

**Final Report
Lanetta Lane Watershed
Drainage Improvement Petition
per Ohio Revised Code Sec. 6131
May 27, 2022**

This report has been prepared for the Final Hearing on a drainage improvement petition filed by Lisa Kluchurosky and May Kay Rohrkemper and others on April 12, 2019. The petition was signed by representatives of 19 of the 24 parcels in the Lanetta Lane subdivision. The petition was amended based on requests filed by Nancy Peebles on July 8, 2019, and again by Stephen Jones on July 22, 2019. The Commissioners accepted these requests on July 22, 2019 and July 29, 2019 respectively.

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

“In Delaware County, Genoa Township within the Lanetta Lane subdivision 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 scope of the project has been expanded beyond what was presented at the First Hearing in order to meet the request of the petition. In order to create a good and sufficient outlet, it is necessary to propose improvements further downstream than initially estimated. As a result, there are 133 additional parcels which will benefit from the proposed project for a total of 157 parcels in the watershed.

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 that 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. A viewing of the proposed improvements was conducted on July 8, 2019 by the Commissioners to familiarize themselves with the location and condition of the existing improvements. Next, the first hearing was held on September 12, 2019. 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. Section 1 will commence at the junction of the Williams, Miller, Holmes #2 open channel and Autumn Lake Drive and extend upstream to the south end of the Medallion Estates Section 2 subdivision. The primary items of work in Section 1 will include open channel restoration, logjam, debris, and vegetation removal, and seeding and mulching of disturbed areas. Section 2 begins at the upstream end of Section 1 and continues upstream to the eastern terminus of Lanetta Lane. The primary items of work in Section 2 will include open channel restoration, grade stabilization, surface drain, logjam, debris, and vegetation removal, subsurface drain installation, private drive culvert installation, and seeding and mulching of disturbed areas. Sections 3N and 3S will run parallel to Lanetta Lane beginning at the junction with Section 2 at the eastern terminus of Lanetta Lane and extend upstream to the western terminus of Lanetta Lane. The primary items of work for both Section 3N and Section 3S will include road ditch setback construction, debris and vegetation removal, subsurface drain installation, private drive culvert installation, seeding and mulching of disturbed areas, and the relocation of utilities.

Project Estimate

Section 1

Construction	\$ 25,055.00
Administration, Survey, and Engineering	\$ 688.12
Construction Supervision and Inspection	\$ 2,500.00
Contingency	\$ 4,086.46
Drainage Maintenance 1 st Year Pay-in	\$ 1,362.16
Total Estimated Cost – Section 1	\$ 33,691.74

Section 2

Construction	\$ 37,271.50
Administration, Survey, and Engineering	\$ 1,039.35
Construction Supervision and Inspection	\$ 2,500.00
Contingency	\$ 5,971.63
Drainage Maintenance 1 st Year Pay-in	\$ 1,990.54
Total Estimated Cost – Section 2	\$ 48,773.02

NOTE: The estimate for Section 2 contains \$10,080.00 in costs that are to be direct assessed to Genoa Township for items of work directly benefitting the right-of-way. The total amount to be assessed to the parcels in the watershed is \$38,693.02.

Section 3N

Construction	\$ 100,608.00
Administration, Survey, and Engineering	\$ 2,845.66
Construction Supervision and Inspection	\$ 2,500.00
Contingency	\$ 15,743.05
Drainage Maintenance 1 st Year Pay-in	\$ 5,247.68
Total Estimated Cost – Section 3N	\$ 126,944.39

NOTE: The estimate for Section 3N contains \$47,220.00 in costs that are to be direct assessed to Genoa Township for items of work directly benefitting the right-of-way. The total amount to be assessed to the parcels in the watershed is \$79,724.39.

Section 3S

Construction	\$ 91,653.91
Administration, Survey, and Engineering	\$ 2,594.79
Construction Supervision and Inspection	\$ 2,500.00
Contingency	\$ 14,362.31
Drainage Maintenance 1 st Year Pay-in	\$ 4,787.43
Total Estimated Cost – Section 3S	\$ 115,898.44

NOTE: The estimate for Section 3S contains \$47,706.00 in costs that are to be direct assessed to Genoa Township for items of work directly benefitting the right-of-way. The total amount to be assessed to the parcels in the watershed is \$68,192.44.

Total Direct Assessment to Genoa Township:	\$105,006.00
Total Assessment to Watershed Parcels:	\$220,301.59
TOTAL PROJECT ESTIMATE:	\$325,307.59

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 ORC 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 parcels in the watershed have been calculated based on specific portions of the project that benefit those parcels or groups of parcels. The acres benefited, land use of specific parcels, and percent of the overall improvement utilized have been considered as well as the overall community benefit to portions of the proposed improvement.

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 23 residential parcels in the Lanetta Lane subdivision portion of the watershed, the potential average benefit is \$200,100 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.

Approval of Section is necessary to consider any additional part of the proposed project. Denial of Section 1 will necessitate denial of all other parts. Approval of Section 2 is contingent upon approval of Section 1, but is not dependent on the decision of Section 3N and Section 3S. A denial of Section 2 will necessitate the denial of both Sections 3N and 3S. Approval of Section 3N and Section 3S are contingent upon the approval of Section 1 and Section 2, but are not dependent upon each other. Section 3N and Section 3S may both be approved, both be denied, or approved individually irrespective of the decision on each other.

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 O.R.C., 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, 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 \$7,200.

Prepared by,

Approved by,

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

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