



Kenton C. Ward, CFM
Surveyor of Hamilton County
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Suite 188
One Hamilton County Square
Noblesville, Indiana 46060-2230

September 15, 2008

To: Hamilton County Drainage Board

Re: Mud Creek Sand Creek Drain, Hamilton Proper Retail/Lifestyle Center

Attached are as-builts, recorded drainage easement, non-enforcement, certificate of completion & compliance and other information for the Hamilton Proper Lifestyle Center Development. My office has completed an inspection of the mitigation work within the development and found the work to be complete.

The project was submitted to the Drainage Board as a variance request. The variance proposal was submitted and approved by the Drainage Board on June 26, 2006 (See Drainage Board Minute Book 9, Pages 314-315).

During the variance approval the Drainage Board required HDG Mansur to provide and record a drainage easement to protect the mitigation work within the floodplain of Mud Creek. The easement was recorded in the Hamilton County Recorder's Office May 23, 2007, Instrument Number 2007028381.

During construction the as-built information indicates that excess fill in the amount of approximately 660 cubic yards has been placed within the floodplain. The approved project plans included an overage of floodplain storage, approximately 1,880 cubic yards beyond the Drainage Board approved overall 2:1 floodplain storage mitigation ratio for the entire project and the additional fill is less than one (1%) percent of the total fill approved for the project. Therefore, the completed project still appears to be in compliance with the project approval as reviewed and approved by Christopher B. Burke Engineering, LTD.

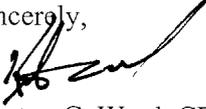
I recommend the enclosed non-enforcement be approved by the Board at this time.

The following surety was guaranteed by Developers Surety and Indemnity Company and released by the Board at the October 13, 2008 meeting.

Bond No. 719689S
Insured For: Mud Creek Flood Mitigation
Amount: \$403,929.44
Issue Date: June 1, 2007

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

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Ward', written over the word 'Sincerely,'.

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

CERTIFICATE OF COMPLETION AND COMPLIANCE

To: Hamilton County Surveyor

Re: *116th Retail, LLC*

I hereby certify that:

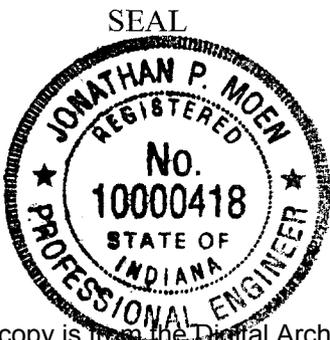
1. I am a Registered Land Surveyor or Engineer in the State of Indiana.
2. I am familiar with the plans and specifications for the above referenced subdivision.
3. I have personally observed and supervised the completion of the drainage facilities for the above referenced subdivision.
4. The drainage 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.

Signature: *Jonathan P. Moen* Date: *9/17/08*

Type or Print Name: *Jonathan P. Moen*

Business Address: *14701 Cumberland Road, Suite 200*
Noblesville, IN 46060

Telephone Number: *(317) 849-9722*



INDIANA REGISTRATION NUMBER

10000418

