

**Frequently Asked Questions (FAQ) Sheet**  
**Webster-Arnold #355**  
**Drainage Improvement Project**

**1. What does this notice pertain to?**

This notice is for a hearing by the County Commissioners for the re-estimated costs pertaining to the Webster-Arnold #355 drainage petition project. The original Final Hearing on the project was held June 27, 2022. At that hearing, the County Commissioners approved the project to move forward to construction as well as approved a schedule of assessments to the benefitting properties.

**2. Why is this project being re-estimated?**

The Delaware County Engineer has advertised the project for public bid three times. Each time there was no qualifying bid received. Ohio Rev. Code Sec. 6131.40 requires bids to be equal to or less than the Engineer's estimate for the project. Since no bid met these requirements, the Commissioners directed the County Engineer to provide a revised estimate for the project construction. The Commissioners are holding this hearing in light of this revised estimate in order to provide the benefitted property owners the opportunity to provide testimony as to whether the benefits of the proposed project exceed the revised costs.

**3. Why is there a petition for this project?**

Drainage infrastructure within Ohio is the responsibility of private landowners. The drainage petition process, authorized by Chapter 6131 of the Ohio Revised Code, allows landowners to request Delaware County to construct and maintain drainage improvements on private property. In the absence of a drainage petition project, the construction and maintenance of drainage infrastructure remains the responsibility of private landowners.

**4. How are drainage petition projects paid for?**

The costs are covered by special assessments to the properties that are within the watershed, or benefit area, of the project. Petition projects are entirely landowner-driven and landowner-funded. Public entities that own rights-of-way, schools, utilities, churches, etc. within the watershed are also treated as landowners and assessed. The petition process then allows Delaware County to expend these funds to construct and maintain the improvements.

**5. Why am I receiving this notice?**

The Ohio Revised Code (state law) considers all landowners within the watershed, or drainage area, of a project as *benefitting* from the improvement. Essentially the law equates benefit to use. If you are receiving the mailing, a property owned by you is located within the watershed for the Webster-Arnold #355 drainage system and benefits from the drainage capacity provided by the system.

**OVER**

**6. Is this a bill?**

No. The revised estimated assessment amount shown on your notice is the maximum amount that would be assessed to you for construction IF the County Commissioners confirm their order approving the project. If the project is approved, you will have thirty days from the date of the Final Hearing to pay the assessment to the County Commissioners in full. If you choose not to pay the assessment within thirty days, it will be placed on your real estate taxes as a special assessment for a period of time to be determined by the Commissioners not to exceed fifteen years.

**7. What will happen at this hearing?**

The County Engineer and Soil and Water Conservation District will provide a brief summary of the revised estimated cost. The Commissioners will then hear testimony from any benefitting landowners who wish to speak. After all testimony has been heard, the Commissioners may choose to issue a decision on the project, or they may choose to recess to further consider their decision.

**8. What if I paid my estimated assessment after the original Final Hearing?**

Any funds paid in advance will be applied to the revised assessment.

**9. What happens after this Hearing?**

If the County Commissioners reverse their original order and deny the petition, the project does not move forward to construction. The Commissioners may choose to assess the costs for administration and engineering to the benefitting landowners in the same ratio as presented in the revised estimated schedule of assessments. If the Commissioners approve the petition, the County Engineer moves forward to competitive bid for construction. If the project is constructed for less than the revised estimate, the final schedule of assessments is reduced pro rata, and refunds are made to those who paid upfront.

**10. What work is to be performed if the petition is improved?**

Work will include but not necessarily be limited to the following: open channel reconstruction, placement of erosion control measures, the construction of surface drain swale, the replacement of subsurface drain pipe and the installation of new subsurface drain pipe.

**11. Is the construction assessment the only cost for the project?**

No. By law, all completed projects are placed on the Delaware County Drainage Maintenance Program and maintained in perpetuity. Special assessments for maintenance are calculated as a percentage of the final construction assessment, and typically range from 2-5% of the construction assessment. A \$100 construction assessment would therefore be charged \$5 annually for a 5% maintenance assessment.

**12. How can I find more information?**

Please visit the Soil & Water Conservation District's website, <https://soilandwater.co.delaware.oh.us/drainage-petition-projects/>, or call their office at 740-368-1921 and ask to speak to someone regarding the Webster-Arnold #355 drainage petition project.