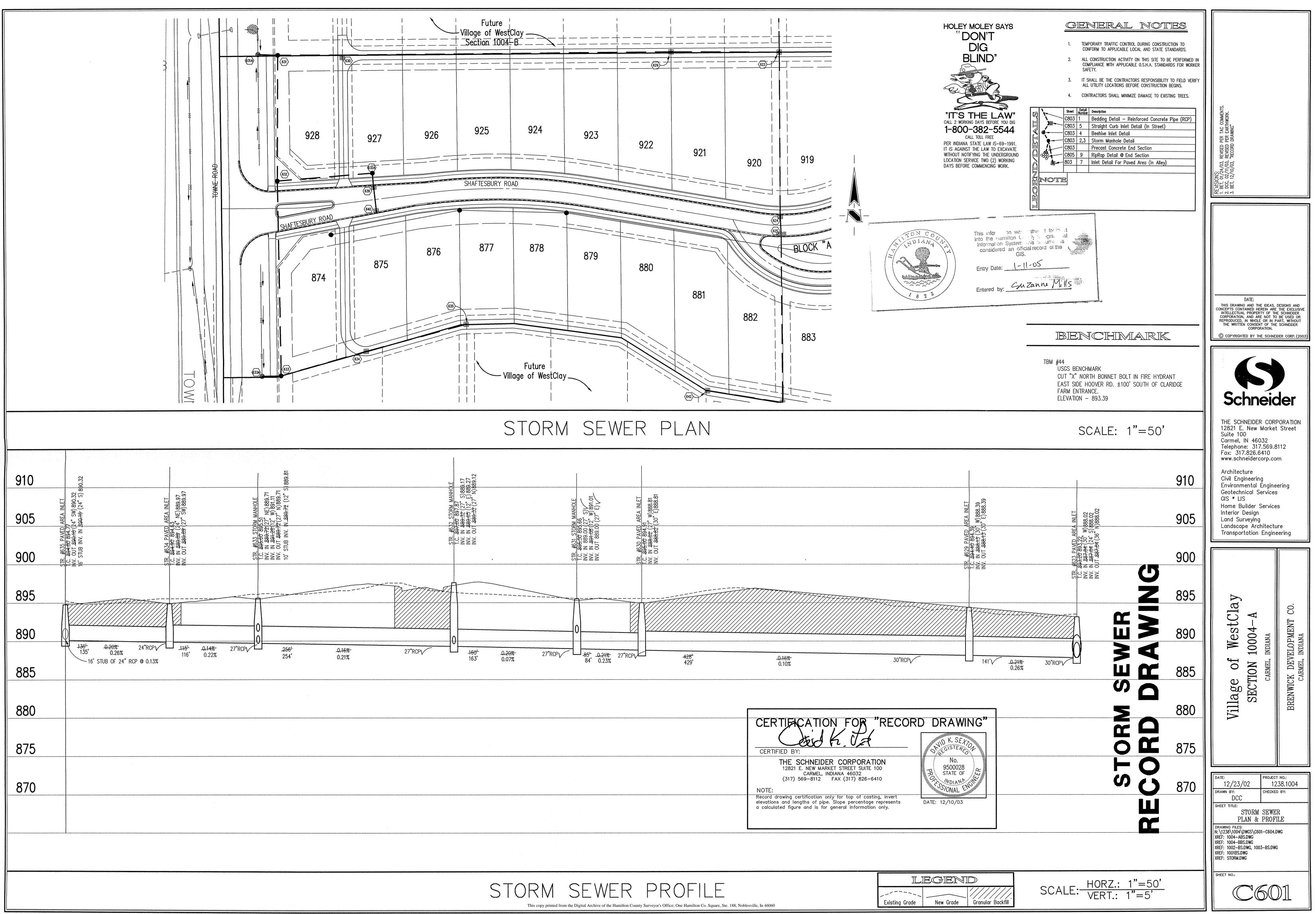
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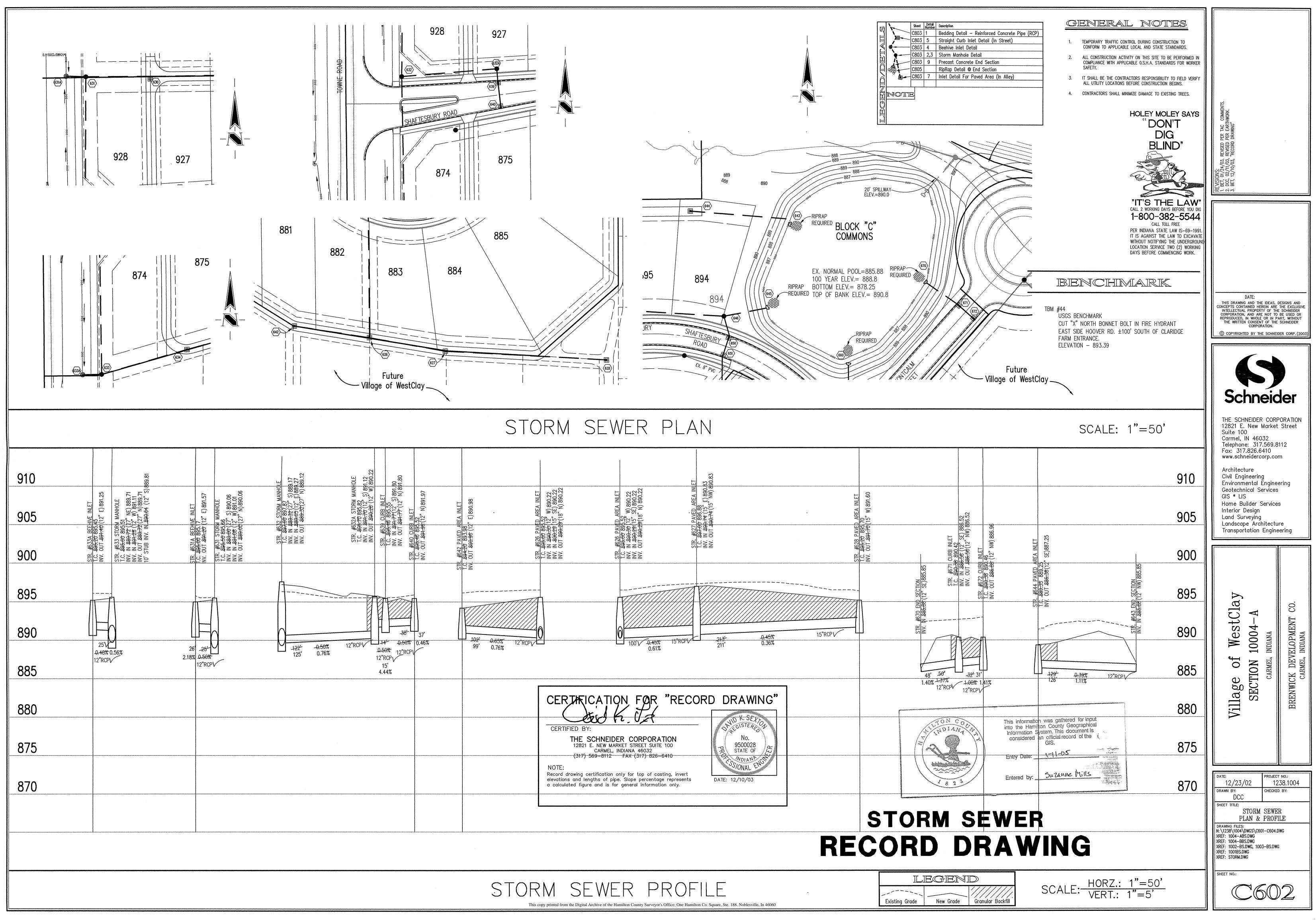


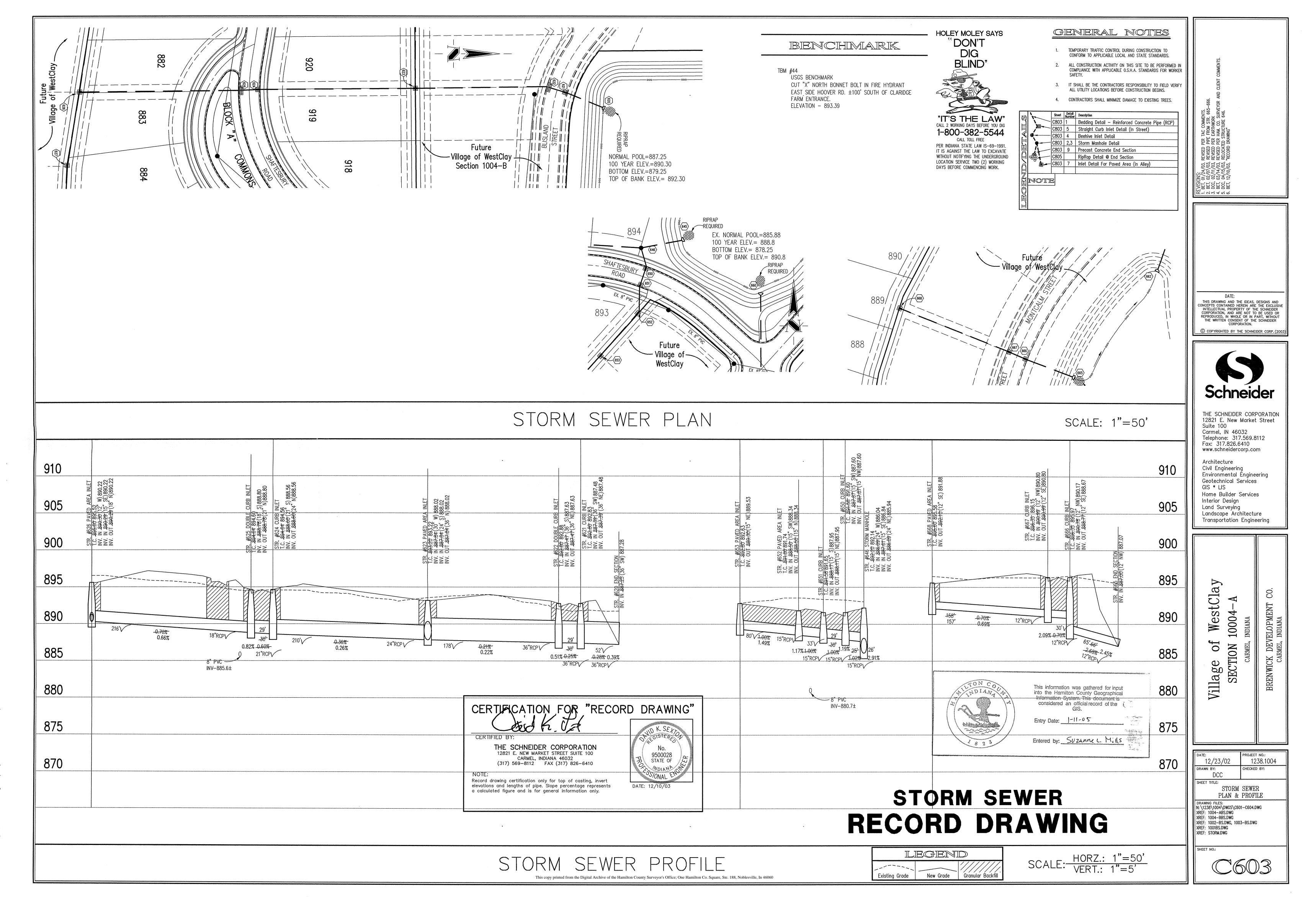
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