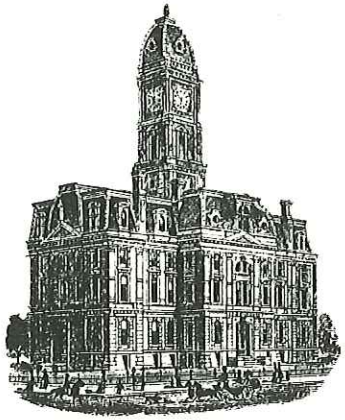

SURVEYOR'S OFFICE

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, 2015

To: Hamilton County Drainage Board

Re: William Lehr Drain, Joseph & Brooks Arm
Noble East & Flagstone Subdivision Relocation

Attached are plans for the proposed relocation of the William Lehr Drain, Joseph & Brooks Arm. The proposal is to relocate and reconstruct the existing tile drain currently on parcel 12-11-10-00-00-023.000 (proposed Noble East Subdivision site) owned by Corby Thompson and Robert Bowen; parcel 12-11-10-00-00-026.000 (proposed Flagstone Subdivision site) owned by Summerwood LLC; parcel 11-11-09-00-00-010.000 (proposed Marion Subdivision site) owned by John J. Brooks; and pipes under the Summer Road right-of-way owned by the City of Noblesville per the 'Noble East, Sec. 1' project plans by Schneider Corporation, Job No. 3400.010, dated revised 04/07/15. The upstream end of this relocation will begin along the east right-of-way line of Summer Road which is approximately Station 92_19 of the drain. The downstream end of this relocation will end at the confluence with the main William Lehr Open Drain located near the east property line of Noble East subdivision which is Station 121+55 of the drain.

This relocation will consist of the following:

3,100' of Open Drain 110' of 8'x 4' Box Culvert 147' of 18" RCP

The newly installed drain will have a length of 3,357feet. The existing 2,936 feet of tile drain between existing stations 92+19 and 121+55 will be removed and abandoned. This proposal will add 421 feet to the drain's total length.

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The 110 feet of box culvert noted above consists of the culvert pipe under Summer Road. The 18" RCP listed above is the section of new tile on the west side of Summer Road connecting to the existing Joseph & Brooks Drain with a manhole, Structure 710, then running north to the west end of the new 8'x4' box culvert under Summer Road where it will outlet.

The Eli Brooks Drain was established in 1893 (See Reviewers Report, December 7, 1893) and reconstructed through the Circuit Court in 1952/3. It was combined with the William Lehr Drain, Booth-White and Joseph Drains in 1967 when it was placed on the maintenance program under the then fairly new 1965 Indiana Drainage Code. The drains are currently on a maintenance program which was approved at hearing on December 4, 1967 (See Hamilton County Drainage Board Minutes Book 1, Page 23).

The cost of the project is to be paid by the developer. The developer shall provide surety upon approval prior to construction.

The easement for the drain in this location shall be a minimum of 25' as measured at right angles from each top of bank of the open ditch and the centerline of pipe. Subdivision non-enforcement requests will be submitted to the Board as each section of the Noble East, Flagstone and Marion Subdivisions abutting the new open drain are ready for secondary plat.

I recommend the Board set a hearing date for September 28, 2015.

Sincerely,

Kenton C. Ward
Hamilton County Surveyor

KCW/pll

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HAMILTON COUNTY DRAINAGE BOARD
NOBLESVILLE, INDIANA

FILED
JUN 02 2014
OFFICE OF HAMILTON COUNTY SURVEYOR

IN RE: _____)
Hamilton County, Indiana)

PETITION FOR RELOCATION AND RECONSTRUCTION

Boomerang Development (hereinafter Petitioner"), hereby petitions the Hamilton County Drainage Board for authority to relocate and improve a section of the William Lehr Drain, and in support of said petition advises the Board that:

1. Petitioner owns real estate through which a portion of the William Lehr 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 William Lehr 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 William Lehr Drain, without cost to other property owners on the watershed of the William Lehr Drain.

WHEREFORE, Petitioner requests that an Order issued from the Hamilton County Drainage Board authorizing relocation and reconstruction of the William Lehr Drain, in conformance with applicable law and plans and specifications on file with the Hamilton County Surveyor.

Signed

Corby D. Thompson, Manager
Printed
Boomerang Development, LLC

Adobe PDF Fillable Form

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STATE OF INDIANA)
) ss:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON COUNTY
DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
William Lehr Drain,
Joseph & Brooks Arm, Noble East & Flagstone Subdivision Relocation

FINDINGS AND ORDER FOR RECONSTRUCTION

The matter of the proposed Reconstruction of the ***William Lehr Drain, Joseph & Brooks Arm, Noble East & Flagstone Subdivision Relocation*** came before the Hamilton County Drainage Board for hearing ***on September 28, 2015,*** 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 ***William Lehr Drain, Joseph & Brooks Arm, Noble East & Flagstone Subdivision Relocation*** 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

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Ww Lehr Reconst. (Brooks Arm) in Noble East, Sec & Flagstone,

5-Jun-15

FYI

Weihe Construction Estimate		
earthmoving bid	$	78,750.00
wing walls estimate		36,000.00
flowable fill estimate		8,000.00
box culvert bid		116,204.00
lower waterline to accommodate 4' deep culvert		22,152.00
tree clearing 80' wide		38,258.00
Roudebush Grading		59,132.00
erosion control/seeding/silt fence bid		
Schneider Engineering Estimate		
design/staking ditch		6,000.00
design/staking box culvert		6,000.00
Total for Legal Drain ditch reconstruction	$	**370,496.00**
Culvert portion		**188,356.00**
Ditch portion		**182,140.00**

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15215 Stony Creek Way
Noblesville, IN 46060
Phone: (317) 776-2966
Fax: (317) 776-3050

FILE COPY

PROPOSAL

Submitted to:	*Boomerang Development*	*Date:*	9/4/2014	*Revised:*	12/19/2014
	11911 Lakeside Drive	*Job Name:*	**Noble East Section 1**	Rev 2	4/22/2015
	Fishers IN 46038	*Location:*	Summer Rd, Noblesvillle	Rev 3	7/14/2015
Phone:	849-7607	*Engineer:*	Schneider		
Fax:		*Plan Date:*	7/16/2014	Revised:	4/7/2015
				Sanitary Sheets	6/19/2015
Attention:	Chris Werth	*Estimated By:*	*BR, LW*	*HCSS*	NOBLEEAST1R1

Description of Estimate:

Site Work, Sanitary Sewer, Storm Sewer, Subsurface Drain, Waterline & Lime Stabilization.

Item No.	Estimate Breakdown		Sub-Total
1	**Construction Entrance / Concrete Washout** *Construction Entrance - 1 (Ea) 200 ton, Concrete Washout - 1 (Ea) - 1 Debris Removal* *Existing Inlet Protection - 5 Ea* *Includes Porta Let - 6 Month Rental* ***** Does not include any other erosion items (Silt Fence, Blanket, Seeding etc..)***		$ 7,272.00
2	**Demolition** *Demolition of existing field tile. Storm pipe under Summer Rd* *Grout existing field tile to be abandoned in place under Summer Rd.* ***Includes sand backfill under pavement***		$ 19,595.00
3	**Clearing - NOT INCLUDED**		N.A.
4	**Earthwork** *Price based on striping pads and streets an average depth of 0.5'.* ***Site does not balance, 99,000 cyds heavy.*** *Includes finish grading of pads, streets, and rear yard swales.* *Includes rock check dams and sediement basins* *Does not include filter strip construction* *****Does not include clay liner at ponds - see alternate below*****		$ 427,202.00
4.1	**Mass Earthwork Future Section 2** *Strip Pads and ROW* ***Excess material from section 1 to be used to balance section 2*** *Does not include subgrade prep of streets, finish grading of swales*		$ 220,135.00
5	**Sanitary Sewer** *10" SDR 26- 2,122 LF* *8" SDR 26- 1,824 LF* *8" SDR 35 - 1,070 LF* *6" SDR 26 Laterals - 3,141 LF* *Sanitary Manholes - 22 EA* ***Includes sand bedding, and sand backfill under pavement only*** ***** DOES NOT Includes rock excavation***	removed sand & 1 manhole 7/14/15 Deduct $494,023.00 -$64,228.00 $429,795.00	$ 429,795.00
6	**Storm Sewer** *12" RCP - 1001 LF, 15" RCP - 1,408 LF, 18" RCP - 1,663 LF, 21" RCP - 609 LF, 24" RCP - 172 LF, 27" RCP - 245 LF* *Includes storm curb inlets, manholes, and outfall structure* *Includes End Sections and Rip Rap. Includes trash guard at upstream end section*		$ 280,396.00
6.1	**Storm Sewer - Box Culvert** *110 LF of 4' x 8' Box Culvert* ***Includes ganular backfill under pavement*** ***DOES NOT Include Wing walls.*** ***(Budget in about $36,000 to pour in place wing walls)*** ***DOES NOT Include ANY flowfill under pavement***		$ 116,204.00
7	**Onsite Waterline (C900 DR 14)** *Installation of 2,335 LF of 12" C900, 2,010 LF of 8" C900 and 205 LF of 4" C900* *Fire hydrants - 11 EA* *Gate Valves - 18 EA* *****DOES NOT include water services / meter pits***** ***Includes sand backfill in R/W.***		$ 278,235.00
7.1	**Waterline - Lower existing 12" main on Summer Rd** *Lower existing 12" DI along Summer Rd at (2) locationsfor box culvert and storm sewer installations.* ***Includes sand backfill in R/W.***		$ 22,152.00
8	**Subsurface Drain - Curb Inlet Leaders** *Curb Inlet 20' stub outs- 880 LF*		$ 8,749.00
9	**Subsurface Drain - Rear yard and Swale on Summer Rd** *6" Double Wall Perforated SSD - 4,782 LF*		$ 40,982.00
10	**Subsurface Drain - House Laterals -** *4" Subsurface drain lot laterals - 74 Ea*		$ 3,941.00

TOTAL $ 1,854,658.00

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15215 Stony Creek Way
Noblesville, IN 46060
Phone: (317) 776-2966
Fax: (317) 776-3050

ADD ALTERNATES

1A	**Lime Stabilization** *Kiln Dust Stabilization of Local Streets*	15,865 yd2 @ $3.50 yd2	ADD $	55,527.50
2A	**Lime Stabilization** *Kiln Dust Stabilization of Acel/Decel Lanes and passing blister*	1,340 yd2 @ $6.00 yd2	ADD $	8,040.00
3A	**24" Clay Liner for Ponds** *Includes 24" Clay liner at ponds from normal pool elevation to bottom elevation of pond*		ADD $	63,275.00
4A	**Dewatering for Sanitary sewer** *(2604 lf, wells at 75' OC)*		ADD $	220,107.00
5A	**Dewatering for Pond Excavation** *(3,700 lf. wells at 100' OC)*		ADD $	250,780.00

DEDUCT ALTERNATES

1D	**Onsite Waterline** *Install C900 DR 18 PIPE IN LIEU of DR 14*		DEDUCT $	(12,306.00)

We hereby propose to furnish labor and materials - complete in accordance with the above specifications for the sum of:
One Million Eight Hundred Fifty-Four Thousand Six Hundred Fifty-Eight Dollars and Zero Cents >> **$ 1,854,658.00**

With payment to be made as follows: Monthly .

All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the original estimate. All agreements are contingent upon strikes, accidents or delays beyond our control. Owner must carry fire, tornado and other necessary insurance. Our workers are fully covered by worker's compensation insurance.

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15215 Stony Creek Way
Noblesville, IN 46060
Phone: (317) 776-2966
Fax: (317) 776-3050

Bid Qualifications

Submitted to: Boomerang Development		*Date:*	9/4/2014	*Revised:*	12/19/2014
	11911 Lakeside Drive	*Job Name:*	**Noble East Section 1**	Rev 2	4/22/2015
	Fishers IN 46038	*Location:*	Summer Rd, Noblesvillle	Rev 3	7/14/2015
Phone:	849-7607	*Engineer:*	Schneider		
Fax:		*Plan Date:*	7/16/2014	Revised:	4/7/2015
				Sanitary Sheets	6/19/2015
Attention:	Chris Werth	*Estimated By:*	*BR, LW*	*HCSS*	NOBLEEAST1R1

Bid Inclusions:

1 Price subject to change if not excepted within 30 days from the date of this proposal unless otherwise stated.
2 Due to PVC resin companies declaring "Force Majeure", PVC pricing is not guaranteed and may delay delivery. We will work closely with suppliers to lock in pricing for your project if selected as your contractor.
3 Bid includes sanitary, storm, and waterline maintenance bonds.
4 Price subject to change if not excepted within 30 days from the date of this proposal.
5 Includes temporary stone entry/concrete washout area

Bid Exclusions:

1 Estimate does not include utility relocation.
4 Estimate does not include any abnormal dewatering which would constitute a pump larger than 3 inches.
5 Estimate does not include any bush hogging of vegetation to facilitate construction staking.
6 Estimate does not include utility conduits. Utility conduits can be installed for an additional $13.00 plus the cost of conduit per linear trench foot.
7 Soft areas in the proposed sub-grade which require undercutting shall be performed at an additional cost.
8 Estimate does not include sales tax. Tax Exempt Certificate Required
9 Estimate does not include any construction staking.
10 Estimate does not include any erosion control
11 Bid does not include 7% Indiana State Sales Tax, tax exempt certificate required
12 Bid does not include Common, Davis Beacon, or prevailing wage rates
13 **DOES NOT INCLUDE ANY MAJOR DEWATERING OTHER THAN 3" PUMP**

Lime Stabilization Notes:

1c Coordination of utility locates prior to lime stabilization to be performed by others.
2c Field measurement after lime stabilization is complete will determine final contract price, based on the above unit cost.
3c Bid based on use of Quick Lime as stabilizing material at 16" depth.
4c Bid based on one mobilization to site. Additional mobilizations at $3,500.00/ea.
5c Undercutting and/or re-liming of non-reactive areas to be performed at additional cost.
6c Price does not include lime stabilization of initial subgrade after topsoil stripping operations. If initial subgrade fails
7c proof-roll by Owner or Owner's representative, and additional lime stabilization of unsuitable subgrade is determined to be required, then a change order will be necessary to proceed with original scope of work.
8c Lime stabilization is temperature dependent for ideal results. WCI will not guarantee the results of stabilization performed below 40 degrees F. or if subgrade is frozen.

Acceptance Of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified.
This proposal may be withdrawn if not accepted within 30 days.

Accepted By

Date

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SUBDIVISION BOND

Bond No.: 2193501 Principal Amount: $127,824.40

KNOW ALL MEN BY THESE PRESENTS, that we
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
City of Noblesville,
16 S. 10th Street, Ste. 155, Noblesville, IN 46060
as Obligee, in the penal sum of
One Hundred Twenty Seven Thousand Eight Hundred Twenty Four Dollars
and 40/100 (Dollars) ($ 127,824.40), lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, RH of Indiana, L.P. has agreed to construct in Noble East Section I Subdivision, in Noblesville, IN the following improvements:

Noble East Section I - Summer Road Box Culvert

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 5th day of May, 2015

RH of Indiana, L.P.
Principal
By:

North American Specialty Insurance Company
Surety
By:
Kelly A. Gardner Attorney-in-Fact

NORTH AMERICAN SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1973 NEW HAMPSHIRE

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HCDB-2015-00024

SUBDIVISION BOND

FILE COPY

Bond No.: 2193497

Principal Amount: $94,500.00

KNOW ALL MEN BY THESE PRESENTS, that we
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
Hamilton County Board of Commissioners,
1 Hamilton County Square, Ste. 188, Noblesville, IN 46060
as Obligee, in the penal sum of
Ninety Four Thousand Five Hundred Dollars and 00/100
(Dollars) ($ 94,500.00), lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, RH of Indiana, L.P. has agreed to construct in Noble East Section I Subdivision, in Noblesville, IN the following improvements:

Noble East Section I - William Lehr Drain Reconstruction

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 5th day of May, 2015

RH of Indiana, L.P.
Principal
By: [signature]

North American Specialty Insurance Company
Surety
By: Kelly A. Gardner
Kelly A. Gardner Attorney-in-Fact

NORTH AMERICAN SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1973 NEW HAMPSHIRE

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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: **Kelly A. Gardner**

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. **Bond Number:** 2193497

Obligee: Hamilton County Board of Commissioners **Bond Amount:** **See Bond Form**

Bond Description: Noble East Section I - William Lehr Drain Reconstruction

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 9th 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."

NORTH AMERICAN SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1973 NEW HAMPSHIRE

By _____
Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company

By _____
David M. Layman, Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

WASHINGTON INTERNATIONAL INSURANCE COMPANY CORPORATE SEAL NEW HAMPSHIRE

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 2012.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Cook ss:

On this 25th day of May 2012, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, 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.

"OFFICIAL SEAL"
DONNA D. SKLENS
Notary Public, State of Illinois
My Commission Expires 10/06/2015

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 5th day of May, 2015.

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 May 5, 2015, before me, Melissa Schmidt, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Kelly A. Gardner 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 14, 2016

Melissa Schmidt

Melissa Schmidt, Notary Public

OFFICIAL SEAL
MELISSA SCHMIDT
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:05/14/16

Commission No. 697161

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2016036548 ORDER $0.00
07/27/2016 09:54:48A 3 PGS
Jennifer Hayden
HAMILTON County Recorder IN
Recorded as Presented

STATE OF INDIANA)
)SS:
COUNTY OF HAMILTON)

BEFORE THE HAMILTON
COUNY DRAINAGE BOARD
NOBLESVILLE, INDIANA

IN THE MATTER OF THE
RECONSTRUCTION OF THE
WILLIAM LEHR DRAIN,
JOSEPH & BROOKS ARM, NOBLE EAST & FLAGSTONE SUBDIVISION RELOCATION

ORDER FOR RECONSTRUCTION ASSESSMENT
FOR AN URBAN DRAIN

WHEREAS, on the 28th day of September, 2015, this Board entered a Finding and Order for Reconstruction ("the Reconstruction Order") approving the reconstruction of a portion of the Joseph & Brooks Arm of the William Lehr Drain ("the Project"); and,

WHEREAS, the Reconstruction Order was made after notice and public hearing and included a schedule of assessment against the parcels of real estate benefitted by the Project ("the Benefitted Parcels"), which schedule of assessments is attached hereto; and,

WHEREAS, during the discussions on the Reconstruction Order, the Board determined that the Project should be designated as an urban drain because the drain, without reconstruction, provided for adequate drainage until the Benefitted Parcels were developed as urban land; and,WHEREAS, all of the Benefitted Parcels were undeveloped at the time of the Reconstruction Order.

IT IS THEREFORE ORDERED as follows:

1. The Benefitted Parcels assessed in the Reconstruction Order are all benefitted by the Project, which consisted of the installation of an eight foot by four foot box culvert under Summer Road which conveyed stormwater from the Benefitted Parcels, east to the William Lehr Drain. The costs of the Project exceeded One Hundred Eighty-eight Thousand Three Hundred Fifty-six Dollars ($188,356.00).

2. The costs of the Project were assessed against the Benefitted Parcels at the rate of Seven Hundred Eighty-eight Dollars and Twenty Cents ($788.20) per acre.

3. Upon the platting of all, or any part of, the Benefitted Parcels, the assessment for the Project shall be due and payable at the rate of Seven Hundred Eighty-eight Dollars and Twenty Cents ($788.20) per acre based upon the gross acreage of the plated land.

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4. All assessments shall be paid prior to the recording of a plat and paid to the Hamilton County Treasurer, to be deposited into the Joseph Brooks Arm Urban Drain Fund.

5. If the owner of the platted land fails to pay an assessment for the platted real estate, the assessment shall be included on the next tax bill against all real estate in the plat, plus a late payment penalty of ten percent (10%). The assessment shall have the same lien as all other drainage assessments.

6. Upon notice to the Hamilton County Surveyor that an assessment for the Project has been paid by the owner of a Benefitted Parcel, the Surveyor's Office shall initiate a claim to pay Boomerang Construction for part of the costs of the Project.

This Order for Reconstruction Assessment of an Urban Drain is approved this 25th day of July, 2016.

HAMILTON COUNTY
DRAINAGE BOARD

Mark E. Heinbrandt

Christine Altman

Steven C. Dillinger

ATTEST:

Lynette Mosbaugh

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Wm. Lehr Drain, L.N. Joseph & Eli Brooks Arm
Summer Road culvert.
*Reconstruction assessment based on cost estimate of $188,356. To be paid by the 238.97 acres of undeveloped ground upstream of the structure at a rate not to exceed $788.20 per acre. The final assessment shall be finalized and certified upon completion of the project. Cost to be paid to Hamilton County upon development of the property and be reimbursed to Boomerang as payments are received.
Hearing: 09/28/15

Parcel	Owner	Inst. No.	Address	City	Desc	Ben Ac	Asmt Amt	Percent of Total
10-11-16-00-00-004.000	Bevo LLC	2012-56334	6626 75th St E Ste 400	Indianapolis, IN 46250	S16 T18 R5 13.35Ac	12.35	9,734.28	5.17%
10-11-09-00-00-012.000	Brooks, John J	2010-06619	11392 156th St E	Noblesville, IN 46060	S9 T18 R5 35.00Ac	35.00	27,587.00	14.65%
11-11-09-00-00-010.000	Brooks, John J	2010-06619	11392 156th St E	Noblesville, IN 46060	S9 T18 R5 16.00Ac	13.00	10,246.60	5.44%
11-11-09-00-00-011.000	Brooks, John J	2010-06619	11392 156th St E	Noblesville, IN 46060	S9 T18 R5 58.00Ac	27.00	21,281.40	11.30%
10-11-09-00-00-012.001	Brooks, John J & Suzanne E T/C	2006-08975	11392 156th St E	Noblesville, IN 46060	S9 T18 R5 40.00Ac	40.00	31,528.00	16.74%
10-11-09-00-00-012.002	Brooks, John J & Suzanne E T/C	2006-08975	11392 156th St E	Noblesville, IN 46060	S9 T18 R5 8.00Ac	8.00	6,305.60	3.35%
10-11-09-00-00-009.000	Entrust Adm. Inc fbo Charles Spartz Roth IRA 31883	2015-61601	555 12th St Ste 1250	Oakland, CA 94607	S9 T18 R5 19.20Ac	5.00	3,941.00	2.09%
10-11-16-00-00-009.000	S & T Land Holdings LLC	2004-39613	11644 State Road 238	Noblesville, IN 46060	S16T18R5 Hoods Corner 14.13Ac	14.13	11,137.28	5.91%
10-11-16-00-00-008.000	S & T Land Holdings LLC	2005-56059	11644 State Road 238	Noblesville, IN 46060	S16 T18 R5 43.49Ac	43.49	34,278.82	18.20%
10-11-16-00-00-023.003	Spartz Farms LLC	2006-10102	102 Natasha Dr	Noblesville, IN 46060	S16 T18 R5 34.50Ac	17.08	13,462.46	7.15%
10-11-16-00-00-002.000	Waterman, Mary Alice Family Trust	2015-64307	24830 Ray Parker Rd	Arcadia, IN 46030	S16 T18 R5 23.55Ac	20.90	16,473.38	8.75%
10-11-16-00-00-023.000	Willman, R G	2009-55346	14682 Promise Rd	Noblesville, IN 46060	S16 T18 R5 3.02Ac	3.02	2,380.36	1.26%
Parcels: 12					Totals:	238.97	188,356.18	100.00%

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BEFORE THE HAMILTON COUNTY DRAINAGE BOARD
IN THE MATTER OF

William Lehr Drain, Joseph & Brooks Arm
Noble East & Flagstone Subdivision Relocation

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 **William Lehr Drain, Joseph & Brooks Arm, Noble East & Flagstone Subdivision Relocation** on **September 28, 2015** at **9:05 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 **William Lehr Drain, Joseph & Brooks Arm (Noble East & Flagstone)**

NOTICE

Notice is hereby given that the Hamilton County Drainage Board at its regular meeting **September 28, 2015** 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: Steven C. Dillinger
PRESIDENT

ATTEST: Lynette Mosbaugh
SECRETARY

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