

Drain: Village of West Clay Drain

Improvement-Arm: Section 15002 Arm

Date Approved: January 28, 2008

Drain Input Checklist

- Create Regulated Drain Record in Posse _____
 - Drain Type
 - Outlet (Tab)
 - Outlet Attached
 - Location
 - Twp
 - Certification
 - Drain Number

- Enter Improvement Arm in Posse January 29, 2008
(Construction Amount = Storm Drains, Erosion Control, Sub-surface drain & Earthwork)

- Scan Documents _____
 - Surveyor's Report
 - Engineer's Estimate
 - Bonds
 - Findings and Order
 - Petition

- Create Posse Inspection Job _____

- Enter into Watershed Summary Spreadsheet _____

- Check for Vacation of Drain & Map Changes _____

- Check Drainage Easement Classification _____

- Sum drain length & Validate in GIS _____

- Enter New Watershed Length into Posse _____

- Create Boundary of Improvement in GIS _____



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

November 29, 2007

TO: Hamilton County Drainage Board

RE: Village of West Clay Drain, Section 15002 Arm.

Attached is a petition filed by Brenwick Development along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Section 15002 Arm, Village of West Clay 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	955 ft.	18" RCP	1,035 ft.
15" RCP	100 ft.	21" RCP	59 ft.

Included in the above footage is 100 feet of 15" RCP that is replacing 100 feet of 18" RCP from the Village of West Clay Drain, Section 15001 Arm. The drain being replaced is from Structure 632 to Structure 631 as shown on page C101 of the plans for Village of West Clay, Section 15001 by Schneider Engineering, dated December 30, 2005 and having job number 1238.1501. The 100 feet of original drain between Structure 632 and Structure 631 shall be vacated.

Also included in the above footage is 243 feet of 18" RCP and 59 feet of 21" RCP that is replacing 295 feet of 21" RCP from the Village of West Clay Drain, Section 10009 Arm. The drain being replaced is the outlet from Hourglass Lake and runs from Structure A602 to Structure A601, and then to Structure A600 as shown on page C103 of the plans for Village of West Clay, Section 10009, by Schneider Engineering, dated August 21, 1998 and following job number 1238.1009. The 295 feet of original drain between Structure A602 and Structure A600 shall be vacated.

The total length of new tile shall be 2,149 feet. The total length of drain to be vacated is 395 feet. This proposal will add an additional 1,754 feet to the drains total length

The retention ponds (Pond "E" and Hourglass Lake) which are located in Block "B" Commons and Block "D" Commons are not to be considered part of the regulated drain for maintenance purposes. Only the inlets and outlets will be maintained as part of the regulated drain. The maintenance of the ponds (lakes) shall be the responsibility of the Homeowners Association as per the subdivision covenants on pages 11 and 12, sections 4 and 5, and recorded in the Office of the Hamilton County Recorder as instrument number 199909946964. The Board will however, retain jurisdiction for ensuring the storage volume for which the lake was designed will be retained, thereby, allowing no fill or easement encroachments.

The subsurface drains (SSD) under curbs are not to be part of the regulated drain. This is per the agreement between Brenwick Development and the Hamilton County Commissioners on April 26, 1999. (See Commissioner's Minute Book 93, Pages 565-566).

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 \$5.00 per acre, \$5.00 per acre for roadways, with a \$120.00 minimum. With this assessment the total annual assessment for this drain/this section will be \$3,840.00.

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: June 25, 2007
Number: 5026867
For: Storm Sewers
Amount: \$205,790.40

Parcels assessed for this drain may be assessed for the Collins-Osborn or Williams Creek Drain at sometime in the future. Parcels assessed for this drain will also be assessed for the Elliott Creek Drain.

I believe this proposed drain meets the requirements for Urban Drain Classification as set out in IC36-9-27-67 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 request. The request is for the reduction of the regulated drain easement to those easement widths as shown on the secondary plat for Village of West Clay Section 15002 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for January 28, 2008.



Kenton C. Ward, CFM
Hamilton County Surveyor

STATE OF INDIANA)
)
COUNTY OF HAMILTON)

TO: HAMILTON COUNTY DRAINAGE BOARD
% Hamilton County Surveyor
One Hamilton County Square, Suite 188
Noblesville, IN. 46060-2230

In the matter of Village of WestClay Subdivision, Section
 15002 Drain Petition.

Petitioner is the owner of all lots in the land affected by the proposed new regulated drain. The drainage will affect various lots in Village of WestClay , 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

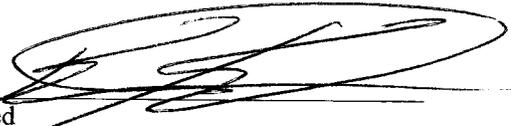
Petitioner agrees to pay the cost of construction of the drainage system and requests periodic maintenance assessments by the Board thereafter.

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.

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 _____	_____ Signed _____
KEVEN KBULIK, OWNER'S AGENT Printed Name _____	_____ Printed Name _____
4/30/07 Date _____	_____ Date _____
_____ Signed _____	_____ Signed _____
_____ Printed Name _____	_____ Printed Name _____
_____ Date _____	_____ Date _____

Engineer's Construction Cost Estimate

Village of WestClay Section: 15002			6/25/2007	
Item	Quantity		Unit Price	Cost
1 STORM SEWERS				
12" RCP	1,228	feet	\$18.00	<u>\$22,104</u>
15" RCP	100	feet	\$20.00	<u>\$2,000</u>
18" RCP	558	feet	\$22.00	<u>\$12,276</u>
21" RCP	59	feet	\$24.50	<u>\$1,446</u>
60" RCP	315	feet	\$82.00	<u>\$25,830</u>
12" End Section	5	ea	\$800.00	<u>\$4,000</u>
18" End Section	3	ea	\$900.00	<u>\$2,700</u>
21" End Section	1	ea	\$950.00	<u>\$950</u>
60" End Section	3	ea	\$2,600.00	<u>\$7,800</u>
Curb Inlets	17	ea	\$1,650.00	<u>\$28,050</u>
Standard Manhole	5	ea	\$2,100.00	<u>\$10,500</u>
Connect to Existing Structure	1	ea	\$1,250.00	<u>\$1,250</u>
Granular Backfill & Bedding	1,940	tons	\$9.00	<u>\$17,460</u>
#8 Stone	34	tons	\$16.00	<u>\$544</u>
Rip Rap	200	tons	\$30.00	<u>\$6,000</u>
Subtotal				<u>\$142,910</u>

I hereby certify that the above Engineer's Construction Cost Estimate was prepared based on construction plans approved by the City of Carmel for the above referenced project and includes all costs associated with construction including material and labor.



Cerified By: _____

[Handwritten Signature]

Date: _____

6/25/07

Engineer's Construction Cost Estimate

Village of WestClay Section: 15002			6/25/2007
Item	Quantity	Unit Price	Cost
1 MONUMENT AND MARKERS			
Centerline Monuments	24	ea \$300.00	<u>\$7,200</u>
Subdivision Boundary Markers	0	ea \$500.00	
Subtotal			<u>\$7,200</u>

I hereby certify that the above Engineer's Construction Cost Estimate was prepared based on construction plans approved by the City of Carmel for the above referenced project and includes all costs associated with construction including material and labor.



Cerified By: Brandon T. Burke Date: 6/25/07

BOND SAFEGUARD INSURANCE COMPANY
Lombard, IL 60148



SUBDIVISION PERFORMANCE BOND

HCD3-2007-00030

BOND #5026867

KNOW ALL MEN BY THESE PRESENTS, That we, **Brenwick Development Company, Inc.**, 12821 E. New Market Street, Carmel, IN 46032, as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Avenue, Bldg. A-Suite 300, Lombard, IL 60148, as Surety, are held and firmly bound unto the Hamilton County Board of Commissioners, One Hamilton Square, Noblesville, IN 46060, as Owner, in the sum of ****Two Hundred Five Thousand Seven Hundred Ninety and 40/100** Dollars (\$205,790.40)**, 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 Storm Sewers in The Village of WestClay, Section 15002 Subdivision, 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 25th Day of June, 2007.

Brenwick Development Company, Inc.

By: _____

KEITH LASH, P.E.

Executive Vice President

Bond Safeguard Insurance Company

By: _____

Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc.
7393 Business Center Drive, Suite 200
Avon, IN 46123
(317) 272-4861

POWER OF ATTORNEY
Bond Safeguard INSURANCE COMPANY

AO 49569



KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: Anthony G. Balzano, Deborah M. Roth, *****
Jacqueline Demeter *****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surely, 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 Vice President, 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

BY *David E. Campbell*
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 09/21/09

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, 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 Lombard, Illinois this 25th Day of June, 20 07



Donald D. Buchanan
Donald D. Buchanan
Secretary



BOND SAFEGUARD INSURANCE COMPANY
Lombard, IL 60148

HCDB-2007-00037

SUBDIVISION PERFORMANCE BOND

BOND #5026868

KNOW ALL MEN BY THESE PRESENTS, That we, **Brenwick Development Company, Inc.**, 12821 E. New Market Street, Carmel, IN 46032, as Principal, and Bond Safeguard Insurance Company, 1919 S. Highland Avenue, Bldg. A-Suite 300, Lombard, IL 60148, as Surety, are held and firmly bound unto the Hamilton County Board of Commissioners, One Hamilton Square, Noblesville, IN 46060, as Owner, in the sum of ****Ten Thousand Three Hundred Sixty-Eight and 00/100**Dollars (\$10,368.00)**, 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 Monuments and Markers in The Village of WestClay, Section 15002 Subdivision, 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 25th Day of June, 2007.

Brenwick Development Company, Inc.

By: _____

KEITH LASH, P.E.

Executive Vice President

Bond Safeguard Insurance Company

By: Deborah M. Roth

Deborah M. Roth, Attorney-in-Fact

American Contracting Services, Inc.
7393 Business Center Drive, Suite 200
Avon, IN 46123
(317) 272-4861

POWER OF ATTORNEY
Bond Safeguard INSURANCE COMPANY

AO 49570



KNOW ALL MEN BY THESE PRESENTS, that **BOND SAFEGUARD INSURANCE COMPANY**, an Illinois Corporation with its principal office in Lombard, Illinois, does hereby constitute and appoint: Anthony G. Balzano, Deborah M. Roth, *****
Jacqueline Demeter *****

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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 Vice President, 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.

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BOND SAFEGUARD INSURANCE COMPANY

BY *David E. Campbell*
David E. Campbell
President

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"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/09

Maureen K. Aye
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, 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 Lombard, Illinois this 25th Day of June, 2007



Donald D. Buchanan
Donald D. Buchanan
Secretary

FINDINGS AND ORDER

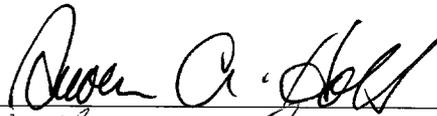
CONCERNING THE MAINTENANCE OF THE

Village of West Clay Drain, Section 15002 Arm

On this **28th day of January 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Village of West Clay Drain, Section 15002 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



Member

Attest:



FINDINGS AND ORDER

CONCERNING THE PARTIAL VACATION OF THE

**Village of West Clay Drain, Section 10009 Arm
Structure A602 to Structure A600**

On this **28th day of January 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Village of West Clay Drain, Section 10009 Arm, Structure A602 to Structure A600**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Village of West Clay Drain, Section 10009 Arm**.

HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 

FINDINGS AND ORDER

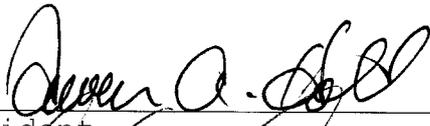
CONCERNING THE PARTIAL VACATION OF THE

**Village of West Clay Drain, Section 15001 Arm
Structure 632 to Structure 631**

On this **28th day of January 2008**, the Hamilton County Drainage Board has held a hearing on the Maintenance Report and Schedule of Assessments of the **Village of West Clay Drain, Section 15001 Arm, Structure 632 to Structure 631**.

Evidence has been heard. Objections were presented and considered. The Board then adopted an order of action. The Board now finds that the costs of continued maintenance to the portion of the above drain exceed the benefits to the real estate benefited by the portion of the drain to be abandoned and issues this order vacating the above section of the **Village of West Clay Drain, Section 15001 Arm**.

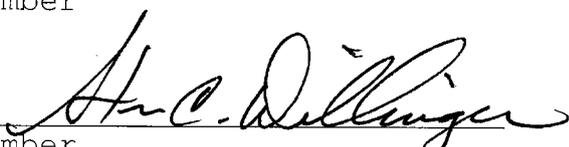
HAMILTON COUNTY DRAINAGE BOARD



President



Member



Member

Attest: 