

**Final Report
Franklin
Drainage Improvement Petition
per Ohio Revised Code Sec. 6131
March 19, 2024**

This report has been prepared for the Final Hearing on a drainage improvement petition filed by Peter Urbanski, Lorna Davis, and others on August 23, 2019. The petition was signed by twenty-five individuals representing twenty of the seventy-three parcels in the watershed.

The general location and course of the requested improvements are quoted from the petition as follows:

“In Delaware County, Genoa Township within the Franklin watershed and generally following, but not limited to, the course and termini of the existing improvements.”

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 Franklin watershed is approximately 127 acres. The watershed is predominantly rural and suburban residential in nature with areas of commercial areas as well.

Petition Process

This petition has been submitted according to Ohio Revised Code Section 6131 which authorizes the Board of County Commissioners to act on behalf of benefited property owners to make drainage improvements. If the Commissioners decide 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 Commissioners. Additionally, the improvements will be placed on the county drainage maintenance program per Ohio Revised Code Section 6137 with maintenance funds being collected semiannually similar to the original construction costs. These annual maintenance assessments are generally 2 to 5 percent of the construction assessment.

It should be noted that property owners are only assessed for those portions of the improvements that benefit their properties. No property is assessed for portions into which a

given property does not drain. 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. The Commissioners conducted the viewing for this project on November 18, 2019. Next, the first hearing was held on February 13, 2020. At the first hearing, the Commissioners found in favor of the petition. They requested the Delaware 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 Board of Commissioners for consideration at this second and final hearing.

Project Scope

The proposed project has been divided into sections to better reflect the areas of work. These sections will be referred to as North, South #1, and South #2.

The North section will begin at the right-of-way near the northwest intersection of Big Walnut Road and S. Old 3C Highway and extend westward along Big Walnut Road then northward to the south property line for McNamara Park. The primary items of work will include subsurface drain pipe replacement and brush and vegetation removal. All disturbed areas will be returned to their pre-construction condition or seeded and mulched.

The South #1 section will begin at the west right-of-way for S. Old 3C Highway and extend upstream to the west for approximately 1,550 feet to meet the request of the petition. The primary items of work will include subsurface drain pipe replacement, surface drain shaping and grading, the installation of erosion control measures, private drive culvert installations, and the removal of brush and vegetation. All disturbed areas will be returned to their pre-construction condition or seeded and mulched. Additionally, drainage maintenance on the existing open channel will extend downstream approximately 1,900 feet for the purpose of logjam and debris removal. No construction is proposed in this area.

The South #2 section will begin at the open channel on the east side of S. Old 3C Highway and extend upstream to the south for approximately 700 feet to meet the request of the petition. The primary items of work will include subsurface drain pipe installation and the removal of brush and vegetation. All disturbed areas will be returned to their pre-construction condition or seeded and mulched. Additionally, drainage maintenance on the existing open channel will extend downstream approximately 1,900 feet for the purpose of logjam and debris removal. No construction is proposed in this area.

Project Estimate

North

Construction	\$ 79,057.51
Administration, Survey, and Engineering	\$ 7,298.66
Construction Supervision and Inspection	\$ 1,500.00
Contingency	\$ 12,000.00
<u>Drainage Maintenance 1st Year Payment</u>	<u>\$ 4,392.81</u>
Total Estimated Cost	\$ 104,248.98

NOTE: The above estimate contains \$4,800 in costs that are to be direct assessed to Genoa Township for work within the right-of-way for Bespoke Court. The total amount to be assessed to the parcels in the watershed is \$99,448.98.

South #1

Construction	\$ 104,907.47
Administration, Survey, and Engineering	\$ 9,791.95
Construction Supervision and Inspection	\$ 4,000.00
Contingency	\$ 16,000.00
<u>Drainage Maintenance 1st Year Payment</u>	<u>\$ 5,934.97</u>
Total Estimated Cost	\$ 140,634.39

South #2

Construction	\$ 27,540.30
Administration, Survey, and Engineering	\$ 2,511.29
Construction Supervision and Inspection	\$ 1,500.00
Contingency	\$ 4,000.00
<u>Drainage Maintenance 1st Year Payment</u>	<u>\$ 1,577.58</u>
Total Estimated Cost	\$ 37,129.17

NOTE: The above estimate contains \$4,560 in costs that are to be direct assessed to Delaware County for work within the right-of-way for S. Old 3C Highway. The total amount to be assessed to the parcels in the watershed is \$32,569.17.

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 Revised Code further describes benefited land as such:

“Uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other human methods shall be considered to be benefited by an improvement that is 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.

(Acres Benefited) X (Land Use Factor) X (Percent of Improvement Used) X (Remote Factor) =
(Individual Parcel Assessment Factor)

Each parcel’s assessment is then determined by:

(Individual Parcel Assessment Factor) / (Total of all Individual Assessment Factors) X (Total Construction Cost) = (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. Parcels are only assessed for the portion of the improvement that lies downstream of the parcel.
- **Remote Factor**
The remote factor is 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. No remote factor has been applied for this project.

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 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. When evaluating the cost of providing adequate drainage outlets for residential properties, we find that for new construction, developers or homebuilders spend on average \$8,700 per lot to attain adequate drainage infrastructure within a development. With 38 residential parcels fully within the Franklin watershed, the potential average benefit is \$330,600 at minimum. While this analysis does not consider many potential variables, it could aid in the decision-making process.

For roadway drainage, the lack of an adequate drainage outlet can lead to standing water on the roadway surface resulting in traffic safety hazards and increased routine maintenance of the roadway surface.

Other benefits that are commonly perceived as a result of drainage improvements focus on quality of life and positive neighborhood perception. Communities that have planned and maintained storm water drainage infrastructures generally have higher resale values than those communities that are known to have a history of drainage problems or flooding.

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 Section 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

Based on all of the information gathered and generated, I 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.

All three sections of the proposed project may be approved or denied independently of the remaining sections. Approval of one section is not contingent upon approval of another. Approvals of South #1 and/or South #2 will include establishing the drainage maintenance easement as referenced in the Project Scope.

A resolution affirming the order to proceed for each section, confirming the schedule of assessments, and ordering the project to be advertised for competitive bid, per Section 6131 of the Ohio Revised Code., will be necessary. The resolution by the Board of Commissioners shall also determine how long a period of time, in semi-annual installments as taxes are paid, shall be given the owners of land benefited to pay the construction assessments.

If the Board of Commissioners chooses to dismiss the Petition in whole or in part, I would recommend a resolution reflecting that decision, and that the costs for the proceedings, including the costs incurred by the Board of Commissioners, the County Engineer 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 \$7,500 for North, \$9,600 for South #1, and \$2,600 for South #2.

Prepared by,



Bret Bacon
Deputy Administrator /
Resource Conservation Program Coordinator
Delaware Soil and Water Conservation District

Approved by,



Chris Bauserman P.E., P.S.
Delaware County Engineer



Legend

Watershed Boundary

Roads

Parcels

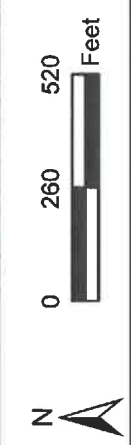
Appx. Centerlines

Drainage Maintenance Only

North

South #1

South #2



Note: The Delaware SWCD makes no guarantee or warranty as to the accuracy of the information on this map.