Drain:	Elliott Creek Drain	
Improvement-Arm:	Village of West Clay Section 15002 Arm	
Date Approved:	January 28, 2008	
	Drain Input Checklist	
Create Regulated Drain Reco	ord in Posse	
Drain Type Outlet (Tab) Outlet Attached Location Twp Certification Drain Number • Enter Improvement Arm in F (Construction Amount = Store • Scan Documents Surveyor's Rep Engineer's Esti Bonds Findings and O Petition	Posse January 29, 2008 Perm Drains, Erosion Control, Sub-surface drain & Earthwork) Doort Imate Imate Image: A control of the control	
• Create Posse Inspection Job		
Enter into Watershed Summa	ary Spreadsheet	
• Check for Vacation of Drain	& Map Changes	
Check Drainage Easement C.	lassification	
Sum drain length & Validate	in GIS	
Enter New Watershed Lengtl	h into Posse	
Create Boundary of Improve.	ment in GIS	





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

November 28, 2007

To: Hamilton County Drainage Board

Re: Elliott Creek Drain, Village of West Clay Section 15002 Reconstruction

Attached is a petition, plans, and non-enforcement request for the proposed relocation of the Elliott Creek Drain. The relocation is being proposed by Brenwick TND Communities, LLC. The proposal is to relocate and reconstruct the drain from the north ROW line of 131st Street to the east property line of parcel 17-09-28-00-00-027.000, owned by Brenwick TND Communities, LLC. The original drain is per my report to the Board for Elliott Creek, dated June 10, 1999, with hearing date July 26, 1999 (Drainage Board Minute Book 5, Pages 188 and 189). The relocated and reconstructed drain is as shown on sheet C101 of the plans for Village of West Clay, Section 15002, by Schneider Engineering, dated September 1, 2006 and having job number 1238.1502.

The line will consist of the following:

60" RCP 455 feet

Open Ditch 980 feet

The new drain consists of 321 feet of 60" RCP and begins at the existing 60" RCP end section at the north ROW line of 131st Street and ending at Structure 605 per the plans. The drain then follows the reconstructed open ditch 895 feet in the existing channel and through Pond "E" in Block "B" Commons of Village of West Clay, Section 15002, then to Structure 602, then 134 feet of 60"RCP from Structure 602 to Structure 601. The relocated open ditch is approximately 105 feet from Structure 601 connecting back to the same existing drain at the east property line of parcel 17-09-28-00-00-027.000, which is also the beginning point of the Elliott Creek, Roller-Linnemeier Extension of the drain per my report to the Board dated December 12, 2006, with hearing date of January 22, 2007 (Drainage Board Minute Book 10, Pages 46 to 48).

The total length of new drain shall be 1,435 feet. The 1,336 feet of original drain between the north ROW line of 131^{st} Street and the east property line of parcel 17-09-28-00-00-027.000 shall be vacated. This proposal will add an additional 99 feet to the drains total length.

The cost of the relocation is to be paid for by Brenwick TND Communities, LLC.

The petitioner has provided the Performance Bond as follows:

Name of Bonding Co.: Bond Safeguard Insurance Company

Bond Number: 5026867

Bond Date: June 25, 2007

Bond Amount: \$205,790.40

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 15002 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain on January 28, 2008.

Kenton C. Ward, CFM Hamilton County Surveyor

KCŴ/pll

HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

)
IN RE: Village of WestClay Section 15002	ĺ
Hamilton County, Indiana	/
raminon County, majana	1

PETITION FOR RELOCATION AND RECONSTRUCTION

	Brenwick TND Communities,LLC (hereinafter Petitioner"),			
hereb	y petitions the Hamilton County Drainage Board for authority to relocate and improve a			
sectio	on of the Elliott Creek Drain, and in support of			
said p	etition advises the Board that:			
1.	Petitioner owns real estate through which a portion of the Elliott Creek			
	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 Elliott Creek 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 Elliott Creek Drain, without cost to other property owners			
	on the watershed of the Elliott Creek Drain.			
5.	Proposed relocation and reconstruction will not adversely affect other land owners within			
	the drainage shed.			
6.	Petitioner requests approval of the proposed relocation and reconstruction under			
	IC 36-9-27-52.5.			
V	VHEREFORE, Petitioner requests that an Order issued from the Hamilton County			
Drainage Board authorizing relocation and reconstruction of the Elliott Creek				
	in conformance with applicable law and plans and specifications on file with the Hamilton			
	Surveyor.			
Signed				
Printed REVER PROJECT MANAGER				

Adobe PDF Filiable Form



BOND SAFEGUARD INSURANCE COMPANY Lombard, IL 60148

SUBDIVISION PERFORMANCE BOND

HCDB-2007-00036

BOND #5026867

KNOW ALL MEN BY THESE PRESENTS, That we, Brenwick Development Company, Inc., 12821 E. New Market Street, 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 the Hamilton County Board of Commissioners, One Hamilton Square, Noblesville, IN 46060, as Owner, in the sum of **Two Hundred Five Thousand Seven Hundred Ninety and 40/100**Dollars (\$205,790.40), 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 in The Village of WestClay, Section 15002 Subdivision, according to the approved plans and specifications on file with the Hamilton County Board of Commissioners, 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 25th Day of June, 2007.

Brenwick perelopment Company, Inc.

KEITH LASH, P.E.

Executive Vice President

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



its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, 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 execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an 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. 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"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

Maureen K. Aye 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 25th Day of June , 20 07

Donald D. Buchanan Secretary

FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

Elliott Creek Drain, Village of West Clay Section 15002 Arm North Right of Way Line of 131st Street

Parcel #17-09-28-00-00-027.000

On this 28th day of January 2008, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Elliott Creek Drain, Village of West Clay Section 15002 Arm, North Right of Way Line of 131st Street to Parcel 17-09-28-00-00-027.000.

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 Elliott Creek Drain, Village of West Clay Section 15002 Arm.

HAMILTON COUNTY DRAINAGE BOARD

Member

Member

Attest: Senette Maskeuch

STATE OF INDIANA)

COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD NOBLESVILLE, INDIANA

IN THE MATTER OF THE RECONSTRUCTION OF THE

Elliott Creek Drain, Village of West Clay Section 15002 Reconstruction

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the *Elliott Creek Drain, Village of West Clay Section 15002 Reconstruction* came before the Hamilton County Drainage Board for hearing *on January 28, 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 Elliott Creek Drain, Village of West Clay Section 15002 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:

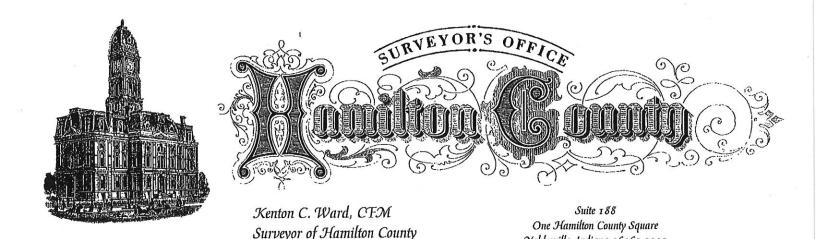
HAMILTON COUNTY DRAINAGE BOARD

PRESIDENT

Member

Member

ATTEST



To: Hamilton County Drainage Board

Thone (317) 776-8495 Tax (317) 776-9628

March 6, 2019

Noblesville, Indiana 46060-2230

Re: Elliot Creek Drain: Village of West Clay Section 15002 Reconstruction

Attached are as-built, certificate of completion & compliance, and other information for Village of West Clay Section 15002 Reconstruction. 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 November 28, 2007. The report was approved by the Board at the hearing held January 28, 2008. (See Drainage Board Minutes Book 11, Pages 34-36) The changes are as follows: the 60" RCP was shortened from 455 feet to 422 feet. The open ditch was lengthened from 980 feet to 1049 feet. The length of the drain due to the changes described above is now **1,471 feet**. The existing 1336 feet of Elliott Creek open ditch was removed. Therefore, the project added an additional 135 feet of drain to the watershed.

The secondary plat was recorded in two sections. The non-enforcement for Village of West Clay Section 15002 A was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2008037265. The non-enforcement for Village of West Clay Section 15002B was approved by the Board at its meeting on February 11, 2008 and recorded under instrument #2017013936.

The following sureties were guaranteed by Bond Safeguard Insurance Company and released by the Board on its February 25, 2019 meeting.

Bond-LC No: 5026867 Amount: \$205,790.40 For: Storm Sewers

Issue Date: June 25, 2007

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

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

CERTIFICATE OF COMPLETION AND COMPLIANCE

TO: HAMILTON COUNTY SURVEYOR RE: Village of West Clay Section 15002-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. 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: 12/18/08
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) 826-7100	
No.	INDIANA REGISTRATION NUMBER
No. 10000075	PE 10000075

SEAL

Filed 12/2008 OFFIRE 12/2012/2005 OFFIRE Sureneyout

