

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*

October 4, 2013

To: Hamilton County Drainage Board

Re: Village of West Clay Drain, Village Center Townhomes Phase 1 Arm.

Attached is a petition filed by Brenwick TND Communities, LLC, along with a non-enforcement request, plans, calculations, quantity summary and assessment roll for the Village Center Townhomes Phase 1 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      139 ft.                      18" RCP      145 ft.

This proposal will add an additional 284 feet to the drains total length.

Structure 600, which is a Stormtrap water quality unit, shall be part of the regulated drain, but the primary maintenance responsibility will be that of the Village of West Clay HOA.

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 \$3,000.00.

Parcels assessed for this drain will also be assessed for the Williams Creek Drain.

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

Agent: Bond Safeguard Insurance Company  
Date: July 24, 2013  
Number: 5040931  
For: Storm Sewers  
Amount: \$28,488.00

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 the Replat of Part of Block D -Village of West Clay Section 3004 – Village Center Part 1 as recorded in the office of the Hamilton County Recorder.

I recommend the Board set a hearing for this proposed drain for November 25, 2013.



Kenton C. Ward, CFM  
Hamilton County Surveyor

KCW/pll

**Village of West Clay #312**

Village Center Townhomes Phase 1 Arm

SUBNIE-2013-00009

Hearing: 1/12/5/13

Will add 284' of drain to the total length.

Parcel	Owner	Description	Benefit	MntAsmt	Percent of Total
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 101	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 102	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 103	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 104	One Lot	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 201	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 202	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 203	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 204	One Lot	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 301	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 302	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 303	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 304	One Lot	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 305	One Lot	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 401	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 402	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 403	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 404	One Lot	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 Unit 405	One Lot	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA A	0.47	120.00	4.00%
Not assigned yet.	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA B	0.02	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA C	0.01	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA D	0.02	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA E	0.02	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA F	0.01	120.00	4.00%
Not assigned yet	Brenwick TND Communities LLC	Village of West Clay Sec 3004, Village Center Pt 1 CA G	0.02	120.00	4.00%
				3000.00	100.0%



**NON-ENFORCEMENT OF DRAINAGE EASEMENT IN SUBDIVISIONS**

STATE OF INDIANA )  
 )  
COUNTY OF HAMILTON )

BEFORE THE HAMILTON  
COUNTY DRAINAGE BOARD

At the request of Brenwick TND Communities, LLC The Hamilton County Drainage Board considered the extent of the drainage easement on the Village of WestClay Drain in the Replat of Pt of Block D, Village of WestClay Sec 3004 Subdivision. Upon the agreement in writing by the recorded owner(s) of land involved that such owner(s) agree and covenants that neither the Hamilton County Drainage Board nor any Contractor nor Workman operating under the authority of said Board will be held liable for any damages resulting from construction, reconstruction, or maintenance of the above named drain at said location, whether to the real estate or improvements thereon the Board agreed:

1. That it will not enforce the easement beyond those shown on the Subdivision plat recorded in Plat Cabinet 5 Slide 118 in the Hamilton County Records Office.
2. It will not object to the improvement of said real estate beyond such distance, and
3. Other Conditions: \_\_\_\_\_

SIGNED:

*[Handwritten signature]*  
\_\_\_\_\_  
APPLICANT

KEITH LASH  
\_\_\_\_\_  
PRINTED NAME

Brenwick TND Communities, LLC  
\_\_\_\_\_  
PRINTED NAME (Owner of Land)

\*\*\*FOR BOARD USE ONLY\*\*\*

AGREEMENT WILL BECOME EFFECTIVE UPON RECORDING. SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_. BY THE HAMILTON COUNTY DRAINAGE BOARD.

\_\_\_\_\_  
PRESIDENT OF DRAINAGE BOARD

\_\_\_\_\_  
MEMBER OF DRAINAGE BOARD

\_\_\_\_\_  
MEMBER OF DRAINAGE BOARD

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law Keith Lash"

Prepared by the Hamilton County Drainage Board: Kenton C. Ward

(Surveyor)

Revised February 2011

# RECEIPT

Hamilton County Surveyors Office  
NAME OF UNIT, AGENCY, BOARD OR DEPARTMENT

Nonenforcement FUND

NO. 009075

Missouri IN, Date 5/24, 20 13

RECEIVED FROM Brenwick TND Communities LLC \$ 100.<sup>00</sup>

THE SUM OF One hundred <sup>00</sup>/<sub>100</sub> DOLLARS

ON ACCOUNT OF Village of West Clay SUB NE-2013-00009

PAYMENT TYPE  
AND AMOUNT:

VOWC Sec. 3004 Replot PT BLD

CASH \_\_\_\_\_ CHECK 19335 M.O. \_\_\_\_\_

EFT \_\_\_\_\_ CC/BC \_\_\_\_\_ OTHER \_\_\_\_\_

Janet Hanson  
AUTHORIZED SIGNATURE

FILED

MAY 23 2013

OFFICE OF HAMILTON COUNTY CLERK

NON-ENFORCEMENT INFORMATION

Hamilton County Surveyor's Office
One Hamilton County Square, Suite 188
Noblesville, IN 46060
317-776-8495 fax: 317-776-9628

Replat of Pt of Block D, Village of

Name of Drain: Village of WestClay

Project Name: WestClay Section 3004

Parcel Number: 17-09-28-00-06-004.000

Township: Clay

Applicant's Name: Brenwick TND Communities, LLC

Property Owner: Brenwick TND Communities, LLC

Address: 12775 Horseferry Road

Property Address: Broughton St. & Bird Cage Walk

Carmel, IN 46032

Phone: (317) 574-3400

Phone: (317) 574-3400

Fax: ( )

Fax: ( )

Contact Name: Keith Lash

Contractor-Installer: Not Yet Selected

Address: 12775 Horseferry Road, Carmel, IN 46032

Address:

Phone: (317) 574-3400

Phone: ( )

Fax: ( )

Fax: ( )

Purpose of Non-enforcement: Installation of Storm Sewers within Village of West Clay

Reduced to: 12 feet on Each side of Drain.

If Utility, how many feet is line paralelling drain: N.A.

Plan Project / Job Number: 130313-1.001

Project Location: SW Corner of Broughton St. & Bird Cage Walk within the Village of West Clay

Engineering Firm: TERRA Site Development, Inc.

Address: 1307 W. 161st Street, Westfield, IN 46074

Phone: (317) 399-1216

Fax: (317) 663-3049

\*\*For Office Use Only\*\*

Permit # Project # Check #

SUBNE-2013-00009

pc5 Slide 118

# REPLAT OF PART OF BLOCK D VILLAGE OF WEST CLAY SECTION 3004 VILLAGE CENTER PART 1 SECONDARY PLAT PART OF SEC. 28-T18N-R3E HAMILTON COUNTY, INDIANA

2013054668 PLAT \$26.00  
08/26/2013 10:10:48A 2 PGS  
Mary L. Clark  
HAMILTON County Recorder IN  
Recorded as Presented

SURVEYED AND PREPARED BY:  
RICHARD A. O'BRIAN  
HAHN SURVEYING GROUP, INC.  
2850 E. 96TH STREET  
INDIANAPOLIS, IN 46240  
PHONE: (317) 846-0840



OWNER/SUBDIVIDER:  
BRENNICK TND COMMUNITIES, L.L.C.  
12775 HORSEFERRY ROAD S230  
CARMEL, IN 46032  
BY: GEORGE P. SWEET  
CO-MANAGER

SOURCE OF TITLE:

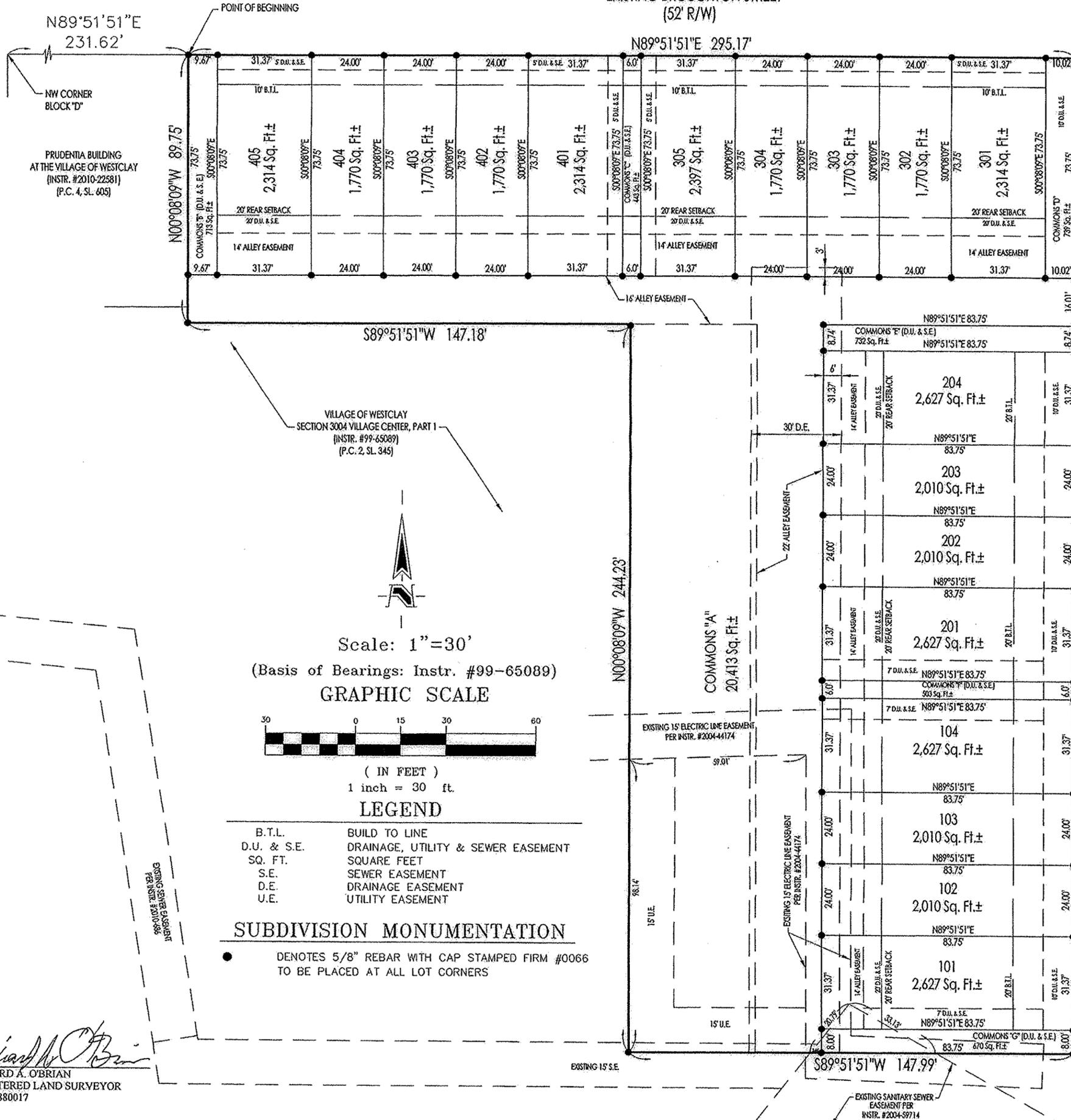
INSTRUMENT NO.: 99-65089

PRIMARY PLAT DOCKET # 18-98 PP  
SECONDARY PLAT DOCKET # 13040018 SP

DATE OF SUBMISSION: APRIL 22, 2013

PLANNED UNIT DEVELOPMENT  
ORDINANCE Z-465-04

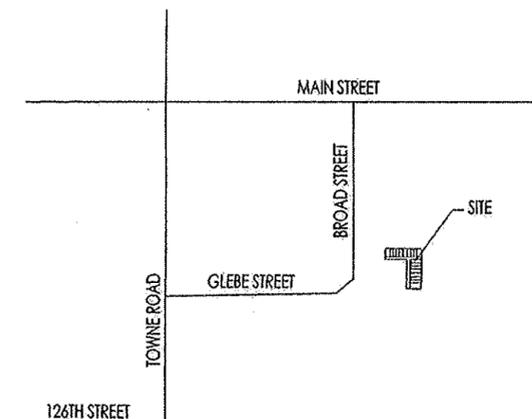
EXISTING BROUGHTON STREET  
(52' R/W)



**DULY ENTERED FOR TAXATION**  
Subject to final acceptance for transfer  
26 day of Aug, 2013  
Dawn Cordale Auditor of Hamilton County  
Parcel #

EXISTING BIRD CAGE WALK  
(52' R/W)

AREA MAP  
(NOT TO SCALE)



*Richard A. O'Brian*  
RICHARD A. O'BRIAN  
REGISTERED LAND SURVEYOR  
NO. 80880017



SURVEYED AND PREPARED BY:  
 RICHARD A. O'BRIAN  
 HAHN SURVEYING GROUP, INC.  
 2850 E. 96TH STREET  
 INDIANAPOLIS, IN 46240  
 PHONE: (317) 846-0840

*pc5 Slide 118*

REPLAT OF PART OF BLOCK D  
 VILLAGE OF WEST CLAY SECTION 3004  
 VILLAGE CENTER PART 1  
 SECONDARY PLAT  
 PART OF SEC. 28-T18N-R3E  
 HAMILTON COUNTY, INDIANA

2013054668 PLAT \$26.00  
 08/26/2013 10:10:48A 2 PGS  
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OWNER/SUBDIVIDER:  
 BRENNICK TND COMMUNITIES, L.L.C.  
 12775 HORSEFERRY ROAD S230  
 CARMEL, IN 46032  
 BY: GEORGE P. SWEET  
 CO-MANAGER

REPLAT OF PART OF BLOCK D VILLAGE OF WEST CLAY SECTION 3004 VILLAGE CENTER PART 1:

I, THE UNDERSIGNED REGISTERED LAND SURVEYOR HEREBY CERTIFY THAT THE INCLUDED PLAT CORRECTLY REPRESENTS A SUBDIVISION OF PART OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN IN HAMILTON COUNTY, INDIANA BEING DESCRIBED AS FOLLOWS:

A PART OF BLOCK "D" OF THE VILLAGE OF WEST CLAY, SECTION 3004 VILLAGE CENTER, PART 1 RECORDED AS INSTRUMENT NO. 199909965089, IN PLAT CABINET 2, SLIDE 345, ALSO BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 3 EAST OF THE SECOND PRINCIPAL MERIDIAN, CLAY TOWNSHIP, HAMILTON COUNTY, INDIANA DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF BLOCK "D" IN SAID VILLAGE OF WESTCLAY, SECTION 3004; THENCE NORTH 89 DEGREES 51 MINUTES 51 SECONDS EAST (BEARINGS BASED UPON SAID PLAT), ALONG THE NORTH LINE OF SAID BLOCK "D" (ALSO BEING THE SOUTH LINE OF BROUGHTON STREET PER SAID PLAT), 231.62 FEET TO THE NORTHEAST CORNER OF PRUDENTIA BUILDING AT THE VILLAGE OF WESTCLAY, RECORDED AS INSTRUMENT NUMBER 2010022581, IN PLAT CABINET 4, SLIDE 605 AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 51 MINUTES 51 SECONDS EAST, ALONG SAID NORTH LINE OF BLOCK "D", 295.17 FEET TO THE NORTHEAST CORNER OF SAID BLOCK "D"; THENCE SOUTH 00 DEGREES 08 MINUTES 09 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK "D" (ALSO BEING THE WEST LINE OF BIRD CAGE WALK PER SAID PLAT), 333.98 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 51 SECONDS WEST 147.99 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST 244.23 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 51 SECONDS WEST 147.18 FEET; THENCE NORTH 00 DEGREES 08 MINUTES 09 SECONDS WEST 89.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.438 ACRES, MORE OR LESS.

THE SUBDIVISION CONSISTS OF 18 LOTS NUMBERED 101-104, 201-204, 301-305 AND 401-405 (ALL INCLUSIVE) AND SEVEN (7) COMMON AREAS LABELED COMMONS "A-G". THE SIZE OF THE LOTS AND WIDTH OF STREETS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO A SURVEY PLAT PREPARED BY HAHN SURVEYING GROUP, INC. IN ACCORDANCE WITH TITLE 365, ARTICLE 1, CHAPTER 12 OF THE INDIANA ADMINISTRATIVE CODE RECORDED AS INSTRUMENT NUMBER 2013-39042 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE CROSS-REFERENCE SURVEY ON ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION.

WITNESS MY SIGNATURE THIS 28th DAY OF June, 2013.

*Richard A. O'Brian*  
 RICHARD A. O'BRIAN  
 REGISTERED LAND SURVEYOR  
 NO. 80880017



REGISTERED LAND SURVEYOR'S CERTIFICATE:

I, RICHARD A. O'BRIAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA:

THAT ALL THE MONUMENTS SHOWN THEREON ACTUALLY EXIST OR BOND HAS BEEN POSTED TO COVER THE LATER INSTALLATION OF THESE MONUMENTS, AND THAT ALL OTHER REQUIREMENTS SPECIFIED HEREIN, DONE BY ME, HAVE BEEN MET.

*Richard A. O'Brian*  
 RICHARD A. O'BRIAN  
 REGISTERED LAND SURVEYOR  
 NO. 80880017

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.

*Richard A. O'Brian*  
 RICHARD A. O'BRIAN

DEED OF DEDICATION:

WE THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY CERTIFY THAT WE HAVE LAID OFF, PLATTED AND SUBDIVIDED, AND DO HEREBY LAY OFF, PLAT AND SUBDIVIDE, SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS REPLAT OF PART OF BLOCK D VILLAGE OF WEST CLAY SECTION 3004 VILLAGE CENTER PART 1 IN HAMILTON COUNTY, INDIANA. ALL RIGHT-OF-WAYS SHOWN AND NOT HEREOF DEDICATED, ARE HEREBY DEDICATED TO THE PUBLIC.

TITLE TO THE FOREGOING REAL ESTATE IS SUBJECT TO A CERTAIN DECLARATION OF COVENANTS AND RESTRICTIONS OF THE VILLAGE OF WESTCLAY DATED 08/09/99, RECORDED AS INSTRUMENT NUMBER 199909946964, IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA, AS THE SAME MAY BE AMENDED OR SUPPLEMENTED. SUCH DECLARATION AND THE COVENANTS AND RESTRICTIONS SET FORTH THEREIN RUN WITH THE LAND DESCRIBED HEREON AND ARE INCORPORATED HEREIN BY REFERENCE. EACH OWNER OF A LOT DEPICTED ON THIS PLAT SHALL TAKE TITLE TO SUCH LOT SUBJECT TO THE TERMS AND CONDITIONS OF SUCH DECLARATION.

THE ORIGINAL BUILDING LINES AND EASEMENTS ESTABLISHED BY THE ORIGINAL PLAT ARE HEREBY VACATED AND REESTABLISHED HEREIN.

IN TESTIMONY WHEREOF, WITNESS THE SIGNATURES OF OWNER AND DECLARANT THIS 9th DAY OF July, 2013.

OWNERS:

*George P. Sweet*  
 GEORGE P. SWEET, CO-MANAGER  
 BRENNICK TND COMMUNITIES, L.L.C.

STATE OF INDIANA )  
 ) SS  
 COUNTY OF Hamilton

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED George Sweet AND ACKNOWLEDGED THE EXECUTION OF THIS SECONDARY PLAT AS THEIR VOLUNTARY ACT AND DEED AND AFFIXED HIS SIGNATURE THERETO.

WITNESS MY SIGNATURE AND SEAL THIS 9th DAY OF July, 2013.

*Marie M. Urick*  
 NOTARY PUBLIC

COUNTY OF RESIDENCE: Headwaters Marie M. Urick

MY COMMISSION EXPIRES: May 24, 2015



NOTARY PUBLIC  
 STATE OF INDIANA

CERTIFICATE OF PLAN COMMISSION

UNDER AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-710, AND ORDINANCES ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE CITY OF CARMEL AS FOLLOWS:

GRANTED ADMINISTRATIVE APPROVAL BY THE DEPARTMENT OF COMMUNITY SERVICES PURSUANT TO ARTICLE XI OF THE CARMEL/CLAY PLAN COMMISSION'S RULES OF PROCEDURE ON 12 August, 2013.

BY: *Michael P. Holm*  
 MICHAEL P. HOLM, DIRECTOR,  
 DEPARTMENT OF COMMUNITY SERVICES  
 CARMEL, INDIANA

BOARD OF PUBLIC WORKS AND SAFETY

THIS PLAT WAS APPROVED BY THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF CARMEL, INDIANA, AT A MEETING HELD ON

THE 21st DAY OF August, 2013.

*James Brainard*  
 JAMES BRAINARD, MAYOR

*Mary Ann Burke*  
 MARY ANN BURKE, MEMBER

*Lori Watson*  
 LORI WATSON, MEMBER

*Diana L. Gordray*  
 DIANA L. GORDRAY, CLERK, TREASURER  
*Sandra Johnson, Deputy*

