

AGREEMENT OF THE BOARD OF PUBLIC WORKS AND SAFETY ACCEPTING
COMMITMENTS TO MODIFY CONSTRUCTION OF SANITARY SEWER
(FINCH CREEK/FIELDHOUSE PROJECT)

WHEREAS, the City of Noblesville entered into a Development Agreement approved by the Common Council of the City of Noblesville on the 28th day of February, 2017, with Noblesville Fieldhouse, LLC, their successors and assigns, concerning the construction of a fieldhouse ("the Fieldhouse Project") to be located within Finch Creek Park; and,

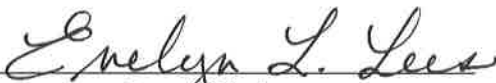
WHEREAS, the Contractor for the Fieldhouse Project has requested a modification of the terms of the Development Agreement concerning construction of sanitary sewers to serve the Fieldhouse Project.

IT IS THEREBY AGREED by the Board of Public Works and Safety, acting on behalf of the City of Noblesville, that City accepts the commitment of Lauth Group, Inc., acting on behalf of Noblesville Fieldhouse, LLC, as set out in the letter of Chris Vensel, dated as of April 2, 2018, which is attached hereto.

ALL OF WHICH IS AGREED by the Board of Public Works and Safety of the City of Noblesville, Indiana, this 10th day of April, 2018.

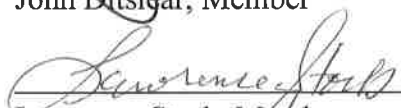


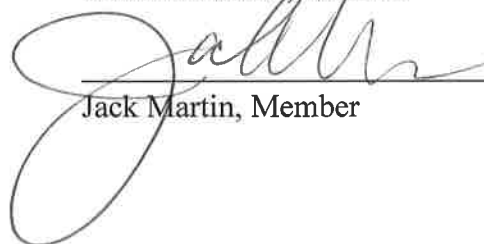
ATTEST:


Evelyn L. Lees, Clerk
City of Noblesville, Indiana

BOARD OF PUBLIC WORKS AND
SAFETY OF THE CITY OF
NOBLESVILLE


John Ditslear, Member


Lawrence Stork, Member


Jack Martin, Member



April 2, 2018

Brandon Bennett
Director, Noblesville Parks Department
Noblesville, IN

Mr. Bennett,

The original Development Agreement stated the City shall construct the City Park Project to include extending water, sanitary sewer, and electrical service to the boundary of the Fieldhouse Real Estate, including adequate capacity to accommodate the Fieldhouse Project and the foreseeable uses for the balance of the Finch Creek Real Estate. The Fieldhouse Project would construct sanitary piping from the building itself to Sanitary MH X2 and then south, connecting to Sanitary MH X3 (also known as Sanitary MH STR SN-2 on the Finch Creek Park Phase One Plans), provided by the City.

The City Engineer originally stated that sanitary piping extending from the cleanout immediately outside the Fieldhouse at approximately column line N15 would need to wait until the City Park project completed construction of Sanitary MH X3.

This letter attests to the fact that the City Engineer has agreed to allow The Fieldhouse project to construct the onsite sanitary piping system as shown on the approved detailed development plans ahead of the completion of the City Park project work. The Fieldhouse project will include Sanitary MH X3, previously included in the scope of the Finch Creek Park Phase One plans and installed as part of the City Park project. This manhole would be purchased with the south pipe opening as designed with the invert at 810.38.

The owners of the Fieldhouse further acknowledge that sanitary MH X3 shall be installed at the above elevation pursuant to the specifications and elevations shown on page C410 of the Sanitary Plan and Profile of Structurepoint, last revised on December 15, 2017, ("the Plans"). In the event the elevation of the sanitary sewer work described above is not constructed in conformance with the Plans, the Fieldhouse owners shall pay all costs necessary to reconstruct the sanitary sewer to conform with the Plans.

Thank you,

Chris Vensel
Director
Lauth Group, Inc.
111 Congressional Blvd Suite 300, Carmel, IN 46032