

Date: July 26, 2022

Resolution No. 22-638

Title: Acceptance of Engineer's Filing of Surveys, Plans, Maps, and Profiles, and Estimated Assessments and Setting the Date and Hour of the Final Hearing for Lone Oak Ditch Improvement Project #1048

Department/Agency: Lucas County Engineer's Office

Contact: Mike Pniewski, Lucas County Engineer

Summary/Background: On February 19, 2020, the Board of Lucas County Commissioners and the Lucas County Engineer were given notice of the filing a petition by the Village of Whitehouse for an improvement to a portion of Lone Oak Ditch and future maintenance of the portion 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 course. The View and First hearing were held on October 27, 2020.

On February 2, 2021, the Board of Lucas County Commissioners and the Lucas County Engineer have been given notice of the filing an *amended* petition by the Village of Whitehouse for an expansion of the future improvement and maintenance area of Lone Oak Ditch. The amended description of the watercourse if hereinafter set forth and includes the entirety of Lone Oak Ditch, from its origin to its Confluence with Swan Creek:

Lone Oak Ditch: Commencing along Berridge Road, in the southwestern corner of Tax Parcel ID 5214197 and continuing northeasterly for approximately 2.4 miles to its confluence with Von Au Ditch, thence continuing northeasterly 0.9 miles to its confluence with Swan Creek, for a total distance of approximately 3.3 miles.

On April 13, 2021, the Board of Lucas County Commssioners passed Resolution 21-324 to set the dates of the view and the first hearing fo, 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, 2021, the Board of Lucas County Commissioners met to view the proposed improvement. On August 3, 2021, the Board of Lucas County Commissioners held the First Hearing for the improvement where the petition was publicly read, together will all applications for or against the improvement and has heard either at the view or at the First Hearing, either 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 21-670 finding the proposed improvement of Lone Oak 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 July 14, 2022, the Engineer filed the surveys, plans, maps, profiles and estimated assessments with the Clerk of the Board.

Budget Impact: N/A

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

Commissioner Skeldon Wozniak 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 accepts the filing of Surveys, Plans, Maps, and Profiles, and Estimated Assessments from the Lucas County Engineer for the proposed improvements to Lone Oak Ditch Improvements.

Section 2. This Board hereby establishes the time and place of the Final Hearing of the petition to be September 13, 2022 at 2:00 pm at the Hearing Room of the Board of Lucas County Commissioners, First Floor, One Government Center, Toledo, Ohio.

Section 3. That the Clerk of this Board is authorized to provide notice and advertise for the final hearing on accordance with Section 6131 of the *Ohio Revised Code*. Notices for the final hearing shall be sent by an appropriate method specified in Section 6131 of the *Ohio Revised Code*.

Section 4. 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 5. This resolution shall be in full force and effect from and immediately upon its adoption.

Action Taken:

Commissioner Skeldon Wozniak voted yes

Commissioner Gerken voted yes

Commissioner Byers voted yes



Jody L. Balogh, Clerk