



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

May 8, 2014

To: Hamilton County Drainage Board

Re: Williams Creek Drain, Westmont Section 2

Attached is a petition filed by RH of Indiana, LP, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Westmont Section 2 Arm, Williams Creek 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	22,943 ft.	21" RCP	428 ft.
60" x 96" Concrete Box	192 ft.	24" RCP	612 ft.
12" RCP	3,554 ft.	36" RCP x 3 rows	40 ft.
15" RCP	2,285 ft.	Open Ditch	368 ft.
18" RCP	758 ft.		

The total length of the drain will be 31,180 feet.

The open ditch listed above is the channel between the extended 3 rows of 36" RCP under 141<sup>st</sup> Street and Str. 237. This will serve as an overflow routing for the western lakes in Saddle Creek and the upstream watershed of the O.F. Henley Arm of Williams Creek Drain.

With this development, part of the O.F. Henley Arm of Williams Creek will be removed and vacated from Sta. 44+33 to Sta. 55+44 per the 1981 legal description. This is 14" tile and will be replaced with the open ditch listed above, along with a new breather set on the end of the remaining tile. This will remove 1,111 feet from the length of the O.F. Henley Arm of Williams Creek.

The retention ponds (Lake #3, Lake #4, Lake #5, and Lake #6) located in Common Areas #8, #7, #1, and #9 are to be considered part of the regulated drain. Pond maintenance shall include inlet, outlet, sediment removal and erosion control along the banks as part of the regulated drain. The maintenance of the ponds (Lake #3, Lake #4, Lake #5, and Lake #6) such as mowing and aquatic vegetation control will be the responsibility of the Homeowners Association The Board will also retain jurisdiction for ensuring the storage volume for which the pond was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) to be part of the regulated drain are those located under the curbs and those main lines between lots or in rear yards. Only the main SSD lines, which are located within the easement and right of way, are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portion of the SSD which will be regulated other than those under curbs are as follows:

Rear yard lots 52-53 from Str. 176 to Str. 177 Rear yard lots 54 to 56 from Str. 177 to Str. 178 Rear vard lots 57 to 59 from Str. 178 going north to riser Rear yard lots 61 to 63 from Str. 187 going north to riser Rear yard lots 127 to 132 from Str. 187 to Str. 194 Rear yard lots 134-135 from Str. 202going south-west to riser Rear yard lots 137 to 143 from Str. 202 to Str. 190 Rear yard lots 119 to 234 from Str. 198 going south-west to riser Rear yard lots 116-117 from Str. 198 going east to riser Rear yard lots 109 and 113 from Str. 211 going north to riser Rear yard lots 105-106 from Str. 206 going east to riser Rear vard lots 98 to 100 and 110 to 112 from Str. 239 going north to riser Rear yard lots 96-97 from Str. 239 to Str. 240 Rear yard lots 93 to 95 from Str. 240 going south to riser Rear yard lot 82 from Str. 214 going east to riser Rear yard lots 79 to 81 from Str. 214 to Str. 209 Rear yard lots 75 to 78 from Str. 209 to Str. 161 Rear vard lots 74 from Str. 161 going south to riser Rear yard lots 90-91 from Str. 153 going east to riser Rear yard lots 42-43 from Str. 167 going south to riser Rear yard lots 44-45 from Str. 167 going west to riser Front yard lots 48 to 50 from Str. 173 going south to riser Rear yard lots 71 to 73 from Str. 165 going west to riser Rear yard lots 101 and 122 Str. 165 going north to Tee intersection Rear yard lots 67-68 from Str. 171 going south to riser Rear yard lots 65-66 and 125-126 from Str. 180 going east to riser Rear yard lot 51 from Str. 248 going north to riser Rear yard lots 48 to 50 from riser running south to open drain

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 \$65.00 per platted lot, \$10.00 per acre for common areas, with a \$65.00 minimum, and \$10.00 per acre for roadways. With this assessment the total annual assessment for this drain/this section will be \$7,378.10.

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: North American Specialty Insurance Company Date: April 4, 2014 Number: 2183492 For: Storm Sewers and Sub-surface drains Amount: \$917,639.40

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 requests. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for Westmont Section 2 as recorded in the office of the Hamilton County Recorder as allowed in IC 36-9-27-33(e).

I recommond the Board set a hearing for this proposed drain for July 28, 2014.

tZ.

Kenton C. Ward, CFM Hamilton County Surveyor

KCW/pll

(Revised 06/08/04)

#### STATE OF INDIANA

#### COUNTY OF HAMILTON )

#### TO: HAMILTON COUNTY DRAINAGE BOARD % Hamilton County Surveyor

One Hamilton County Square, Suite 188 Noblesville, IN. 46060-2230 JAN 282014

OFFICE OF HAMILTON COUNTY SURVEYOR

In the matter of	Westmont	Subdivision, Section
Two	Drain Petition.	6.8 2 

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in \_\_\_\_\_\_ Westmont, Section 2 \_\_\_\_\_, 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.

#### Adobe PDF Fillable Form

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

Wes Livingston - RH of Indiana, LP Printed Name

.

January 22, 2014 Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Signed

Printed Name

Date

Adobe PDF Fillable Form

#### FINDINGS AND ORDER

#### CONCERNING THE MAINTENANCE OF THE

Williams Creek Drain, Westmont Section 2 Arm

On this 28<sup>th</sup> day of July, 2014, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the Williams Creek Drain, Westmont Section 2 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

Member

Member

Kinette Mostraug xecutive Secretary Attest:



David J. Stoeppelwerth President, CEO Professional Engineer Professional Land Surveyor

Curtis C. Huff Vice President, COO Professional Land Surveyor

R.M. Stoeppelwerth Founder Professional Engineer Professional Land Surveyor

## STOEPPELWERTH & ASSOCIATES, INC.

## **CONSULTING ENGINEERS • LAND SURVEYORS**

April 2, 2014

Hamilton County Surveyor's Office One Hamilton County Square Suite 188 Noblesville, Indiana 46060

Attention: Greg Hoyes

#### Re: Westmont, Section 2

Dear Mr. Hoyes:

Please accept the following Engineer's Estimate on behalf of R.H. of Indiana, L.P. for Westmont, Section 2. The estimate is as follows:

## Westmont, Section 2 Performance Bond Cost Estimate

Description	Quantity	Unit	Unit Price	Contract Amount	Performance Bond
Centerline Monuments	26	EA	\$150.00	\$3,900.00	\$4,680.00
Lot Corners	102	EA	\$100.00	\$10,200.00	\$12,240.00
Storm Sewer					
Manhole	17	EA	\$2,050.00	\$34,850.00	
Large Single Curb Inlet	22	EA	\$1,850.00	\$40,700.00	
Small Single Curb Inlet	8	EA	\$1,175.00	\$9,400.00	
Large Beehive Inlet	8	EA	\$1,575.00	\$12,600.00	
Small Beehive Inlet	11	EA	\$1,075.00	\$11,825.00	
Double Curb Inlet	10	EA	\$2,600.00	\$26,000.00	
Outlet Structure	2	EA	\$2,500.00	\$5,000.00	
12" RCP	3,554	LF	\$17.00	\$60,418.00	*
15" RCP	2,283	LF	\$20.00	\$45,660.00	
18" RCP	758	LF	\$24.00	\$18,192.00	
21" RCP	419	LF	\$29.00	\$12,151.00	
24" RCP	611	LF	\$36.00	\$21,996.00	
36" RCP	144	LF	\$54.00	\$7,776.00	

7965 East 106th Street Fishers, Indiana 46038-2505

317.849.5935 Fax: 317.849.5942 www.Stoeppelwerth.com

Hamilton County Surveyor April 2, 2014 Page 2 of 2

60" x 90" Box Culvert No End Sections	191	LF	\$555.00	\$106,005.00	
12" RCP End Section w/ Trash		1000	*****	,	
Guard	11	EA	\$1,150.00	\$12,650.00	
15" RCP End Section w/ Trash	121				
Guard	5	EA	\$1,200.00	\$6,000.00	
18" RCP End Section w/ Trash Guard	-	EA	£1 200 00	¢2 600 00	
21" RCP End Section w/ Trash	2	EA	\$1,300.00	\$2,600.00	
Guard	1	EA	\$1,450.00	\$1,450.00	
24" RCP End Section w/ Trash	•	2.1	\$1,100.00	41,100100	
Guard	3	EA	\$1,650.00	\$4,950.00	
29" x 45" Elliptical	48	LF	\$200.00	\$9,600.00	
Video RCP	7,960	LF	\$1.00	\$7,960.00	
36" CMP	50	EA	\$45.00	\$2,250.00	
Concrete Cradle	5	EA	\$250.00	\$1,250.00	
Core	1	EA	\$500.00	\$500.00	
Granular Fill #53 Stone	1,410	Tons	\$13.00	\$18,330.00	
#8 Stone Bedding	1,775	Tons	\$16.50	\$29,287.50	
Sub-Surface Drains 6" SSD Dual Wall Streets w/					
Filter Fabric	15,512	LF	\$9.50	\$147,364.00	
6" SSD Swales Double Wall	10,720	LF	\$8.00	\$85,760.00	
Riser	31	EA	\$300.00	\$9,300.00	
Lot Leads	103	EA	\$125.00	\$12,875.00	
		Storm S	sewer Total	\$764,699.50	\$917,639.40
		G	rand Total	\$778,799.50	\$934,559.40

If you have any questions regarding these estimates, please contact Brett A. Huff at (317) 570-4841.

Very truly yours,

STOEPPELWERTH & ASSOCIATES, INC.

David J. Stoeppelwerth, P.E. Professional Engineer No. 19358 No. 19358 No. 19358 No. 19358 STATE OF NONAL ENGINEERIE NONAL ENGINEERIE

Cc: Jeremy Kashman John Thomas Mike Hollibaugh Kenny Windler Wes Livingston

S:\52415MI-S2\Blue\_Book\Agency\_Correspondence\HamiltonCountySurveyorHoyesEE04-02-14.doc

## SUBDIVISION BOND

3

Bond No.: 2183491	Principal Amount: <u>\$12,2</u> 14 CDB-2014-0	240.00
KNOW ALL MEN BY THESE PRESENTS, that we RH of Indiana, L.P. 9025 N. River Road, Ste. 100, Indianapolis, IN 46240		70
as Principal, and		
North American Specialty Insurance Company 650 Elm Street, Manchester, NH 03101	a	NH
Corporation, as Surety, are held and firmly bound unto Hamilton County Board of Commissioners, One Civic Square, Ste. 188, Noblesville, IN 46060	<b>a</b>	
as Obligee, in the penal sum of	22 72	
Twelve Thousand Two Hundred Forty Dollars and 00/100	. *	
	\$ 12,240.00 ), lawful	money of the
United States of America, for the payment of which well our heirs, executors, administrators, successors and assig presents. WHEREAS, <u>RH of Indiana, L.P.</u> has a <u>Westmont, Section 2</u> Subdivision, in <u>Ca</u> improvements:	gns, jointly and severally, firm	nly by these
Lot Corners	พราการการประกอบสาราสารสาราชาวิตา (การการประกองประกองประกองประกอง)	11-12-12-11-112-112-11
NOW, THEREFORE, THE CONDITION OF THIS ( Principal shall construct, or have constructed, the improv Obligee harmless from any loss, cost or damage by reason this obligation shall be null and void, otherwise to remain upon receipt of a resolution of the Obligee indicating that or completed, will complete the improvements or pay to t Principal amount of this bond which will allow the Oblig	rements herein described, and n of its failure to complete sain in full force and effect, and t the improvements have not the Obligee such amount up to	I shall save the id work, then the Surety, been installed to the

Upon approval by the Obligee, this instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed and dated, this \_4th \_ day of \_ April \_, 2014

APR 0 8 2014

OFFICE OF HAMILTON COUNTY SURVEYOR

RH of Indiana, L.P.

Principal Bv

North American Specialty Insurance Company	
Surety O MUCHAUTY	
By Mallan Det Selection	
Melissa Schmidt Attorney-in the 1973	
Now * AN UNIT	

#### NAS SURETY GROUP

#### NORTH AMERICAN SPECIALTY INSURANCE COMPANY WASHINGTON INTERNATIONAL INSURANCE COMPANY

#### GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois each does hereby make, constitute and appoint: <u>Melissa Schmidt</u>

Its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, the following surety bond:

Principal: RH of Indiana, L.P.

**Obligee:** Hamilton County Board of Commissioners

Bond Number: 2183491

Bond Amount: See Bond Form

Bond Description: Lot Corners

Provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of: FIFTY MILLION (\$50,000,000) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9<sup>th</sup> of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the scal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

SEAL SEAL	By	SEAL HANNE
A AMPSTON	By David M. Layman, Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company	Analanun in the Analan

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this \_25th\_ day of \_May \_ 20 12 .

#### North American Specialty Insurance Company Washington International Insurance Company

State of Illinois County of Cook ss:

On this <u>25th</u> day of <u>May</u> 20 <u>12</u>, before me, a Notary Public personally appeared <u>Steven P. Anderson</u>, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and <u>David M. Layman</u> Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



Donna D. Sklens, Notary Public

I, <u>Jeffrey Goldberg</u>, the duly elected <u>Assistant Secretary</u> of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 4th day of April , 2014

Jel Dello

Jeffrey Goldberg, Vico President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company State of Illinois} } ss. County of Dupage }

On <u>April 4, 2014</u>, before me, Kelly A. Gardner, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Melissa Schmidt known to me to be Attorney-in-Fact of North American Specialty Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires May 13, 2016

Kelly A. Gardner, Notary Public

OFFICIAL SEAL KELLY A GARDNER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:05/13/16

## SUBDIVISION BOND

Bond No.: 2183490	Principal Amount: \$4,680	).00	
	HCDB-2014-0	0017	
KNOW ALL MEN BY THESE PRESENTS, that we			
RH of Indiana, L.P.			
9025 N. River Road, Ste. 100, Indianapolis, IN 46240	*		٠
as Principal, and			
North American Specialty Insurance Company			
650 Elm Street, Manchester, NH 03101	a	NH	
Corporation, as Surety, are held and firmly bound unto Hamilton County Board of Commissioners			
One Civic Square, Ste. 188, Noblesville, IN 46060	0		
as Obligee, in the penal sum of			
Four Thousand Six Hundred Eighty Dollars and 00/100			
(Dollars) (	<u>4,680.00</u> ), lawful n	noney of the	
United States of America, for the payment of which well our heirs, executors, administrators, successors and assig	and truly to be made, we bind ins, jointly and severally, firm	1 ourselves, ly by these	
presents.		•	
NUTIDITAC PH of Indiana   P	mend to approximation		
WHEREAS, RH of Indiana, L.P. has a Westmont, Section 2 Subdivision, in Car	mel, IN the follo	xuina	
improvements:		wing	
improvements.			
Centerline Monuments			
a <u></u>			
NOW, THEREFORE, THE CONDITION OF THIS OF Principal shall construct, or have constructed, the improve Obligee harmless from any loss, cost or damage by reason this obligation shall be null and void, otherwise to remain upon receipt of a resolution of the Obligee indicating that or completed, will complete the improvements or pay to t Principal amount of this bond which will allow the Oblige	ements herein described, and of its failure to complete said in full force and effect, and th the improvements have not b he Obligee such amount up to	shall save the I work, then he Surety, been installed o the	
Upon approval by the Obligee, this instrument main improvements are completed.	ay be proportionately reduced	as the public	D
Signed, sealed and dated, this4th day of April	, 20 <u>14</u>	APR 0 8 2014	٠
	OFFIC	e of Hamilton County SU	IRVEYOR
RH of Indiana, L.P.	North American Specialty Insuran	ce Company	
By: MELUL	Surety By: <u>Muland</u> Melissa Schmidt Attorney-it	SEAL 15	•
		A CONTRACTOR OF CONTRACTOR	1

#### NAS SURETY GROUP

#### NORTH AMERICAN SPECIALTY INSURANCE COMPANY WASHINGTON INTERNATIONAL INSURANCE COMPANY

#### GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois each does hereby make, constitute and appoint: <u>Melissa Schmidt</u>

Its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, the following surety bond:

Principal: RH of Indiana, L.P.

Obligee: Hamilton County Board of Commissioners

Bond Number: 2183490

Bond Amount: See Bond Form

Bond Description: Centerline Monuments

Provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of:

FIFTY MILLION (\$50,000,000) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9<sup>th</sup> of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



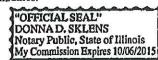
IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this \_25th\_ day of \_May\_ 20 12 .

North American Specialty Insurance Company Washington International Insurance Company

State of Illinois County of Cook

SS:

On this <u>25th</u> day of <u>May</u> 20 <u>12</u>, before me, a Notary Public personally appeared <u>Steven P. Anderson</u>, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and <u>David M. Layman</u> Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



onna A. Seleno

Donna D. Sklens, Notary Public

2014

I, Jeffrey Goldberg \_\_\_\_\_, the duly elected \_\_\_\_\_\_Assistant Secretary \_\_\_\_\_\_ of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 4th day of

Jeffrey Goldberg, Vice President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company

Stoppen and the state of the st

State of Illinois} } ss. County of Dupage }

On <u>April 4, 2014</u>, before me, Kelly A. Gardner, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Melissa Schmidt known to me to be Attorney-in-Fact of North American Specialty Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires May 13, 2016

Kelly A. Qardner, Notary Public

OFFICIAL SEAL KELLY A GARDNER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:05/13/16

# FILE

#### SUBDIVISION BOND

Bond No.: 2183492	Principal Amount: \$917	7,639.40
	HEDB-2014	-00019
KNOW ALL MEN BY THESE PRESENTS, that w	/e	
RH of Indiana, L.P.		
9025 N. River Road, Ste. 100, Indianapolis, IN 46240		
as Principal, and		
North American Specialty Insurance Company		
650 Elm Street, Manchester, NH 03101	a	NH
Corporation, as Surety, are held and firmly bound unto	0	
Hamilton County Board of Commissioners		
One Civic Square, Ste. 188, Noblesville, IN 46060		· · · · · · · · · · · · · · · · · · ·
as Obligee, in the penal sum of		
Nine Hundred Seventeen Thousand Six Hundred Thirty I	Nine Dollars and	24 - 642 644
40/100 (Dollars)	( <u>\$ 917,639.40</u> ), lawful	money of the
United States of America, for the payment of which we	ell and truly to be made, we bi	nd ourselves,
our heirs, executors, administrators, successors and as	signs, jointly and severally, fir	mly by these
presents.		
	a 8 x.	
WHEREAS, RH of Indiana, L.P. has	s agreed to construct in	
Westmont, Section 2 Subdivision, in (	Carmel, IN the fol	lowing
improvements:		
Storm Sewer	พระระบบการระดา และการรับได้สินการการราช คนาย เราะ และการรับการรับการรับการราช เป็นการราช และการการการ	garanteen marine maki Par

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described, and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void, otherwise to remain in full force and effect, and the Surety, upon receipt of a resolution of the Obligee indicating that the improvements have not been installed or completed, will complete the improvements or pay to the Obligee such amount up to the Principal amount of this bond which will allow the Obligee to complete the improvements.

Upon approval by the Obligee, this instrument may be proportionately reduced as the public improvements are completed.

Signed, sealed and dated, this 4th day of April, 2014

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RH of Indiana, L.P. Principal

Surety	D.m		inn.
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Attorney	y-ig-	C1973	18
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#### NAS SURETY GROUP

#### NORTH AMERICAN SPECIALTY INSURANCE COMPANY WASHINGTON INTERNATIONAL INSURANCE COMPANY

#### GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois each does hereby make, constitute and appoint: <u>Melissa Schmidt</u>

Its true and lawful Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, the following surety bond;

Principal: RH of Indiana, L.P.

Obligee: Hamilton County Board of Commissioners

Bond Number: 2183492

Bond Amount: See Bond Form

Bond Description: Storm Sewer

Provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed the amount of;

FIFTY MILLION (\$50,000,000) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 9<sup>th</sup> of May, 2012:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

	By Auls	ANALONAL WALL
S ONPORAX S	Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company	SEAL 2
SEAL 6	Pair Janan	5 Autore Sol
2 A HAMPSTON	David M. Layman, Vice President of Mashington International Insurance Company & Vice President of North American Specialty Insurance Company	A AND A AND AND AND AND AND AND AND AND

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this <u>25th</u> day of <u>May</u> 20 <u>12</u>.

North American Specialty Insurance Company Washington International Insurance Company

State of Illinois County of Cook ss:

On this <u>25th</u> day of <u>May</u> 20 <u>12</u>, before me, a Notary Public personally appeared <u>Steven P. Anderson</u>, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and <u>David M. Layman</u> Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



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Donna D. Sklens, Notary Public

I, Jeffrey Goldberg \_\_\_\_\_\_, the duly elected \_\_\_\_\_\_ Assistant Secretary \_\_\_\_\_\_ of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 4th day of

April

Jeffrey Goldberg, Vice President & Assistant Secretary of Washington International Insurance Company & Assistant Secretary of North American Specialty Insurance Company

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State of Illinois} } ss. County of Dupage }

On <u>April 4, 2014</u>, before me, Kelly A. Gardner, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Melissa Schmidt known to me to be Attorney-in-Fact of North American Specialty Insurance Company the corporation described in and that executed the within and foregoing instrument, and known to me to be the person who executed the said instrument in behalf of the said corporation, and he duly acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year stated in this certificate above.

My Commission Expires May 13, 2016

ly A. Gardner, Notary Public

OFFICIAL SEAL KELLY A GARDNER NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:05/13/16

#### BEFORE THE HAMILTON COUNTY DRAINAGE BOARD IN THE MATTER OF

#### Williams Creek Drain, Westmont Section 2

#### NOTICE

To Whom It May Concern and:

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the Williams Creek Drain, Westmont Section 2 on July 28, 2014 at 9:05 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

#### Williams Creek Drain, Westmont Section 2 Arm

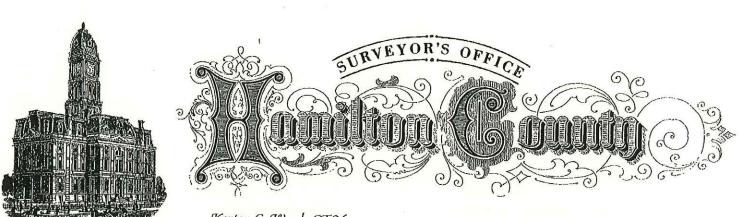
#### NOTICE

Notice is hereby given pursuant to Section 405 of the 1965 Indiana Drainage Code that this Board, prior to final adjournment on **July 28, 2014** 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



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 Kco

## To: Hamilton County Drainage Board

October 5, 2015

## Re: Williams Creek Drain – Westmont Section 2

Attached are as-built, certificate of completion & compliance, and other information for Westmont Section 2. 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 8, 2014. The report was approved by the Board at the hearing held July 28, 2014. (See Drainage Board Minutes Book 15, Pages 477-479) The changes are as follows:

The 6" SSD was lengthened from 22,943ft to 24,356ft. The 12" RCP was shortened from 3,554ft to 3,537ft. The 15" RCP was shortened from 2,285ft to 2,215ft. The 18" RCP was shortened from 758ft to 754ft. The 24" RCP was shortened from 612ft to 611ft. The open ditch was lengthened from 368ft to 420ft. The length of the drain due to the changes described above is now **32,542 feet**.

It should be noted that the two Vortex Water Quality Units within this section of development will be maintained by the City of Carmel. Also, 1,111 feet of 14" Concrete tile installed as a part of the O.F. Henley was removed (Sta. 44+33 to Sta. 55+44) with this project.

The non-enforcements were approved by the Board at its meetings on July 28, 2014 and August 25, 2014 and recorded under instrument #'s 2014037286 and 2015041921.

The following sureties were guaranteed by North American Specialty Insurance Company and released by the Board on its September 14, 2015 meeting.

Bond-LC No: 2183492 Amount: \$917,639.40 For: Storm Sewers & SSD Issue Date: April 4, 2014

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

Sincerely,

Kenton C. Ward, CFM Hamilton County Surveyor

### CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor

OFFICE OF HAMILTON COUNTY SURVEYOR

111 27 2015

Re: Westmont, Section 2

I hereby certify that:

- 1. I am a Registered Land Surveyor or 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.
- 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.

Date: July 27, 2015 Signature: Dennis D. Olmstead - Stoeppelwerth & Associates, Inc. Type or Print Name:

Business Address: 7965 East 106th Street

Fishers, Indiana 46038

Telephone Number: (317) 570-4700



INDIANA REGISTRATION NUMBER

900012

