

KLM

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

January 5, 2016

To: Hamilton County Drainage Board

Re: Little Eagle Creek Drain, The Preserve at Bear Creek Section 2 Arm

Attached is a petition filed by Pulte Homes of Indiana LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for The Preserve at Bear Creek Section 1 Arm, Little Eagle 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:

12" RCP	1,475 ft.	21" RCP	412 ft.
15" RCP	181 ft.	24" RCP	273 ft.
18" RCP	620 ft.	6" SSD	10,947 ft.

The total length of the drain will be 13,908 feet.

The dry detention basin (Basin #5) located in Common Area 2-F is not to be considered part of the regulated drain. Basin maintenance assumed by the Drainage Board shall include the inlet and outlet as part of the regulated drain and any work necessary between inlets and outlets to ensure that water does not back up into upstream pipes during low flows. This work will be done between structures where underdrain is located. The maintenance of the basins (basins #5) such as all other sediment removal and erosion control along the banks, mowing, vegetation maintenance and control, and BMP maintenance 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 in rear yards. Only the main SSD lines as described below, which are located within the easement or right of way are to be maintained as regulated drain. Laterals for individual lots will not be considered part of the regulated drain. The portions of the SSD which will be regulated and maintained are as follows:

Curbline SSD in Streets:

Voyageur Way  
Evergreen Trail  
Denali Drive  
Kodiak Drive

Rear Yard SSDs:

Rear yard lots 67-68 from Str. 662  
Rear yard lots 64 to 66 from Str. 662  
Rear yard lots 69-70  
Rear yard lots 71 to 73  
Rear yard lot 74  
Common Area 2-E from Str. 666  
Rear yard lots 55 to 57 from Str. 653  
Rear yard lots 58 to 61 from Str. 653 to Str. 659  
Rear yard lots 62-63 from Str. 659  
Rear yard lots 80-81 from Str. 626  
Rear yard lots 82-83 from Str. 626  
Rear yard lots 84-85 from Str. 655A  
Rear yard lots 86 to 88 from Str. 655A  
Common Area 1-D  
Rear yard lots 52 to 54 from Str. 649  
Rear yard lots 48 to 51 from Str. 642 to Str. 649  
Rear yard lots 46-47 from Str. 641 to Str. 642  
Rear yard lots 44-45 from Str. 641  
Common Area 2-A from Str. 641  
Rear yard lots 42-43 from Str. 645A  
Rear yard lots 89 to 93  
Common Area 1-C from existing  
Common Area 1-C from existing to Lot 91

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 will be \$3,699.50.

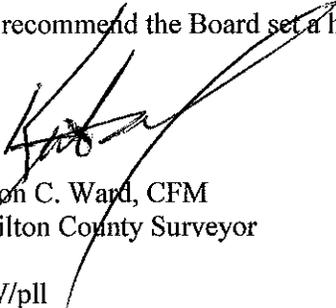
The petitioner has submitted surety for the proposed drain at this time. The sureties which are in the form of a Performance Bond are as follows:

Agent: Arch Insurance Company  
Date: September 2, 2015  
Number: SU1135086  
For: Storm Sewers & Sub-Surface Drains  
Amount: \$362,512.44

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 will be for the reduction of the regulated drain easement to those easement widths as shown on the secondary plats for The Preserve at Bear Creek Section 2 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for February 22, 2016.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll



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 \_\_\_\_\_

*MATTHIAS D. LOHMEYER*  
Printed Name \_\_\_\_\_

*2/2/15*  
Date \_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

FINDINGS AND ORDER

CONCERNING THE MAINTENANCE OF THE

Little Eagle Creek Drain,  
The Preserve at Bear Creek Section 2 Arm

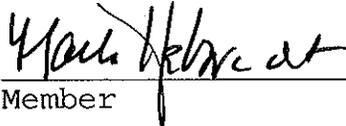
On this 22<sup>nd</sup> day of February, 2016, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the *Little Eagle Creek Drain, The Preserve at Bear Creek Section 2 Arm*.

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.

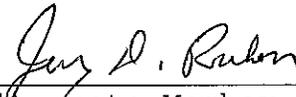
HAMILTON COUNTY DRAINAGE BOARD



\_\_\_\_\_  
President



\_\_\_\_\_  
Member



\_\_\_\_\_  
Alternate Member

Attest:

  
Executive Secretary



**Engineer's Estimate**

**Date:** 27 August 2015  
**Issued To:** Mason McQuinn, Pulte Homes of Indiana  
**Issued By:** Williams Creek Consulting, Inc.  
**Project Name:** The Preserve at Bear Creek  
**Purpose:** Section 2 Infrastructure Construction Cost – Engineer's Estimate  
**Williams Creek Project Number:** 01.0726.B.1

The following contains the estimated construction cost of infrastructure associated with Section 2 of The Preserve at Bear Creek project. Estimated quantities are included in the tables below.

**Estimated Monumentation and Storm Sewer Construction Cost = \$374,068.44**

Infrastructure breakdown:

*Mw 20% extra*

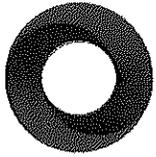
- **Monumentation - \$11,556.00**
- **Storm Sewer - \$362,512.44**

**Monumentation: \$11,556.00**  
(20% Contingency Added to Total)

Item	Unit	Quantity	Unit Cost	Item Cost
Lot Corners	Lots	47	\$100.00	\$4,700.00
Centerlines	EA	29	\$170.00	\$4,930.00

**Storm Sewer: \$362,512.44**  
(20% Contingency Added to Total)

Item	Unit	Quantity	Unit Cost	Item Cost
12" Pipe	LF	1,448	\$27.40	\$39,675.20
15" Pipe	LF	184	\$37.20	\$6,844.80
18" Pipe	LF	1,024	\$37.10	\$37,990.40
21" Pipe	LF	288	\$46.90	\$13,507.20
12" End Section	EA	1	\$2,145.00	\$2,145.00
12" Trash Grate	EA	1	\$450.00	\$450.00
18" End Section	EA	2	\$2,090.00	\$4,180.00
18" Trash Grate	EA	2	\$500.00	\$1,000.00



Standard Manhole	EA	6	\$2,310.00	\$13,860.00
Inlet	EA	22	\$2,100.00	\$46,200.00
Granular Backfill	TON	320	\$16.60	\$5,312.00
SSD Under Curb	LF	5,975	\$10.35	\$61,654.95
SSD in Swale	LF	4,320	\$15.65	\$67,608.00
SSD Laterals	EA	47	\$35.45	\$1,666.15

David A. Marks, P.E.  
*Project Manager*

OCT 06 2015

Bond No. SU1135086

OFFICE OF HAMILTON COUNTY SURVEYOR

HCDB-2015-00040  
**PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS, that Pulte Homes of Indiana, LLC of 11590 N. Meridian, Suite 530, Carmel IN 46032 as Principal, and Arch Insurance Company a corporation organized and existing under the laws of the State of Missouri and authorized to transact business in the state of Indiana, as Surety, are held and firmly bound unto the Hamilton County Board of Commissioners, One Hamilton County Square, Noblesville IN 46060 as Obligee, in the penal sum of three hundred sixty two thousand five hundred twelve and 44/100 (\$362,512.44) for the payment of which sum, well and truly to be made, we bind ourselves, our heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

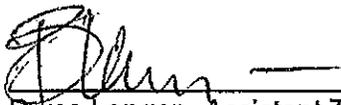


WHEREAS, the Principal has agreed to construct or have constructed, storm sewer improvements in Preserve at Bear Creek – Section 2.

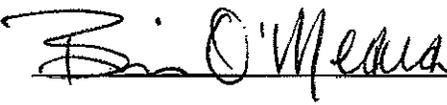
NOW, THEREFORE, the condition of this obligation is such that if said Principal shall well and truly perform said work in accordance with said standards, then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and dated this 2<sup>nd</sup> of September, 2015.

Pulte Homes of Indiana, LLC

  
Bryce Langen, Assistant Treasurer

Arch Insurance Company

  
Brien O'Meara, Attorney-in-Fact

VOID

VOID

VOID

AIC 0000131587

**THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON BLUE BACKGROUND.**

**This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated. Not valid for Mortgage, Note, Loan, Letter of Credit, Bank Deposit, Currency Rate, Interest Rate or Residential Value Guarantees.**

**POWER OF ATTORNEY**

Know All Persons By These Presents:

That the Arch Insurance Company, a corporation organized and existing under the laws of the State of Missouri, having its principal administrative office in Jersey City, New Jersey (hereinafter referred to as the "Company") does hereby appoint:

Brian O'Meara, Bruce E. Robinson, Daniel Bryce Langen, James Zeumer, Jim Ossowski, Kelly Marie Conlon, Matthew Zilka, Melissa A. Hernandez and Steven M. Cook of Atlanta, GA (EACH)

its true and lawful Attorney(s) in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

This Power of Attorney is executed by authority of resolutions adopted by unanimous consent of the Board of Directors of the Company on September 15, 2011, true and accurate copies of which are hereinafter set forth and are hereby certified to by the undersigned Secretary as being in full force and effect:

"VOTED, That the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, or the Secretary shall have the power and authority to appoint agents and attorneys-in-fact, and to authorize them subject to the limitations set forth in their respective powers of attorney, to execute on behalf of the Company, and attach the seal of the Company thereto, bonds, undertakings, recognizances and other surety obligations obligatory in the nature thereof, and any such officers of the Company may appoint agents for acceptance of

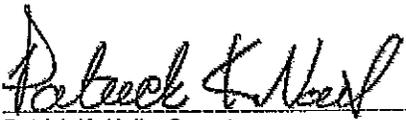
This Power of Attorney is signed, sealed and certified by facsimile under and by authority of the following resolution adopted by the unanimous consent of the Board of Directors of the Company on September 15, 2011:

VOTED, That the signature of the Chairman of the Board, the President, or the Executive Vice President, or any Senior Vice President, of the Surety Business Division, or their appointees designated in writing and filed with the Secretary, and the signature of the Secretary, the seal of the Company, and certifications by the Secretary, may be affixed by facsimile on any power of attorney or bond executed pursuant to the resolution adopted by the Board of Directors on September 15, 2011, and any such power so executed, sealed and certified with respect to any bond or undertaking to which it is attached, shall continue to be valid and binding upon the Company.

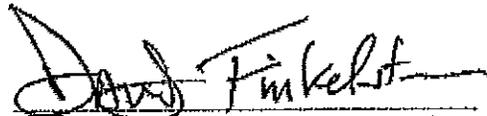
In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 2<sup>nd</sup> day of October, 2014.

Attested and Certified

Arch Insurance Company

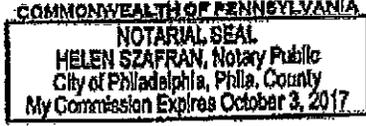
  
Patrick K. Nails, Secretary

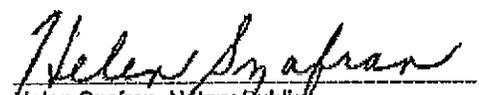


  
David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS  
COUNTY OF PHILADELPHIA SS

I, Helen Szafran, a Notary Public, do hereby certify that Patrick K. Nails and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.

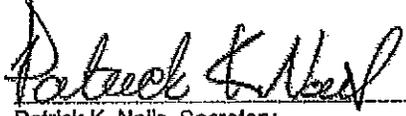


  
Helen Szafran, Notary Public  
My commission expires 10/03/2017

CERTIFICATION

I, Patrick K. Nails, Secretary of the Arch Insurance Company, do hereby certify that the attached Power of Attorney dated October 2, 2014 on behalf of the person(s) as listed above is a true and correct copy and that the same has been in full force and effect since the date thereof and is in full force and effect on the date of this certificate; and I do further certify that the said David M. Finkelstein, who executed the Power of Attorney as Executive Vice President, was on the date of execution of the attached Power of Attorney the duly elected Executive Vice President of the Arch Insurance Company.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 2nd day of September, 2015.

  
Patrick K. Nails, Secretary

This Power of Attorney limits the acts of those named therein to the bonds and undertakings specifically named therein and they have no authority to bind the Company except in the manner and to the extent herein stated.

PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division  
3 Parkway, Suite 1500  
Philadelphia, PA 19102





**ACKNOWLEDGEMENT BY PRINCIPAL**

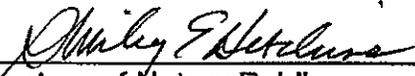
STATE OF GEORGIA )

)ss.

COUNTY OF FULTON )

This record was acknowledge before me on September 2, 2015, by Bryce Langen, Assistant Treasurer of Pulte Homes of Indiana, LLC, who provided to me on the basis of satisfactory evidence to be the person who appeared before me and is personally known to me.

WITNESS my hand and official seal.

  
\_\_\_\_\_  
Signature of Notary Public

*Shirley E. Hutchins*  
*Notary Public State of Georgia*  
*My Commission Expires: April 17, 2018*





FILED

OCT 06 2015

Bond No. SU1135091 OFFICE OF HAMILTON COUNTY SURVEYOR

HCDB-2015-00091  
PERFORMANCE BOND

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WHEREAS, the Principal has agreed to construct or have constructed, monumentation in Preserve at Bear Creek – Section 2.

NOW, THEREFORE, the condition of this obligation is such that if said Principal shall well and truly perform said work in accordance with said standards, then this obligation shall be void, otherwise to remain in full force and effect.

Signed, sealed and dated this 2<sup>nd</sup> of September, 2015.

Pulte Homes of Indiana, LLC

\_\_\_\_\_  
Bryce Langen, Assistant Treasurer

Arch Insurance Company

\_\_\_\_\_  
Brien O'Meara, Attorney-in-Fact

VOID

VOID

VOID

AIC 0000131592

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its true and lawful Attorney(s)-in-Fact, to make, execute, seal, and deliver from the date of issuance of this power for and on its behalf as surety, and as its act and deed:

Any and all bonds, undertakings, recognizances and other surety obligations, in the penal sum not exceeding Ninety Million Dollars (\$90,000,000.00).

This authority does not permit the same obligation to be split into two or more bonds in order to bring each such bond within the dollar limit of authority as set forth herein.

The execution of such bonds, undertakings, recognizances and other surety obligations in pursuance of these presents shall be as binding upon the said Company as fully and amply to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal administrative office in Jersey City, New Jersey.

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In Testimony Whereof, the Company has caused this instrument to be signed and its corporate seal to be affixed by their authorized officers, this 2<sup>nd</sup> day of October, 2014.

Attested and Certified

Arch Insurance Company

Patrick K. Nails  
Patrick K. Nails, Secretary

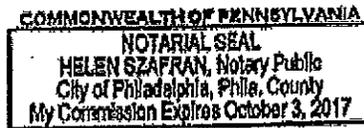


David M. Finkelstein  
David M. Finkelstein, Executive Vice President

STATE OF PENNSYLVANIA SS

COUNTY OF PHILADELPHIA SS

I, Helen Szafran, a Notary Public, do hereby certify that Patrick K. Nails and David M. Finkelstein personally known to me to be the same persons whose names are respectively as Secretary and Executive Vice President of the Arch Insurance Company, a Corporation organized and existing under the laws of the State of Missouri, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that they being thereunto duly authorized signed, sealed with the corporate seal and delivered the said instrument as the free and voluntary act of said corporation and as their own free and voluntary acts for the uses and purposes therein set forth.



Helen Szafran  
Helen Szafran, Notary Public  
My commission expires 10/03/2017

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IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the Arch Insurance Company on this 2nd day of September, 2015.

Patrick K. Nails  
Patrick K. Nails, Secretary

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PLEASE SEND ALL CLAIM INQUIRIES RELATING TO THIS BOND TO THE FOLLOWING ADDRESS:

Arch Insurance – Surety Division  
3 Parkway, Suite 1500  
Philadelphia, PA 19102







BEFORE THE HAMILTON COUNTY DRAINAGE BOARD  
IN THE MATTER OF

*Little Eagle Creek Drain,  
The Preserve at Bear Creek Section 2 Arm*

NOTICE

To Whom It May Concern and: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice is hereby given of the hearing of the Hamilton County Drainage Board on the **Little Eagle Creek Drain, The Preserve at Bear Creek Section 2 Arm** on **February 22, 2016** at **9:00 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

**Little Eagle Creek Drain,  
The Preserve at Bear Creek 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 **February 22, 2016** 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