

Date: July 26, 2022

Resolution No. 22-634

Title: Affirming Finding for the Improvement and Confirming the Maintenance Benefit Assessments for Wilhelm Ditch Watershed Improvement Project #1051

Department/Agency: Lucas County Engineer's Office

Contact: Mike Pniewski, Lucas County Engineer

Summary/Background: On March 18, 2021, the Board of Lucas County Commissioners and the Lucas County Engineer have been given notice of the filing a petition by the Board of Jerusalem Township Trustees for an improvement to the watercourses and future maintenance of ditches within the Wilhelm Ditch watershed using a combination of methods provided in the *Ohio Revised Code* Section 6131.01 (C) 1 through 5 necessary for the disposal of surplus water on the courses hereinafter set forth:

Wilhelm Ditch #1051

***Wilhelm Ditch:** Commencing at a point in the northwest corner of Tax Parcel 33-17749, at the intersection of Cousino Road and Arquette Road, thence continuing easterly approximately 15,800 feet to the point where Ames Ditch intersects Wilhelm Ditch, thence northeasterly approximately 3,200 feet to its outlet at Lake Erie, for a total distance of approximately 3.5 miles.*

***Ames Ditch:** Commencing at a point in the southwest corner of Tax Parcel 33-42194, near the intersection of Anchor Point Road and Corduroy Road, thence commencing northerly along Anchor Point Road to the point where Ames Ditch intersects Wilhelm Ditch, for a total distance of 0.42 miles.*

***Decant Road Ditch:** Commencing at a point in the southeast corner of Tax Parcel 33-17253, near the intersection of Decant Road and Seaman Road, thence commencing northerly along Decant Road to the point where Decant Road Ditch intersects Wilhelm Ditch, for a total distance of approximately 0.95 miles.*

***Yondota Road Ditch:** Commencing at a point in the southeast corner of Tax Parcel 33-20411, near the intersection of Yondota Road and Seaman Road, thence commencing northerly along Yondota Road to the point where Yondota Road Ditch intersects Wilhelm Ditch, for a total distance of approximately 0.95 miles.*

On April 13, 2021, the Board of Lucas County Engineers passed Resolution 21-326, to set the dates of the view and the first hearing for Wilhelm Ditch, and to order the Clerk of the Board to provide due and legal notice to the owners of land affected by the proposed improvement. On June 8, 2022, the Board of Lucas County Commissioners met to view the proposed improvements. On August 3, 2021, the Board of Lucas County Commissioners held the First Hearing for the improvement where the petition was publicly read, together with all applications for or against the improvement and has heard either at the view or at the First Hearing, either

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personally or through counsel, all evidence offered by any owner of land for or against the granting of the proposed improvement, or for or against the granting of any laterals, branches, spurs, or change of route, course, termini, or manner of construction described in the petition, or any application therefore.

At the First Hearing, the Board passed Resolution 21-666 finding the proposed improvement of Wilhelm Ditch, as necessary and granting the petition as-filed. In addition, the Board directed the Lucas County Engineer to produce the surveys, create plans, maps, and profiles, and calculate estimated assessments. On May 24, 2022, the Engineer filed the surveys, plans, maps, profiles and estimated assessments with the Clerk of the Board.

On July 12, 2022 and July 26, 2022, during the Final Hearing, the Board of Lucas County Commissioners heard all the evidence offered in the proceedings and received and considered all the schedules, plans, and reports filed by the Lucas County Engineer.

Budget Impact: Stormwater Utility Fund

Statutory Authority/ORC: *Ohio Revised Code* Section 6131

Commissioner Gerken offered the following resolution:

WHEREAS, in consideration of the above, NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners, Lucas County, Ohio, that:

Section 1. This Board hereby approves the maps, profiles, plans, schedules, and reports prepared by the Lucas County Engineer.

Section 2. This Board has considered the cost and location of construction, the compensation for the land taken, the effect on land along or in the vicinity of the route of the improvement, the effect on land below the lower terminus of the improvement that may be caused by constructing the improvement, the sufficiency of the outlet, the benefits to the public welfare, and special benefits to the land needing the improvement, and other items as required by Section 6131 of the *Ohio Revised Code* hereby finds that former order finding in favor of the proposed improvement petitioned is necessary, will be conducive to the public welfare, and it is reasonably certain that the cost thereof will be less than its benefits made on August 3, 2021 is affirmed.

Section 3. This Board hereby approves and confirms the benefit assessment schedules as prepared by the Lucas County Engineer. Benefits assessed to the general public by reason of the improvement being conducive to the public welfare shall be paid by the public and assessed by the County. Benefits for Township or Municipal Roads shall hereby be assessed against the Township or Municipality. Benefits for County Roads and Highways shall hereby be assessed against the County.

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Section 4. This Board hereby directs a maintenance fund shall be maintained, as needed, by an assessment levied not more than once annually upon the benefitted landowners, as defined in Section 6131 of the *Ohio Revised Code*, apportioned on the basis of the estimated benefits for construction of the improvement. An assessment shall represent such a percentage of the estimated benefits as is estimated by the Lucas County Engineer and found adequate by the Board to effect the purpose of Section 6137 of the *Ohio Revised Code*.

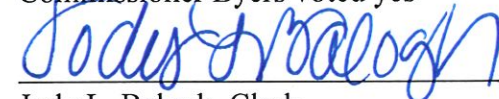
Section 5. In accordance with Section 6137.12 of the *Ohio Revised Code*, after completion of construction of the improvement the Lucas County Engineer shall prepare a plat showing the location of the permanent easement for maintenance and shall file said plat with the Lucas County Recorder.

Section 6. This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public in compliance with the law.

Section 7. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Gerken voted yes
Commissioner Skeldon Wozniak voted yes
Commissioner Byers voted yes



Jody L. Balogh, Clerk