

**First Hearing Report
Lanetta Lane Subdivision
Drainage Petition per O.R.C. 6131
September 12, 2019**

This report has been prepared for the preliminary hearing on a drainage improvement petition filed by Lisa Kluchurosky and Mary Kay Rohrkemper and others on April 12, 2019. The petition was signed by representatives of 19 of the 22 parcels in the 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, as quoted from the petition:

"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."

Petition Process

This petition has been submitted according to Section 6131 of the Ohio Revised Code (O.R.C.), which authorizes the Board of Commissioners to act on behalf of benefited property owners to make drainage improvements. If the Board of Commissioners decides to proceed with a project, the costs related to the improvements and the development of plans, reports and schedules are assessed to the landowners in the watershed according to the benefit received to their watershed acreage. These special assessments will be added to the property taxes for each property and can be spread over a maximum of a 15-year period. Property owners may also choose to pay their assessment in a lump sum payment prior to placement on their property taxes. Additionally, the improvements will be placed on the Delaware County drainage maintenance program in perpetuity, per O.R.C. Section 6137, and the annual maintenance assessment will appear on property tax statements as a special assessment in the same manner as the construction assessments. These annual maintenance assessments are generally in the range of two to three 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. The public agencies that own rights of way for public roads and other public lands are also assessed for both construction and maintenance costs in the same manner as private property owners.

The decision to approve a petition project is a 3-step process. First, a viewing of the proposed improvement is conducted for the Commissioners to familiarize themselves with the watershed and general conditions. The Commissioners conducted the viewing for this project on July 8, 2019. Next, a preliminary hearing is held to consider the initial feasibility of the proposal. It is this preliminary First Hearing that is before us today. If this petition is approved, a final hearing will be conducted to further consider this petition. At that time, final details such as engineering plans and specifications, cost estimates, and a proposed schedule of assessments will be known.

Existing Conditions

The Delaware Soil & Water Conservation District and Delaware County Engineer's Office have made the following observations of the watershed using onsite evaluation, and a review of available historic records, aerial photography, topographic mapping, and soils mapping.

The watershed area evaluated includes upland areas within the vicinity of Lanetta Lane right-of-way and the downstream areas encompassing private property and developed lands serving as the outlet for petition. Construction of homes within the Lanetta Lane subdivision began in 1980 with additional homes constructed through 2014 when the last remaining lot in the subdivision was developed. There was no comprehensive stormwater system designed or constructed as part of the development of the subdivision.

Both private and Township right-of-way drainage does not appear to be functioning at or near optimum capacity due to a lack of comprehensive maintenance and the generally deteriorated condition of the infrastructure of the upland areas and downstream outlet. There is a lack of uniform grading that has led to significant ponding in many areas. This problem is worsened by road ditch enclosures installed without a comprehensive stormwater management plan for the entire subdivision. The subsurface drain system also appears to have significant blockages limiting its effectiveness. These conditions are indicators of an overburdened, aged, and unplanned drainage infrastructure. While the existing drainage system still provides some degree of drainage benefit, it does not appear to function as a good and sufficient outlet.

Estimate of Cost, Factors Favorable/Unfavorable, Benefit vs Cost

O.R.C. 6131 requires the County Engineer to state in a report factors favorable and unfavorable to a proposed project, estimate the cost of the project, and state an opinion as to whether the benefits of the project exceed the cost. The following information is presented for your consideration:

Construction Estimate

The project would involve making improvements to both the surface and subsurface drainage. Items of work would include the removal of existing ditch enclosures, the excavation of road ditch setbacks, the installation of private drive culverts, surface drain outlet shaping and grading, logjam, debris, and vegetation removal, the relocation of existing utilities, subsurface drain installation, grade stabilization, and seeding and mulching of disturbed areas.

Construction	\$ 194,340.00
Drainage Maintenance (ORC 6137) first year start up	\$ 3,692.00
Project Administration, Survey, and Engineering	\$ 12,500.00
Total Estimate:	\$ 210,532.00

NOTES:

- It is important to understand that the above estimates are preliminary and made in the absence of a current detailed topographic survey of the project area and engineering designs.
- The above estimate contains items that would be direct assessed to Genoa Township for work that would occur within the road right-of-way for Lanetta Lane. This amount is estimated to be \$110,562.50. This would leave a total amount to be assessed to the watershed landowners of \$99,969.50.
- Based upon O.R.C 4115.03 prevailing wage rates may apply to this project and will be determined if the Board finds for the project and orders the Engineer to proceed with survey, design, final estimated cost of construction and associated schedule of assessments.
- Should the project fail to be approved at the final hearing the benefiting land owners, as defined by O.R.C. 6131, may still be responsible for the cost of project administration, survey, and engineering design.

Assessments

If the project moves forward to the second hearing, 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. O.R.C. 6131 states that *“uplands 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.”* Benefits are further defined by the O.R.C. as “elimination or reduction of damage from flood; removal of water conditions that jeopardize public health, safety, or welfare; and increased value of land resulting from the improvement.”

Individual parcel assessments are not calculated for the preliminary hearing and are only calculated if the petition moves forward to a second, or final, hearing.

Factors Favorable/Unfavorable

Factors favorable to the improvement:

1. Improved surface and subsurface drainage in the watershed.
2. Improved outlet for subsurface drainage components of household sewage treatment systems and for residential drainage systems.
3. Reduction of future deterioration of surface and subsurface drainage infrastructure.
4. Annual inspections and maintenance of the improvement in perpetuity.

Factors unfavorable to the improvement:

1. Temporary land use disruption during construction.
2. Cost of construction and maintenance may be a burden to some landowners.
3. Removal of existing trees and brush in improvement area.

Benefits versus Cost

Assessments for property within the watershed are calculated based on the benefits derived. For residential properties, the lack of an adequate drainage outlet can negatively impact the condition of household sewage treatment systems, potentially limiting the value of the home for resale. Should the existing system fail, the cost to perform repairs, or construct an alternate sewage treatment system, can range from the thousands to tens of thousands of dollars. It would also be reasonable to consider the cost of environmental degradation due to residential sewage treatment systems that may not be functioning properly.

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

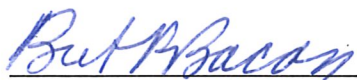
Other benefits that are commonly perceived as a result of drainage improvements focus on quality of life and positive neighborhood perception. Communities that have planned and maintained storm water drainage infrastructures generally have higher resale values than those communities that are known to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

Conclusions

Based on all of the information gathered and generated for this project, I believe this project is technically feasible and would adequately serve the project area's drainage needs. However, the testimony brought to the Board 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.

Should the current petition be approved to proceed to a final hearing, the petition bond will be returned and detailed plans, specifications, estimated costs, and a schedule of assessments would be prepared. Additionally, a benefit versus cost analysis will also be performed to further determine the feasibility of advancing this proposed project.

Prepared by,



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