

SURVEYOR'S OFFICE

Hamilton County

Kenton C. Ward, Surveyor

Phone (317) 776-8495

Fax (317) 776-9628

Suite 188

One Hamilton County Square

Noblesville, Indiana 46060-2230

August 14, 2006

TO: Hamilton County Drainage Board

RE: John Osborn Drain, Bella Terra Arm

Attached is a petition filed by BP Development along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Bella Terra Arm, John Osborn 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:

6" SSD	2,140 ft.	4' x 2' Concrete Box	170 ft.
12" RCP	75 ft.	Open Ditch	590 ft.
15" RCP	1,040 ft.		

The total length of the drain will be 4,015 feet.

The open ditch listed above is that ditch between the 4' x 2' box structure under Towne Road and the 4' x 2' box for the driveway crossing of Lot 1. Also the open ditch continues from the 4' x 2' box for the driveway crossing, running between Lots 1 and 2, then turns south along the rear property line of Lots 2 and 3, then turns southeast and ends at the eastern boundary of the subdivision, approximately 49 feet north of the Lot 3 and 4 property line.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs. Only the main SSD lines which are located within the right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain.

The following parcels should be added to the assessment roll for the John Osborn Drain, Lots 1 thru 8 of Bella Terra, and 5.49 acres of right of way for Towne Road. Also to be assessed is Tract 17-13-05-00-00-014.002, 9.22 acres, which is owned by Tom and Bonnie Riley which is presently assessed for 4.92 acres of the tract. The assessed acreage shall increase to include the entire 9.22 acres.

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 \$25.00 per platted lot, \$2.00 per acre for roadways and common areas, with a \$25.00 minimum. With this assessment the total annual assessment for this drain will increase by \$110.98.

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 Company
Date: May 4, 2005
Number: 5016391
For: Storm Sewers, SSD, Erosion Control
Amount: \$91,440.00

Parcels assessed for this drain may be assessed for the Springmill Run or Williams Creek Drain at sometime in the future.

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 Bella Terra as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for September 25, 2006 .



Kenton C. Ward
Hamilton County Surveyor

KCW/pll

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 Bella Terra Subdivision, Section
One 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 Bella Terra, 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

Brad Walker *BRAD WALKER*

Printed Name

March 28, 2005 *3/28/05*

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

John Osborn Drain, Bella Terra Arm

NOTICE

To Whom It May Concern and: _____

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **John Osborn Drain, Bella Terra Arm** on **September 25, 2006** at **9:10 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana, and which construction and maintenance reports of the Surveyor and the Schedule of Assessments made 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

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF THE

John Osborn Drain, Bella Terra Arm

NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **September 25, 2006** has issued an order adopting the Schedule of Assessments, filed the same and made public announcement thereof at the hearing and ordered publication. If judicial review of the findings and order of the Board is not requested pursuant to Article Eight of this code within twenty (20) days from the date of this publication, the order shall be conclusive.

Hamilton County Drainage Board

Attest: Lynette Mosbaugh

ONE TIME ONLY



350 E. New York St., Suite 300
 Indianapolis, IN 46204
 (317) 634-6434 Phone
 (317) 634-3576 FAX

www.mid-stateseng.com

Rev. March 25, 2005

Brad Walker
 BP Development, LLC
 10916 Tamoshanter Drive
 Carmel, IN 46032
 Ph (317) 319-888 Fax (317) 571-8799

Re: Bella Terra Subdivision -- Construction Staking

Brad,

This letter has been written per your request to furnish you with a fee proposal to perform construction layout on the above referenced project.

A. Site Work

1. Lath for dirt work; i.e. swales, ditches, centerline of street
2. Stake any sidewalks, one side, with offset stakes
3. Stake final paving, with offset stakes for back of curbs and grade
4. Stake sanitary and storm structures with offset stakes and grades
5. **Per our conversation the revised cost is predicated on one-trip staking for storm and one trip staking for sanitary.**

B. Sanitary and Storm As-builts

1. Perform field work and prepare drawings for submittal to proper agency.

C. Monumentation

1. Monument centerline of street and perimeter as required by Subdivision Ordinance.
2. Set iron pins at all lot corners as required by law.

Costs for Items A.1 through A.4, would be lump sum \$4,100.00

Costs for Items B.1 would be lump sum \$1,900.00.

Costs for Items C.1 and C.2 would be lump sum \$3,200.00

If your needs vary from this, please call me at (317) 616-2083 or my mobile phone (317) 902-3082. Upon an understanding of this proposal, we would forward Mid-States' Professional Services Agreement for your signature.

Ron Budd

Field Operations Manager

Earth Excavating, Inc.
 27252 Henry Gunn Road
 Atlanta, IN 46031

Bid

Date	Job Name
11/18/2004	8802

Name / Address
Patrick O'Conner Homes Brad Walker 317-319-8888 10916 Tarno'Shanter Dr. Carmel, IN. 46032

Terms	Project
Due on receipt	

Item	Description	Qty	Rate	Total
Bid Job	Sanitary Sewer includes necessary testing for system per new print and all materials & labor.	Depth 2' deep Add Tester 6	29,436.00	29,436.00
Bid Job	Storm Sewer includes labor, materials and dirt work necessary to complete swales.	Sub Surface Storm	73,158.50	73,158.50
Bid Job	Street includes labor, stock piling dirt and preparing road bed for the stone & paving that will be done by others.		15,632.00	15,632.00
Bid Job	Clearing and debris removal.	Add from sub M Storm	12,000.00	12,000.00
Bid Job	Erosion Control will be \$2.00 per linear foot as needed to complete our phases of work.	6' x 6' EXW 111	0.00	

1,000 FT
 Concrete Pipe
 Appx
 ↑ #

Thank you for considering Earth Excavating. Please call John with any questions.

Total \$130,226.50

Signed copy of this bid must be received prior to work being done.

Signature _____

Phone #	Fax #
765-552-2718	765-552-0345

1st one we in
 2nd/new complete change!

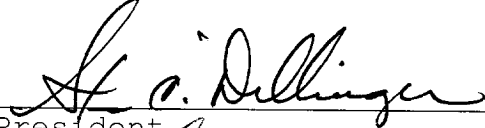
FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE
John Osborn Drain, Bella Terra Arm

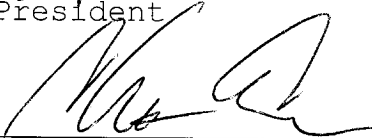
On this **25th day of September 2006**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **John Osborn Drain, Bella Terra Arm**.

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




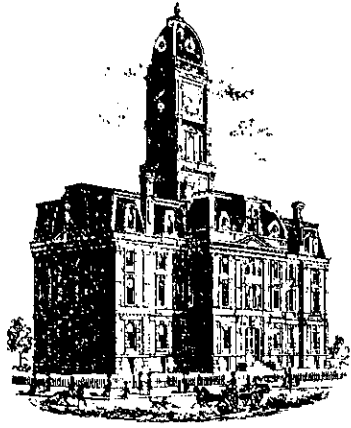
President



Member

Member

Attest: 



KCW

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

To: Hamilton County Drainage Board

March 15, 2010

Re: John Osborn Drain: Bella Terra Arm

Attached are the plans and other information for Bella Terra. 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 August 14, 2006. The report was approved by the Board at the hearing held September 25, 2006. (See Drainage Board Minutes Book 9, Pages 429-431) The changes are as follows:

The 6" SSD was shortened from 2140 feet to 2064 feet. The open ditch was shortened from 590 feet to 569 feet. The length of the drain due to the changes described above is now **3918 feet**.

The non-enforcement was approved by the Board at its meeting on September 25, 2006 and recorded under instrument #200500019.

The following sureties were guaranteed by Bond Safeguard Insurance Company and expired on May 4, 2007.

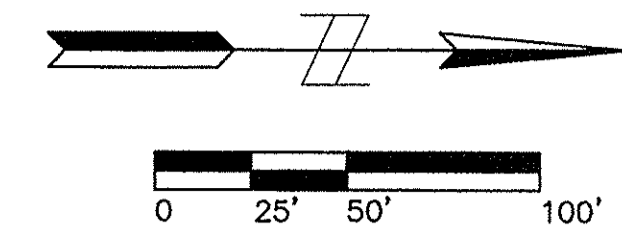
Bond-LC No: 5016391
Insured For: Storm Sewers
Amount: \$91,440.00
Issue Date: May 4, 2005

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

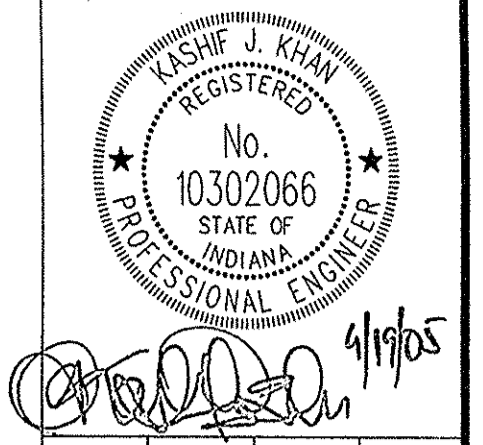
Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/slm



"DON'T DIG BLIND"
1-800-382-5544
CALL BEFORE YOU DIG



Designed by: CK
Drawn by: KG
Checked by: JHM
Approved by: KJK

REVISIONS AND DATES

2/20/05	TAC COMMENTS PER SURVEYOR
04/05/05	REVISIONS PER COUNTY COMMENTS
04/18/05	REVISIONS PER COUNTY COMMENTS

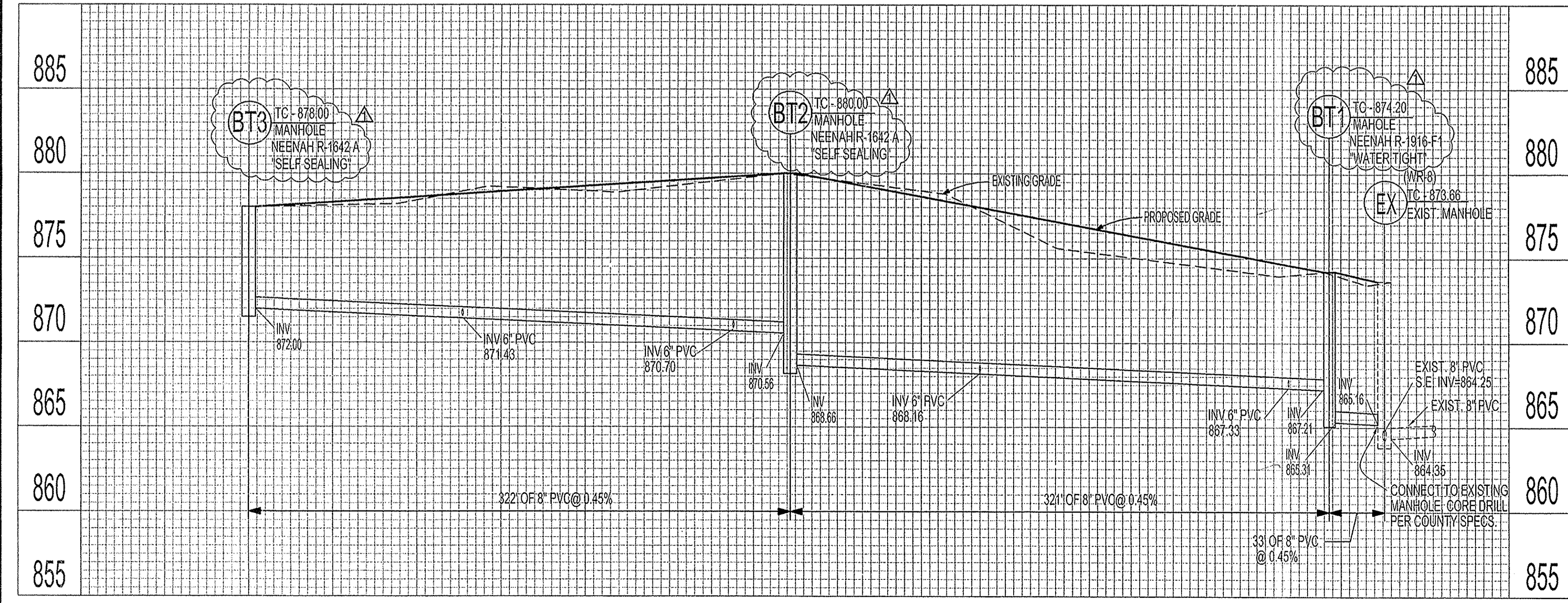
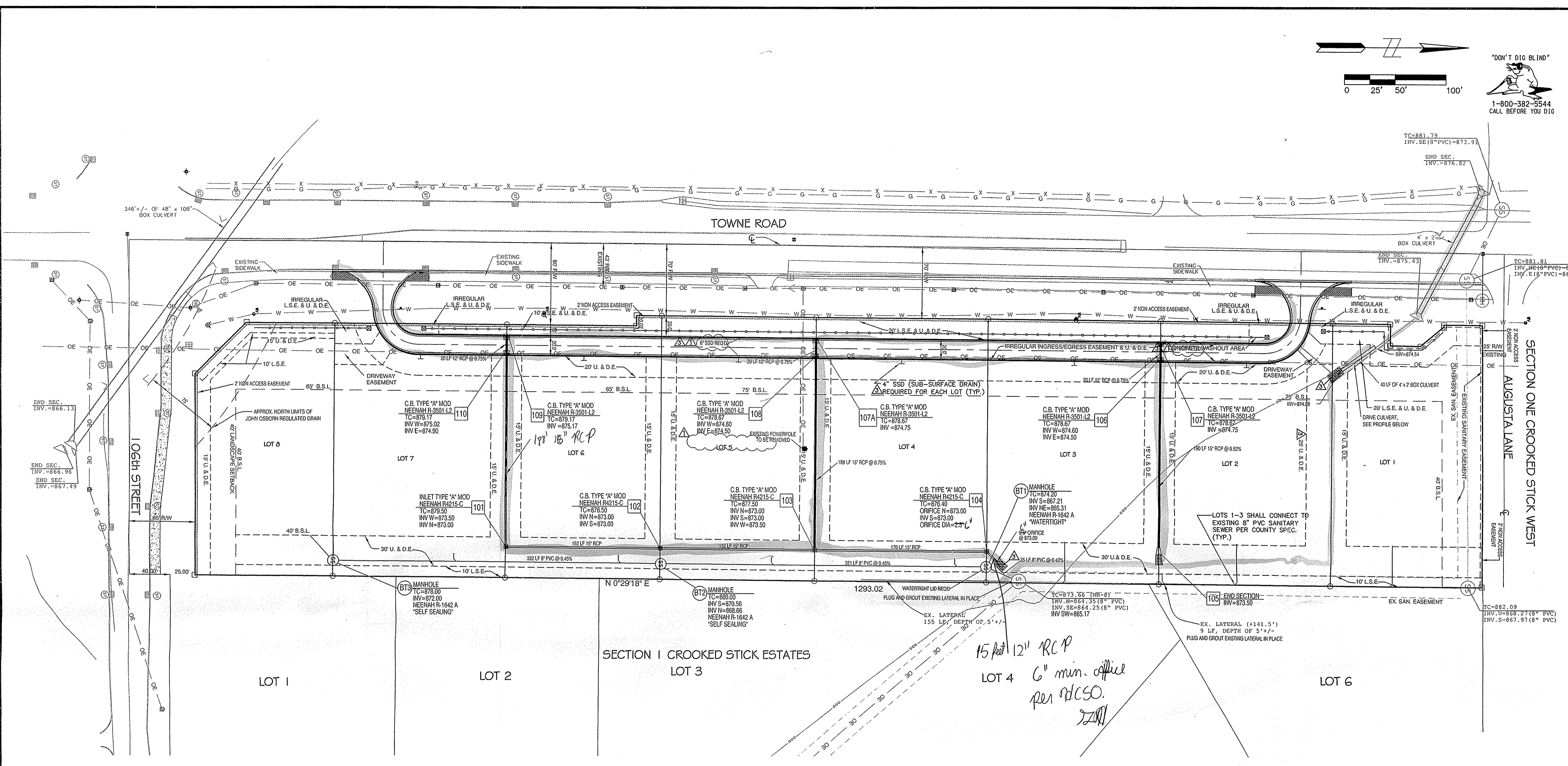
**BELLA TERRA
106TH AND TOWNE ROAD
CARMEL, INDIANA**

**UTILITY PLAN &
SANITARY SEWER PROFILE**

PREPARED BY:
**Mid-States
ENGINEERING**
9615 E. 148th St. #6
Noblesville, IN 46060
(317) 776-8665 Phone
(317) 776-8666 Fax

PREPARED FOR:
BP DEVELOPMENT
10916 TAMOSHANTER DRIVE
CARMEL, INDIANA 46032

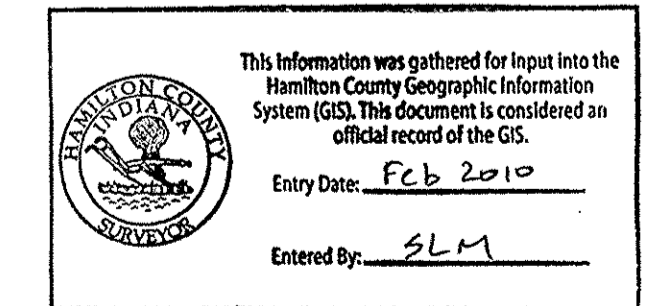
DATE: DEC. 30, 2004
SCALE: 1" = 50'
PROJECT: 122-0247
SHEET NO. **C400**



NOTES:

CONTRACTOR SHALL ABANDON THE WELL AND SEPTIC PER COUNTY, STATE, AND LOCAL ORDINANCE.

FOR ADDITIONAL EXISTING STRUCTURE INFORMATION SEE EXISTING CONDITIONS PLAN, SHEET C101

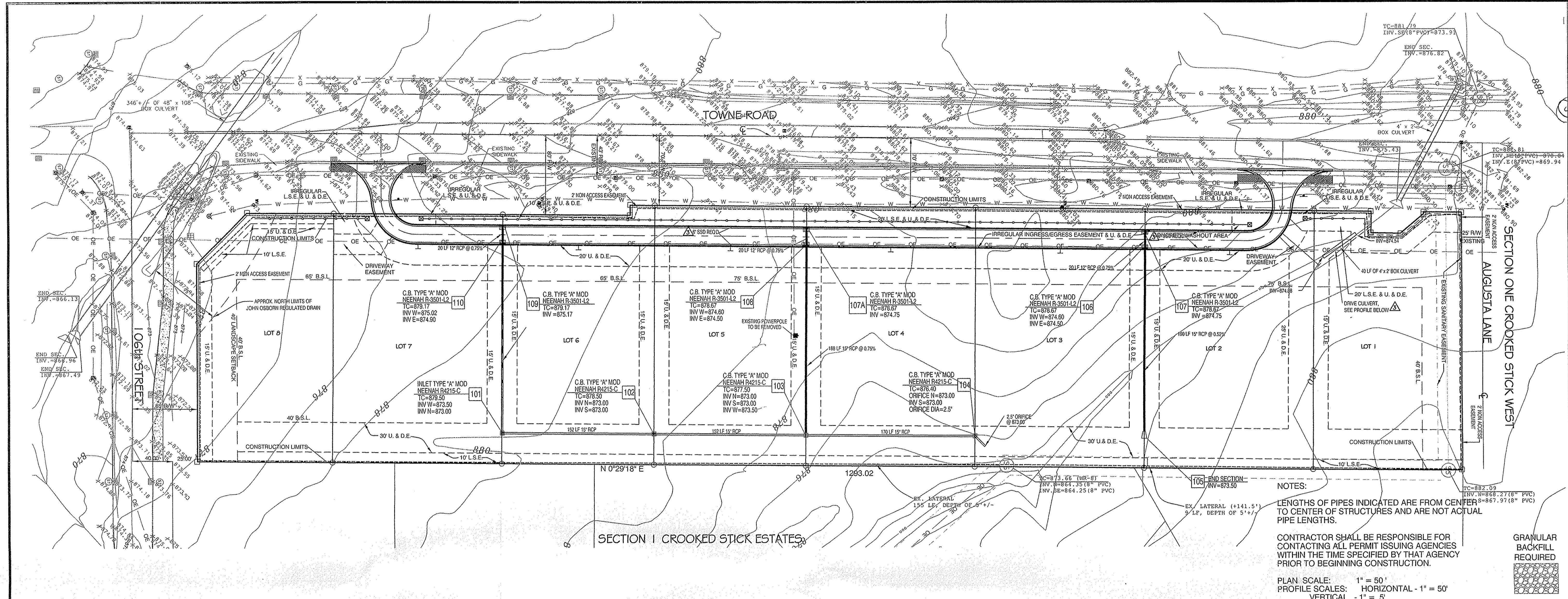


BENCHMARK DESCRIPTION:
CUT 'X' ON SW BOLT OF SIGLT. BASE +/- 50' N Q.
106TH, +/- W. OF TOWNE ROAD ELEV. = 876.73

LEGEND

EXISTING	PROPOSED

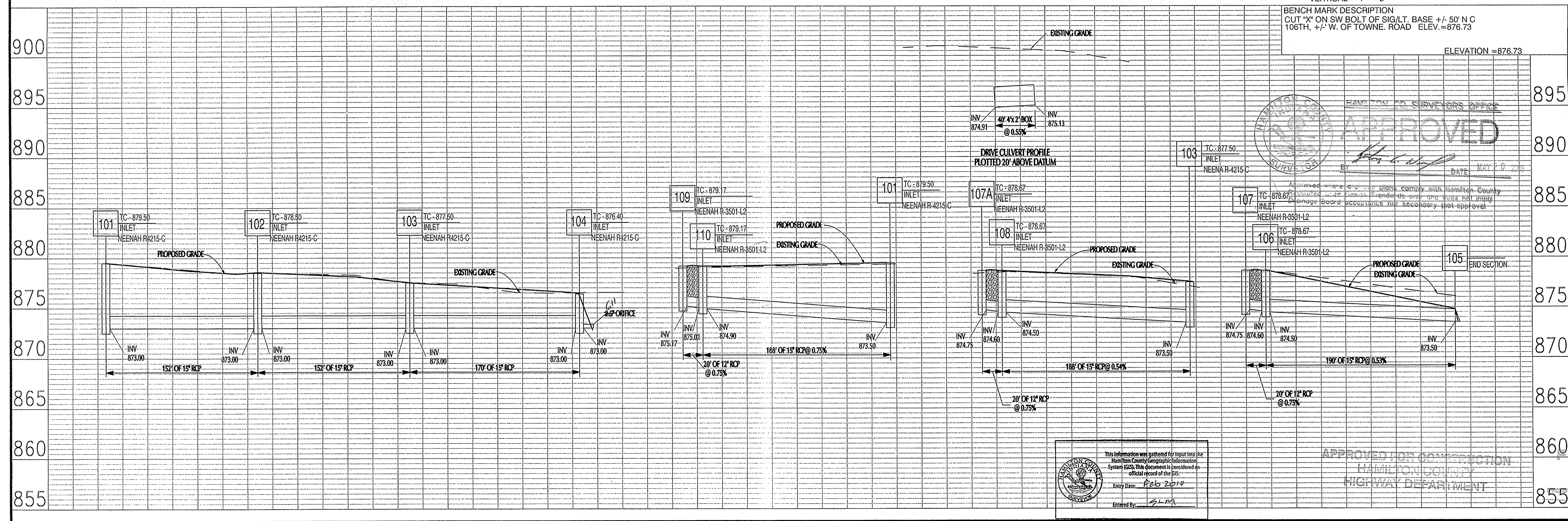
APPROVED FOR CONSTRUCTION
HAMILTON COUNTY
HIGHWAY DEPARTMENT



NOTES:
 LENGTHS OF PIPES INDICATED ARE FROM CENTER-TO-CENTER OF STRUCTURES AND ARE NOT ACTUAL PIPE LENGTHS.
 CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL PERMIT ISSUING AGENCIES WITHIN THE TIME SPECIFIED BY THAT AGENCY PRIOR TO BEGINNING CONSTRUCTION.
 GRANULAR BACKFILL REQUIRED

PLAN SCALE: 1" = 50'
 PROFILE SCALES: HORIZONTAL - 1" = 50'
 VERTICAL - 1" = 5'

BENCH MARK DESCRIPTION
 CUT "X" ON SW BOLT OF SIG/LT. BASE +/- 50' N C
 106TH, +/- W. OF TOWNE, ROAD ELEV. = 876.73



REGISTERED PROFESSIONAL ENGINEER
 No. 10302066
 KASHIF J. KHAN

Designed by:	CK
Drawn by:	KG
Checked by:	JHM
Approved by:	KJK

REVISIONS AND DATES
 2/20/05 ADDED SHEET PER SURVEYOR
 04-05-05 REVISIONS PER COUNTY COMMENTS
 04-18-05 REVISIONS PER COUNTY COMMENTS

BELLA TERRA
 106TH AND TOWNE ROAD
 CARMEL, INDIANA

STORM SEWER PROFILES

HAMILTON CO. SURVEYORS OFFICE
APPROVED
 DATE: MAY 20 2005

PREPARED BY:
Mid-States ENGINEERING
 9615 E. 148th St. #6
 Noblesville, IN 46060
 (317) 776-8665 Phone
 (317) 776-8666 Fax

PREPARED FOR:
BP DEVELOPMENT
 10916 TAMOSHANTER DRIVE
 CARMEL, INDIANA 46032

DATE: DEC. 30, 2004
 SCALE: 1" = 50'
 PROJECT: 122-0247
 SHEET NO.
C401