

**Final Report  
Gorsuch Joint County Watershed  
Drainage Petition  
per Ohio Revised Code Sec. 6133  
March 9, 2021**

This report has been prepared for the final hearing on a drainage improvement petition filed by the Harlem Township Trustees and others on August 21, 2018. The original petition has been signed by representatives of 10 of the 54 parcels in the watershed. The general location and course of the requested improvements is quoted from the petition as follows:

*“In Delaware County, Harlem Township, within the Gorsuch Joint County #588 watershed following from and including the crossing of Montgomery Road, but not limited to the course and termini of the existing improvement at the Ford, Cook Joint County #46.”*

The following is the nature of the work petitioned:

*“To generally improve the drainage, both surface and subsurface, to a good and sufficient outlet by replacing, repairing or altering the existing improvements as required and/or creating new surface and subsurface drainage mains or laterals as requested, by this petition.”*

The petition was amended based on a request by Linda Allaby, 16277 Montgomery Road, received on January 2, 2019 and two further requests by Jefferey Smithberger, 16081 Montgomery Road, and Thelma Evans, 2242 S. County Line Road, received on January 11, 2019. The amendment requests are to provide these parcels *“with a good and sufficient outlet for both surface and subsurface drainage.”* The Joint Board accepted these requests for amendment on February 4, 2019.

The Gorsuch Joint County #588 watershed is 444.61 acres. The watershed is 79% agricultural land, 15% rural residential, 3% woods, and 3% road right-of-way.

### **Petition Process**

This petition has been submitted according to Ohio Revised Code Sec. 6133 which authorizes the Joint Board of County Commissioners to act on behalf of benefited property owners to make drainage improvements. If the Joint Board of Commissioners decides to proceed with a project, the costs related to the improvements are collected via special assessment to the landowners in the watershed according to the benefit received. The construction assessments would be placed on the property tax bills of the benefited landowners, and can be spread over a maximum of 15 years with 30 semi-annual installments depending on the method of payment chosen by the Joint

Board. Additionally, the improvements will be placed on the Delaware County Drainage Maintenance Program in perpetuity per Ohio Revised Code Sec. 6137 with maintenance funds being collected semiannually similar to the original construction costs. These annual maintenance assessments are generally 2 to 3 percent of the construction assessment.

It should be noted that property owners are only assessed for those improvements that are located downstream from their properties. No property is assessed for improvements located “upstream” of a given parcel. In addition, units of government that hold rights-of-way for public roads are assessed for both construction and maintenance costs in the same manner as private property owners.

The decision to approve a petition is a 3-step process involving a viewing, an initial, or first, hearing, and a second, or final, hearing. A viewing of the proposed improvements was conducted on November 5, 2018 by the Joint Board of Commissioners to familiarize themselves with the location and condition of the existing improvements. Next, the first hearing was held on February 4, 2019. At the first hearing, the Joint Board found in favor of the petition. They requested the Delaware County Engineer, Licking County Engineer, and the Delaware Soil and Water Conservation District to proceed in the development of engineering plans and specifications and the schedule of assessments. It is this information that is before the Joint Board for consideration at this second and final hearing.

### **Project Scope**

The proposed project has been divided into four distinct parts: Main-Section 1, Main-Section 2, Lateral #1, and Lateral #2. Main-Section 1 is proposed to commence at the junction of the Gorsuch #588 channel with the Ford, Cook Joint County #46 (Delaware County Drainage Maintenance Project #5801) and extending upstream to the Montgomery Road right-of-way. Main Section-2 is proposed to commence at the Montgomery Road right-of-way and extending upstream to the S. County Line Road right-of-way. Lateral #1 is proposed to commence at the junction with Main-Section 2 located approximately 1,100 feet west of S. County Line Road and extending upstream crossing under Montgomery Road and then east terminating on the Allaby property. Lateral #2 is proposed to commence at the junction with Main-Section 2 at the S. County Line Road right-of-way and extending upstream crossing under Montgomery Road and terminating on the Evans property.

The primary items of work for each part are as follows:

Main-Section 1

- Open channel reconstruction
- Surface drain reconstruction
- Subsurface drain tile installation
- Private drive culvert replacement
- Rock lined channel construction
- Clearing of brush and vegetation

Main-Section 2

- Surface drain reconstruction
- Subsurface drain tile installation

Lateral #1 and Lateral #2

- Subsurface drain tile installation
- Clearing of brush and vegetation

All disturbed areas will be returned to their pre-construction condition or seeded and mulched.

**Project Estimate – Main-Section 1**

Construction	\$ 114,570.00
Administration, Planning and Inspection	\$ 12,681.94
Drainage Maintenance Pay-in (5%)	\$ 6,312.60
Contingency (15%)	\$ 18,937.79
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 152,502.33</b>

**NOTE: Of the total estimated cost, \$900.00 has been direct assessed to Harlem Township for work directly benefitting the Montgomery Road right-of-way. The total amount to be assessed to watershed parcels is \$151,602.33.**

**Project Estimate – Main-Section 2**

Construction	\$ 110,355.00
Administration, Planning and Inspection	\$ 2,500.00
Drainage Maintenance Startup (5%)	\$ 5,642.75
Contingency (15%)	\$ 16,928.25
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 135,426.00</b>

**NOTE: Of the total estimated cost, \$4,500.00 has been direct assessed to Harlem Township for work directly benefitting or within the Montgomery Road right-of-way, and \$720.00 has been direct assessed to Delaware County for work directly benefitting or within the S. County Line Road right-of-way. The total amount to be assessed to watershed parcels is \$130,206.00.**

**Project Estimate – Lateral #1**

Construction	\$ 12,028.50
Administration, Planning and Inspection	\$ 1,000.00
Drainage Maintenance Startup (5%)	\$ 651.42
<u>Contingency (15%)</u>	<u>\$ 1,954.28</u>
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 15,634.20</b>

**NOTE: Of the total estimated cost, \$1,200.00 has been direct assessed to Harlem Township for work directly benefitting or within the Montgomery Road right-of-way. The total amount to be assessed to watershed parcels is \$14,434.20.**

**Project Estimate – Lateral #2**

Construction	\$ 4,685.00
Administration, Planning and Inspection	\$ 500.00
Drainage Maintenance Startup (5%)	\$ 259.25
<u>Contingency (15%)</u>	<u>\$ 777.75</u>
<b>TOTAL ESTIMATED COST:</b>	<b>\$ 6,222.00</b>

**NOTE: Of the total estimated cost, \$1,200.00 has been direct assessed to Harlem Township for work directly benefitting or within the Montgomery Road right-of-way. The total amount to be assessed to watershed parcels is \$5,022.00.**

**TOTAL PROJECT ESTIMATED COST: \$ 309,784.53**

## Calculation of Assessments

The Ohio Revised Code instructs the County Engineer to calculate the assessments to individual property owners based on the benefits received from the improvements for the various properties in the watershed. The Ohio Revised Code further defines benefited land as:

*"Lands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other manmade causes shall be considered as benefited by an improvement required to dispose of the accelerated flow of water from the uplands."*

Assessments to individual parcels have been calculated using the following formula, a rationale that is widely used throughout the state of Ohio.

$$\frac{(\text{Acres Benefited}) \times (\text{Land Use Factor}) \times (\text{Percent of Improvement Used}) \times (\text{Remote Factor})}{(\text{Individual Parcel Assessment Factor})} =$$

Each parcel's assessment is then determined by:

$$\frac{(\text{Individual Parcel Assessment Factor})}{(\text{Total of all Individual Assessment Factors})} \times (\text{Total Construction Cost}) = (\text{Parcel Assessment})$$

### Explanation of Factors:

- **Acres Benefited**  
Total number of acres within a given parcel that contribute drainage to the improvement.
- **Land Use Factor**  
The relative benefit to parcels of drainage based on the amount of increased storm water runoff resulting from the land use of the parcel.
- **Percent of Improvement used**  
The point at which drainage from a given parcel enters the improvement.
- **Remote Factor**  
The remote factors are based upon a parcel's distance from the improved section of the drainage course, and is typically established in ½ mile increments. Parcels that are most "remote" from the actual improvement receive the greatest reduction on their assessment.

### Benefits versus Cost

One of the primary factors set forth for consideration in the approval or dismissal of a petition request is the actual benefit of the proposed improvements to the watershed in question. The following analysis examines this factor from the standpoint of land productivity for the agricultural acres as well as the value of drainage to residential parcels.

A publication by The Ohio State University Extension titled “Returns to Farm Drainage” details several studies, conducted by Ohio State researchers, on the effects of drainage on crop yields. The studies show that fields with good drainage will produce higher yields than fields that have poor drainage. A recently completed 25-year study showed that subsurface drainage increased corn yields by 24%-39%, and increased soybean yields by 13%-46%. This produces average yield increases of 31% and 29% respectively. The benefits of drainage will thus equal this increased yield multiplied by the market price.

Approximately 351 acres of the 444-acre watershed is agricultural land. The 2020 through 2016 average market price for corn and soybeans in Ohio, as reported by the USDA National Agricultural Statistics Service is \$3.73 per bushel for corn and \$9.30 per bushel for soybeans. The average estimated yield increases for the soil types present in the watershed, given appropriate drainage improvements are in place, equal 46 bushels per acre for corn and 14 bushels per acre for soybeans.

#### **Crop Production Benefit examples:**

- Corn  
(46 Bushel per acre increase in yield) X (\$3.73 per bushel) X (351 acres) = \$60,224.58  
increase annually.
- Soybeans  
(14 Bushel per acre increase in yield) X (\$9.30 per Bushel) X (351 acres) = \$45,700.20  
increase annually.

For this example, we will assume that cropland acres are distributed equally between corn and soybeans, for a potential average annual increase of \$52,962.39. If this potential annual return is multiplied over a 20-year period, the benefit equals \$1,059,247.80.

While this example does not take into consideration individual farm management practices, it does illustrate the fact that good agricultural drainage is a key factor in farm profitability and would reflect positively when considering a cost/benefit analysis for this project.

The increased value or benefit for residential parcels is typically found in two ways: the increased marketability of the home and functionality of the home sewage treatment system and associated drainage needs. An inadequate subsurface drainage outlet can dramatically deteriorate the condition of household sewage treatment systems potentially limiting the value of the home for resale. Locally, the cost to construct an alternate sewage treatment system, should the existing system fail, ranges from \$15,000 to \$25,000 on average. Other benefits that are commonly perceived as a result of suburban drainage improvements focus on quality of life and positive neighborhood perception. Watersheds that have planned and maintained drainage infrastructures generally have higher resale values than those communities that are known to have a history of drainage problems. Approximately 66 acres of the land use in the watershed is

residential in nature. When evaluating the cost of providing adequate drainage outlets for residential properties, we find that for new construction, developers or homebuilders spend between \$1,000 and \$3,000 per lot to attain adequate drainage infrastructure within a development. With 25 residential parcels in the watershed, the potential average benefit is between \$25,000 and \$75,000 at minimum. While this analysis does not consider many potential variables, it could aid in the decision-making process

The benefits to this proposed project will be realized well beyond the construction repayment term. As previously stated, the construction assessments would be placed on the property tax bills of the benefited landowners, and can be spread over a maximum of 15 years. Alternatively, assessments can be paid in full within 30 days after the close of the final hearing without paying interest. The long-term benefits will be realized by virtue of this project being placed on the County Drainage Maintenance Program in perpetuity per Ohio Revised Code Sec. 6137., which requires maintenance funds to be collected semi-annually similar to the construction costs. These maintenance funds are applied to the annual inspection and maintenance of this specific project.

### **Recommendations**

A decision to move forward with Main-Section 1 can be made independent of any other portion of the proposed project. Approvals of Main-Section 2, Lateral #1, and Lateral #2 are contingent upon approval of Main-Section 1. A decision to deny Main-Section 1 will necessitate denial of all other portions of the project.

A decision on Lateral #1 and Lateral #2 can be made independent of each other; however, approval of both are contingent upon approval of Main-Section 2. A denial of Main-Section 2 will necessitate denial of both laterals. Main-Section 2 can be approved independent of the decision for either lateral.

Based on all of the information gathered and generated, we believe this project as proposed is technically feasible and would serve as an adequate outlet for the drainage needs of the watershed. Furthermore, the parcel assessments for this project are within the range of assessments that can be expected for a project of this scope. The testimony brought to the Board of Commissioners by the landowners, as to whether the benefits of this project exceed the costs, should be given significant consideration in the decision to move forward with this project.

A resolution affirming the order to proceed detailing the approved areas of work, confirming the schedule of assessments and ordering the project to be advertised for competitive bid per Ohio Revised Code Sec. 6133, will be necessary. The resolution by the Board of Commissioners shall also determine how long a period of time, in semiannual installments, as taxes are paid, shall be given the owners of land benefited to pay the construction assessments.

If the Joint Board of Commissioners chooses to dismiss the petition in whole or in any part, I would recommend a resolution reflecting that decision, and that the costs for the proceedings, including the costs incurred by the Boards of Commissioners, the County Engineers, and the Delaware Soil and Water Conservation District in making surveys, plans, reports and schedules be distributed to the benefiting landowners in the same ratio as determined in the final estimated assessments presented at this hearing. This amount is estimated at \$6,500.

Prepared by,

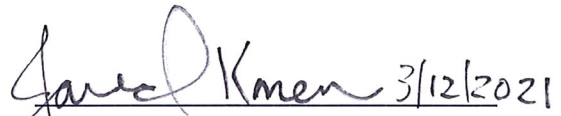


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