

## FAQs

Can I see the presentation online?

Yes

Can I access the actual law online?

Yes

Who pays for the project?

All of the landowners in the watershed including right-of-way holders, governmental entities, schools, churches, etc.

How much will the project cost?

It is not possible to say until the engineering for a project has been completed. There are many factors at play including the potential scope, closer examination of the watershed area, and installation conditions. The final cost estimate, that cannot be exceeded by law, is provided to the landowners in the notification for the 2<sup>nd</sup> Hearing.

Can I opt out of a petition project?

No, not if part of your property is within the watershed and drains into the project. The ORC mandates that all properties that have been removed from their natural state by any manmade action and drain into a project shall be considered as benefited by a drainage project. This mandate is irrespective of whether there is construction on your property or whether you did or did not sign the petition.

What if I think my property doesn't drain into the watershed?

Closer examination of the watershed boundary is part of the engineering process for a project. If you believe that the watershed line is in error with regards to your property, we would be happy to meet with you to take a closer look.

Do the landowners have a say in whether a project happens or not?

Landowners are given the opportunity to testify to the County Commissioners at both the 1<sup>st</sup> and 2<sup>nd</sup> Hearings. Landowners do not get to vote on the project. The County Commissioners act as the judge and jury for the project, and will base their decisions largely on the testimony offered at the hearings.

What if I can't make it to the hearing?

Landowners are permitted to submit written testimony to the Clerk at any time prior to the hearing.

How do I get notified of the hearing dates?

The Commissioners are required to send notices via certified mail, and legal public notice is posted in the Delaware Gazette. You are encouraged to claim all certified mailings from the post office. The County is not liable for mail that is not claimed.

How long does a project take?

At least 2 years, sometimes more depending on the complexity of the project. Some of this time period is a result of mandatory time lags in the law.

Who starts a petition project?

All petitions are initiated by a landowner or group of landowners making a request to the County Commissioners. They are not "County" projects.

Why doesn't the County or our Township pay to fix the drainage?

Counties and townships are prohibited from spending public monies to benefit private properties. They are allowed to undertake projects which affect the road right-of-way, but may not go outside the right-of-way unless the roadway is jeopardized.

I am still unsure of what my legal options and responsibilities are. What should I do?

In many cases, the services of a qualified attorney may be necessary.

How does my property benefit from this project? I am far away from the project.

The Board of Commissioners is directed by law to consider the following in making a decision to grant or deny the prayer of the petition:

- Is the improvement necessary?
- Is the improvement conducive to the public welfare?
- Is it reasonably certain that the benefits of the improvement will exceed the costs?

In determining the estimated drainage assessments for a parcel, the Engineer shall give primary consideration to the potential increase in productivity that the parcel may experience as a result of the improvement and shall also give consideration to the quantity of drainage contributed, the relative location of the property to the project, the portion of the project through which the drainage from the parcel flows, the value of the project to the watershed, and benefits as defined below.

"Benefit" means advantages to land and owners, to public corporations as entities, and to the state of Ohio, resulting from drainage, conservation, control and management of water, and environmental, wildlife, and recreational improvements.

Factors relevant to whether such advantages result include:

- The watershed or entire land drained or affected by the improvement.
- The total volume of water draining into or through the improvement, and the amount of water contributed by each parcel.
- The use to be made of the improvement by any owner, public corporation, or the state of Ohio.

Also, benefits include any or all of the following factors:

- Elimination or reduction of damage from flood.
- Removal of water conditions that jeopardize the public health, safety, or welfare.
- Increased value of land resulting from the improvement.
- Use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other purpose incidental thereto.
- Providing an outlet for the accelerated runoff from artificial drainage whenever the stream, watercourse, channel, or ditch under improvement is called upon to discharge

functions for which it was not designed by nature; it being the legislative intent that uplands which have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other man-made causes shall be considered as benefited by an improvement required to dispose of the accelerated flow of water from said uplands.