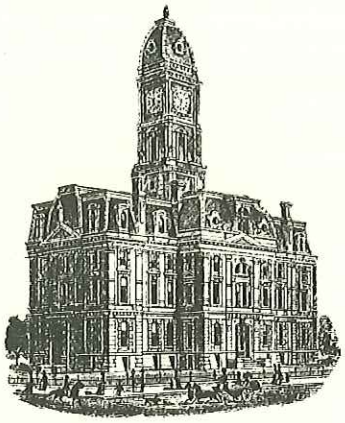

SURVEYOR'S OFFICE

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

August 5, 2013

TO: Hamilton County Drainage Board

RE: Crooked Creek Drain, Extension of North Augusta Arm #1
(Walnut Creek Drive Extension)

Attached is a petition filed by G. William Armstrong of Guarantee Properties Limited Partnership, along with plans, calculations, and quantity summary for an arm extension to the Crooked Creek Drain. This proposed drain is 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 below. Upon doing so, I believe that the drain is practicable, will improve the public health, benefit a 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" RCP – 33 feet	18" RCP – 16 feet
15" RCP – 54 feet	24" RCP – 359 feet

The total length of the drain will be 462 feet.

The extension of this arm shall begin at Str. 611 in the plans for Walnut Creek Drive Extension by Civil Site Group, Inc., having project number ADI.002, and last revision date of August 8, 2012. This structure is the terminus of the North Augusta Arm #1, per my report dated December 14, 2009, which was approved by the Board at hearing on February 22, 2010 (See Hamilton County Drainage Board Minutes Book 12, pages 420 to 421).

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The cost of the arm is to be paid by the petitioner, Guarantee Properties Limited Partnership.

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: July 1, 2013
Number: 5040921
For: Storm Sewers
Amount: $88,644.00

This bond covers the original North Augusta Arm #1 of the Crooked Creek Drain and this extension as outlined in this report.

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.

The parcels involved with this new arm extension are:

Parcel	Owner
17-13-07-04-01-005.000	Armtrust III, LLC
17-13-07-04-01-004.000	Armstrong Family Charitable Trust
17-13-07-04-01-003.000	Armstrong Family Charitable Trust
17-13-07-04-01-002.000	Armstrong Family Charitable Trust
98th Street ROW	City of Carmel

The easement for the drain should be the existing drainage easement as described in the drainage easement granted by Armstrong Family Charitable Trust and Armtrust III, LLC, which are recorded in the Office of the Hamilton County Recorder as instrument numbers 2013024116 and 2013024115, respectively. These are the additional easements described in my report for North Augusta Arm #1.

I recommend that the Board set a hearing for this arm on September 23, 2013.

Sincerely,

Kenton C. Ward, CFM
Hamilton County Surveyor

KCW/pll

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)*** came before the Hamilton County Drainage Board for hearing ***on September 23, 2013,*** 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 ***Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)*** 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:
Executive Secretary

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

To: Hamilton County Drainage Board Date: October 19, 2009

Re: Crooked Creek Drain

Guarantee Properties Limited Partnership (Here-in-after "Petitioner"), hereby petitions the Hamilton County Drainage Board under IC 36-9-27-66 for an arm to be installed to the Crooked Creek Drain, to be known as North Augusta Arm 1, in order to serve the property of the petitioner. The petitioner, in support of said petition, advises the Board that:

1. The Crooked Creek Drain is presently on a maintenance program and that land of the petitioner is assessed as benefited by the maintenance of the regulated drain
2. There is no known adequate open or tiled drain connecting the land of the petitioner with the regulated drain.
3. The waters from the petitioners land flow over or through land owned by others but is subject to a regulated drain easement to reach the regulated drain.
4. The general route of the proposed new regulated drain and method of construction is shown on Exhibit "A" which is attached.
5. Petitioner agrees to pay all legal and construction costs involved with the construction of the proposed new arm of the regulated drain and the design cost of Arm 2.

Signed	Printed
G. William Armstrong.	G. WILLIAM ARMSTRONG, GENERAL PARTNER GUARANTEE PROPERTIES, LIMITED PARTNERSHIP

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FILED
MAY 17 2012
OFFICE OF HAMILTON COUNTY SURVEYOR

Engineer's Opinion of Probable Costs

Armstrong Property - Carmel, IN

North Augusta Arm #1 Drainage Connection

5/15/2012

Item No.	Description	Quantity	Units	Unit Price	Total Price
1	Erosion Control & Seeding	1244	Square Yards	$ 1.50	$ ~~1,866~~ 0
2	Mobilization / Demobilization & Construction Engineering / Site Layout	1	Lump Sum	$ 5,000	$ ~~5,000~~ 0
3	Rip-Rap Stabilization	74	Square Yards	$ 6.00	$ 444
4	Tree Removal / Replacement	3	Each	$ 500	$ ~~1,500~~ 0
5	6-inch Perforated/Sock SSD (Includes #8 stone)	400	Linear Feet	$ 14.00	$ 5,600
6	Site Grading Restoration / Finish Grading	1244	Square Yards	$ 2.75	$ ~~3,421~~ 0
7	24" RCP Storm Sewer	421	Linear Feet	$ 54.00	$ 22,734
8	24" RCP End Section	1	Each	$ 1,500.00	$ 1,500
9	18" RCP Storm Sewer	61	Linear Feet	$ 32.00	$ 1,952
10	15" RCP Storm Sewer	58	Linear Feet	$ 31.00	$ 1,798
11	12" RCP Storm Sewer	33	Linear Feet	$ 24.00	$ 792
12	6' Dia. Storm MH w/ Casting (7.5' Deep) Str. #611	1	Each	$ 6,500.00	$ 6,500
13	6' Dia. Storm MH w/ Casting (11' Deep) Str. #613	1	Each	$ 7,500.00	$ 7,500
14	5' Dia. Storm MH w/ Casting (7.5' Deep)	3	Each	$ 4,000.00	$ 12,000
15	4' Dia. Storm MH w/ Casting (7.5' Deep)	3	Each	$ 3,250.00	$ 9,750
16	Inlet Type J w/ Casting (5' Deep)	1	Each	$ 1,800.00	$ 1,800
17	Inlet Type A w/ Casting (3' Deep)	1	Each	$ 1,500.00	$ 1,500
18	Snout BMP Str. #613	1	Each	$ 1,200.00	$ ~~1,200~~ 0

Estimated Total Construction Costs = $ ~~86,857~~ 73,870

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HCDB-2013-00038

FILE COPY

BOND SAFEGUARD INSURANCE COMPANY
Woodridge, IL 60517

SUBDIVISION PERFORMANCE BOND

BOND #5040921

KNOW ALL MEN BY THESE PRESENTS, That we, **Armtrust V, LLC,** 10654 Sunset Point Lane, Fishers, IN 46037, as Principal, and Bond Safeguard Insurance Company, 900 S. Frontage Road, Suite 250, Woodridge, IL 60517, as Surety, are held and firmly bound unto the **Hamilton County Board of Commissioners**, One Hamilton County Square, Noblesville, IN 46060 as Owner, in the sum of ****Eighty Eight Thousand Six Hundred Forty-Four and 00/100 **Dollars ($88,644.00)** 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 **Armstrong Property, North Augusta Arm #1 Drainage Connection** 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 1st Day of July, 2013.

Armtrust V, LLC

By: _____
G. WILLIAM ARMSTRONG

Bond Safeguard Insurance Company

By: _____
Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc.
340 E. Thompson Road
Indianapolis, IN 46227
(317) 780-1919

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POWER OF ATTORNEY

AO 79425

FILE COPY

Bond Safeguard INSURANCE COMPANY

KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Woodridge, Illinois, does hereby constitute and appoint: Anthony George Balzano, Deborah Mary Roth, ****** Jacqueline Demeter, Cheryl L. Beaird **********

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 $1,000,000.00, One Million 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 Assistant Secretary, 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 — AN ILLINOIS INSURANCE COMPANY

BOND SAFEGUARD INSURANCE COMPANY

BY _____

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 09/21/13

_____

Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Assistant 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 Woodridge, Illinois this 1st Day of July, 2013

BOND SAFEGUARD INSURANCE COMPANY — AN ILLINOIS INSURANCE COMPANY

_____

Philip G. Lauer
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."

This copy is from the Digital Archive of the Hamilton County Surveyor's Office, Noblesville, IN 46060

BS1

BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

Crooked Creek Drain,
Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)

NOTICE

To Whom It May Concern and:_____

Notice is hereby given of the hearing of the Hamilton County Drainage Board concerning the reconstruction of the **Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)** on **September 23, 2013** at **9:15 A.M.** in Commissioners Court, Hamilton County Judicial Center, One Hamilton County Square, Noblesville, Indiana. Construction and maintenance reports of the Surveyor and the Schedule of Assessments proposed 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

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STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 23, 2013** adopted the reconstruction report of the Surveyor and the Amended Schedule of damages and assessments including annual assessment for periodic maintenance, finding that the costs, damages and expense of the proposed improvement would be less than the benefits which will result to the owner of lands benefited thereby.

The Board issued an order declaring the proposed improvement established. Such findings and order were marked filed and are available for inspection in the Office of the Hamilton County Surveyor.

If judicial review of the findings and order of the Board is not requested pursuant to Article VIII of the 1965 Indiana Drainage Code as amended within twenty (20) days from the date of publication of this notice, the findings and order shall become conclusive.

HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman
PRESIDENT

ATTEST: Pamela Louks
SECRETARY

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

STATE OF INDIANA)
) SS BEFORE THE HAMILTON
)
COUNTY OF HAMILTON) DRAINAGE BOARD

IN THE MATTER OF **Crooked Creek Drain, Extension of North Augusta Arm #1 (Walnut Creek Drive Extension)**

NOTICE

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HAMILTON COUNTY DRAINAGE BOARD

BY: Christine Altman
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

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2013024115 EASEMENTS $0.00
04/18/2013 03:44:20P 4 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

NC 4

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That ARMTRUST III, LLC (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

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Adobe PDF Fillable Form

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this 2ND day of MAY, 2012.

GRANTOR : ARMTRUST III, LLC

G. William Armstrong
Member

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 2nd day of May, 2012 personally appeared the within named G. William Armstrong and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

TERESA T. BECKER
MY COMMISSION EXPIRES
August 10, 2017
SEAL
NOTARY PUBLIC, STATE OF INDIANA
HAMILTON COUNTY

Teresa T. Becker

Notary Public,
Residing in Hamilton County, IN

My Commission Expires:
8-10-2017

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317) 773-4212.

Adobe Acrobat Reader
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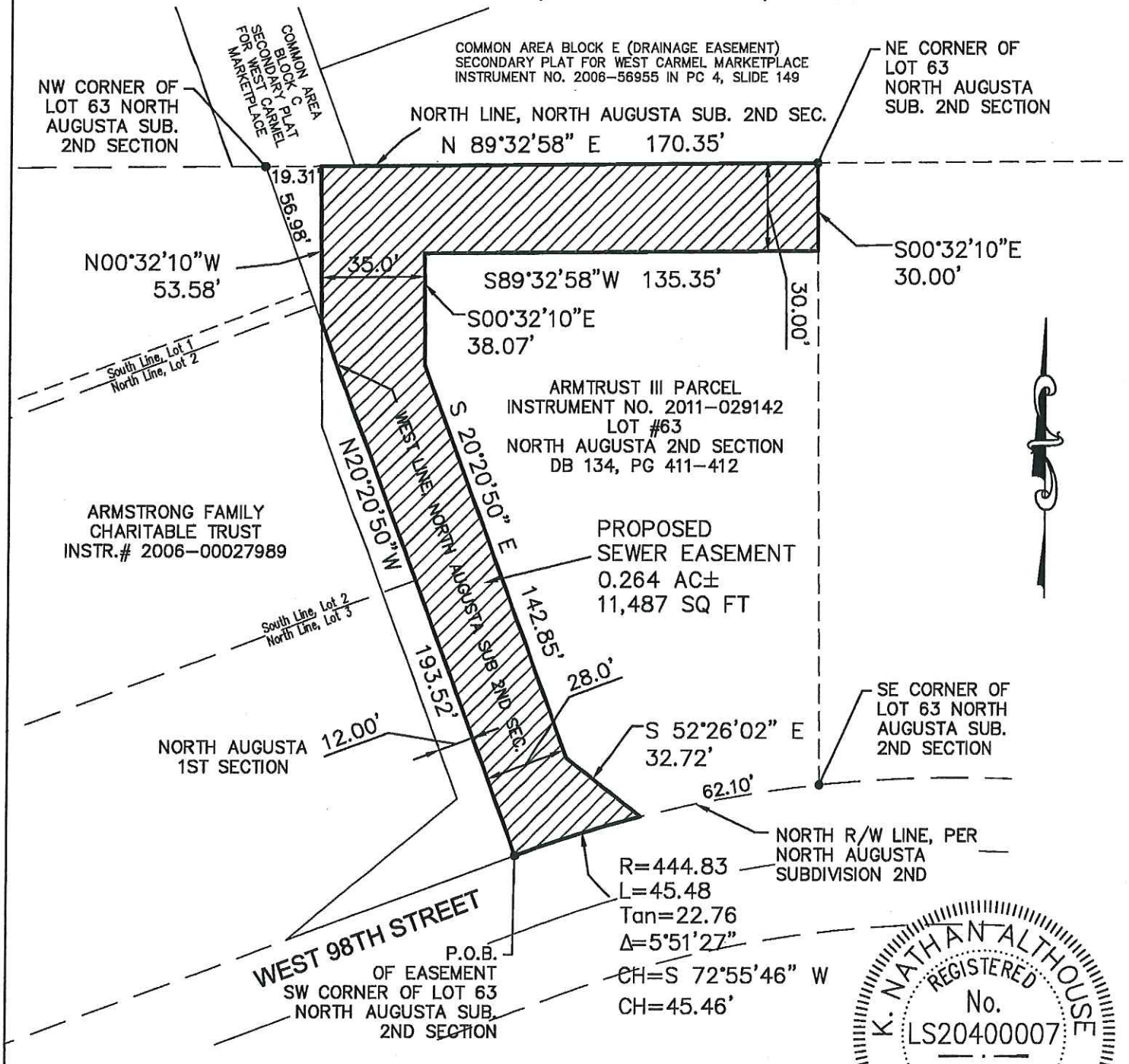
EXHIBIT "A"

PART OF LOT 63 IN NORTH AUGUSTA 2ND SECTION
CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA



K. Nathan Althouse
R.L.S. LS20400007

04/19/2012
DATE:

K. NATHAN ALTHOUSE
REGISTERED
No.
LS20400007
STATE OF INDIANA
LAND SURVEYOR

GRAPHIC SCALE
0 25 50 100
SCALE : 1" = 50'

THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT BOTH

PAGE 1 OF 2

MILLER SURVEYING INC.
948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694

LOCATION: PART OF LOT 63 IN NORTH AUGUSTA 2ND SECTION CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: MJJ	CHK'D BY: KNA
	SCALE: 1" = 50'	FIELD BOOK: N/A
	DATE: 04/25/2012	PAGE: N/A
FIELD WORK COMPLETED: N/A	JOB NUMBER	SURVEY 4 FILE:
CLIENT: (BRIAN CROSS)		
DESCRIPTION: SEWER EASEMENT	B3707.77	77 UNITED

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EXHIBIT "A"

PART OF LOT 63 IN NORTH AUGUSTA 2ND SECTION
CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

PART OF LOT 63 IN NORTH AUGUSTA 2ND SECTION IN CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 63 IN NORTH AUGUSTA, 2ND SECTION RECORDED IN DEED BOOK 134 PAGE 411–412 IN THE RECORDER'S OFFICE OF HAMILTON COUNTY INDIANA; THENCE ON THE WEST LINE OF LOT 63 NORTH 20 DEGREES 20 MINUTES 50 SECONDS WEST (ASSUMED BEARING) 193.52 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 10 SECONDS WEST 53.58 FEET TO THE NORTH LINE OF SAID LOT 63; THENCE ON SAID NORTH LINE NORTH 89 DEGREES 32 MINUTES 58 SECONDS EAST 170.35 FEET TO THE NORTHEAST CORNER OF SAID LOT 63; THENCE ON THE EAST LINE OF SAID LOT 63 SOUTH 00 DEGREES 32 MINUTES 10 SECONDS EAST 30.00 FEET; THENCE SOUTH 89 DEGREES 32 MINUTES 58 SECONDS WEST 135.35 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 10 SECONDS EAST 38.07 FEET; THENCE SOUTH 20 DEGREES 20 MINUTES 50 SECONDS EAST 142.85 FEET; THENCE SOUTH 52 DEGREES 26 MINUTES 02 SECONDS EAST 32.72 FEET TO NON–TANGENT CURVE ON THE SOUTH LINE OF LOT 63 WITH A RADIUS OF 444.83 FEET AND THE CENTRAL ANGLE OF 5 DEGREES 51 MINUTES 27 SECONDS; THENCE ON THE ARC OF SAID CURVE 45.48 FEET WITH A CHORD BEARING SOUTH 72 DEGREES 55 MINUTES 46 SECONDS WEST 45.46 FEET TO THE POINT OF BEGINNING, CONTAINING 0.264 ACRES MORE OR LESS.

"THE WITHIN LAND DESCRIPTION AND/OR EXHIBIT DRAWING WAS PREPARED BASED UPON RECORD INFORMATION AND/OR PRIOR SURVEYS OF THE PARENT TRACT. NO FIELD SURVEY WAS PERFORMED AND NO MONUMENTS WERE SET WITH THIS WORK. THIS LAND DESCRIPTION IS SUBJECT TO CHANGE BASED UPON A REVIEW OF A CURRENT BOUNDARY SURVEY OF THE PREMISES.

THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT BOTH

PAGE 2 OF 2

K. Nathan Althouse

R.L.S. LS20400007

04/19/2012
DATE:

MILLER SURVEYING INC.
948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773–2644 FAX 773–2694

LOCATION: PART OF LOT 63 IN NORTH AUGUSTA 2ND SECTION CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: MJJ	CHK'D BY: KNA
	SCALE: 1" = 50'	FIELD BOOK: N/A
FIELD WORK COMPLETED: N/A	DATE: 04/25/2012	PAGE: N/A
CLIENT: (BRIAN CROSS)	JOB NUMBER	SURVEY 4 FILE:
DESCRIPTION: SEWER EASEMENT	D3707	77 UNITED

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, IN 46060

2013024116 EASEMENTS $0.00
04/18/2013 03:44:20P 4 PGS
Mary L. Clark
HAMILTON County Recorder IN
Recorded as Presented

DRAINAGE EASEMENT

THIS INDENTURE WITNESSETH: That ARMSTRONG FAMILY CHARITABLE TRUST (referred to herein as the "Grantor") for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to the Board of Commissioners of Hamilton County, ("Grantee") a non-exclusive perpetual easement through, upon, over, along and across the following described real property located in Hamilton County, Indiana, ("the Easement") to-wit;

See Exhibit A.

This Easement is granted for the purpose of providing overland or subsurface paths and courses for the construction, maintenance, preservation of storm drainage. The Grantor reserves for themselves and their successors and assigns the right to use the Easement for any uses which are not inconsistent with the purposes herein. However, in the event the Grantor, or their successors, elect or desire to do any construction or alterations to the Real Estate within the Easement, they shall do so only upon approval of the Grantee. The Grantor further agrees that they shall not grant any easements to any other utilities, or other persons, through the real estate described herein, without the consent of the Grantees, and if said grants are given, those easements shall be subject to the Grantee's rights to regulate and permit construction or alteration with the Easement.

In the event the Grantee, its employees, or contractors are required to come upon the real estate contained in the Easement to replace, restore, or clear any drainage structures, ditches, drains, or swales contained therein, the Grantee shall only be liable to restore the Grantor's real estate to its previous grade, and to re-seed and undertake erosion control measures as are required by 327 IAC15-5 as amended. The Grantee, its employees, or contractors shall not be liable to Grantor, or his successor in title, for any improvements to the real estate, landscaping, sod, or any other improvements within the Easement which are damaged in the course of the repair of the drainage structure, ditches, drains, or swales contained in the Easement area.

This copy is from the Digital Archive of the Hamilton County Surveyor's Office; Noblesville, In 46060

This Drainage Easement and the agreements herein shall run with the land and shall be binding upon and inure to the benefit of the Grantor and its successors and assigns and upon the Grantee and its successors.

IN WITNESS WHEREOF, The Grantor has executed this Drainage Easement on this 2ND day of May, 2012.

GRANTOR: Armstrong Family Charitable Trust.

G. William Armstrong
TRUSTEE

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

Subscribed and sworn to before me, a Notary Public this 2nd day of May, 2012 personally appeared the within named G. William Armstrong and acknowledged the execution of the foregoing document.

WITNESS my hand and official seal.

TERESA T. BECKER
MY COMMISSION EXPIRES
August 10, 2017
SEAL
HAMILTON COUNTY
NOTARY PUBLIC, STATE OF INDIANA

Teresa T. Becker

Notary Public,
Residing in Hamilton County, IN

My Commission Expires:

8-10-2017

This instrument prepared by Michael A. Howard, Attorney at Law, 694 Logan Street, P.O. Box 309, Noblesville, Indiana 46060, (317) 773-4212.

Form revised 01/02/02

Adobe PDF Fillable Form

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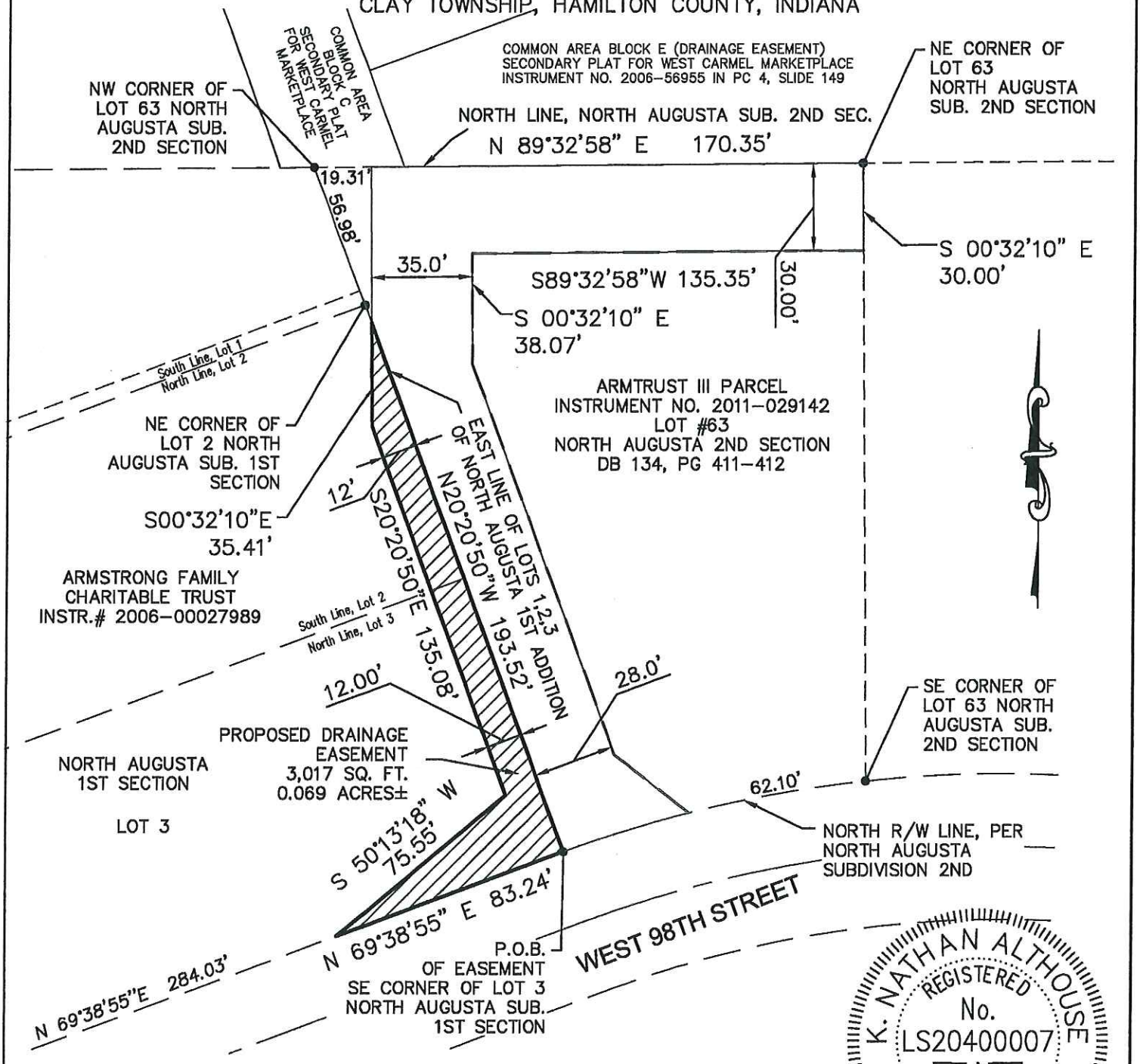
EXHIBIT "A"

PART OF LOT 3 AND 2 IN NORTH AUGUSTA 1ST SECTION
CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA



K. NATHAN ALTHOUSE
REGISTERED
No. LS20400007
STATE OF INDIANA
LAND SURVEYOR

K. Nathan Althouse
R.L.S. LS20400007

04/19/2012
DATE:

GRAPHIC SCALE
0 25 50 100
SCALE : 1" = 50'

THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT BOTH

PAGE 1 OF 2

MILLER SURVEYING INC.
948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694

LOCATION: PART OF LOT 3 AND 2 IN NORTH AUGUSTA 1ST SECTION CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: MJJ	CHK'D BY: KNA
	SCALE: 1" = 50'	FIELD BOOK: N/A
FIELD WORK COMPLETED: N/A	DATE: 04/25/2012	PAGE: N/A
CLIENT: (BRIAN CROSS)	JOB NUMBER	SURVEY 4 FILE:
DESCRIPTION: SEWER EASEMENT	B3397B	77 UNITED

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EXHIBIT "A"

PART OF LOT 3 AND 2 IN NORTH AUGUSTA 1ST SECTION
CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA

LAND DESCRIPTION

A PART OF LOTS 2 AND 3 IN NORTH AUGUSTA 1ST ADDITION IN CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 3 IN NORTH AUGUSTA 1ST SECTION RECORDED IN RECORD 132 PAGE 446 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA; THENCE ON THE EAST LINE OF LOTS 3 AND 2 OF SAID NORTH AUGUSTA 1ST SECTION NORTH 20 DEGREES 20 MINUTES 50 SECONDS WEST (ASSUMED BEARING) 193.52 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 10 SECONDS 35.41 FEET; THENCE SOUTH 20 DEGREES 20 MINUTES 50 SECONDS EAST 135.08 FEET; THENCE SOUTH 50 DEGREES 13 MINUTES 18 SECONDS WEST 75.55 FEET TO THE SOUTH LINE OF SAID LOT 3; THENCE ON SAID SOUTH LINE NORTH 69 DEGREES 38 MINUTES 55 SECONDS EAST 83.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.069 ACRES MORE OR LESS.

"THE WITHIN LAND DESCRIPTION AND/OR EXHIBIT DRAWING WAS PREPARED BASED UPON RECORD INFORMATION AND/OR PRIOR SURVEYS OF THE PARENT TRACT. NO FIELD SURVEY WAS PERFORMED AND NO MONUMENTS WERE SET WITH THIS WORK. THIS LAND DESCRIPTION IS SUBJECT TO CHANGE BASED UPON A REVIEW OF A CURRENT BOUNDARY SURVEY OF THE PREMISES.

THIS SURVEY IS NOT COMPLETE AND/OR VALID WITHOUT BOTH

PAGE 2 OF 2

K. Nathan Althouse

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04/27/2012
DATE:

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948 CONNER STREET
NOBLESVILLE INDIANA 46060
PH. # (317) 773-2644 FAX 773-2694

LOCATION: PART OF LOT 3 AND 2 IN NORTH AUGUSTA 1ST SECTION CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA	DRAWN BY: MJJ	CHK'D BY: KNA
	SCALE: 1" = 60'	FIELD BOOK: N/A
FIELD WORK COMPLETED: N/A	DATE: 04/27/2012	PAGE: N/A
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