

**First Hearing Report
McNamara #582 (#0906) Vacation
Drainage Petition per Ohio Revised Code 6131
June 17, 2021**

This report has been prepared for the first hearing on a drainage petition filed by Jennings Land Development, LLC. The general location and course of the requested vacation is stated on the petition as follows:

Commencing in Delaware County, Berlin and Orange Townships, within the McNamara #582 Watershed from Station 119+20 to Station 143+50 of the McNamara #582 (#0906) drainage maintenance project.

The following is the nature of the work petitioned for:

To vacate the existing improvement and easement known as McNamara #582 (ID #0906) from Station 119+20 to Station 143+50 of the original improvement upon approval of the construction of the proposed new alignment and easement for the relocation improvement. This work is to be located on the following parcels as identified by the Delaware County Auditor Parcel ID numbers:

Vacate on Parcels: 318-210-01-002-000; 418-340-01-057-000 and 318-210-01-015-005

New Drainage Easement on Parcels: 418-340-01-057-000; 318-210-01-002-000; 318-210-01-004-000; 318-210-01-008-000 and 318-210-01-015-000

Petition Process

This petition has been submitted according to Section 6131 of the Ohio Revised Code, which authorizes the County Commissioners to act on behalf of benefited property owners to make drainage improvements.

The decision to approve a petition project is a 3-step process. First, a viewing of the proposed drainage petition is conducted for the Commissioners to familiarize themselves with the site. The Commissioners conducted the Viewing for this project by drone video on April 19, 2021. Next a preliminary hearing is held to consider the initial feasibility of the proposal. It is this preliminary hearing that is before us today. If this petition is approved at this preliminary hearing, a final hearing will be conducted to further consider this petition.

Existing Conditions

The McNamara #582 (ID #0906) is currently on the Delaware County Drainage Maintenance Program and has been in its current form since 2009. As such, the drainage system is in good working condition.

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

The Ohio Rev. Code 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 and Maintenance Cost Estimate

The cost of vacating the current drainage improvements, including the construction of the proposed new improvements, associated hearing proceedings and any increased cost of maintenance will be paid for or assessed to the petitioner.

Factors Favorable/Unfavorable

Factors favorable to the improvement:

1. Provision for annual inspection and maintenance of improvement in perpetuity.
2. Reduction of liability of future maintenance cost to individual landowners.
3. Design and construction of the proposed new improvements will be approved and inspected under prevailing Delaware County Engineer's Office standards and regulations.

Factors unfavorable to the improvement:

1. Disruption of permanent easement area during some maintenance and repair activities.

Benefits versus Cost

It is my opinion based on the preliminary information gathered at this time that there are no anticipated additional costs to any landowner in the McNamara #582 (ID #0906) watershed other than those incurred by the petitioner.

Recommendations

It is important to note that the current location of the drainage infrastructure and associated drainage maintenance easement could be vacated only after construction of the proposed new alignment has been completed and approval has been granted. Upon this action, a Final Hearing will be scheduled to formally vacate the current improvement and accept the new improvement into the Drainage Maintenance program. Approval of this request at this hearing would in no manner indicate the McNamara #582 (ID #0906) project has ceased, in whole or in part, to be of public utility.

Prepared by:



Bret Bacon
Resource Conservation Program Coordinator
Delaware Soil & Water Conservation District




Approved by:






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

Legend



Surface Drain

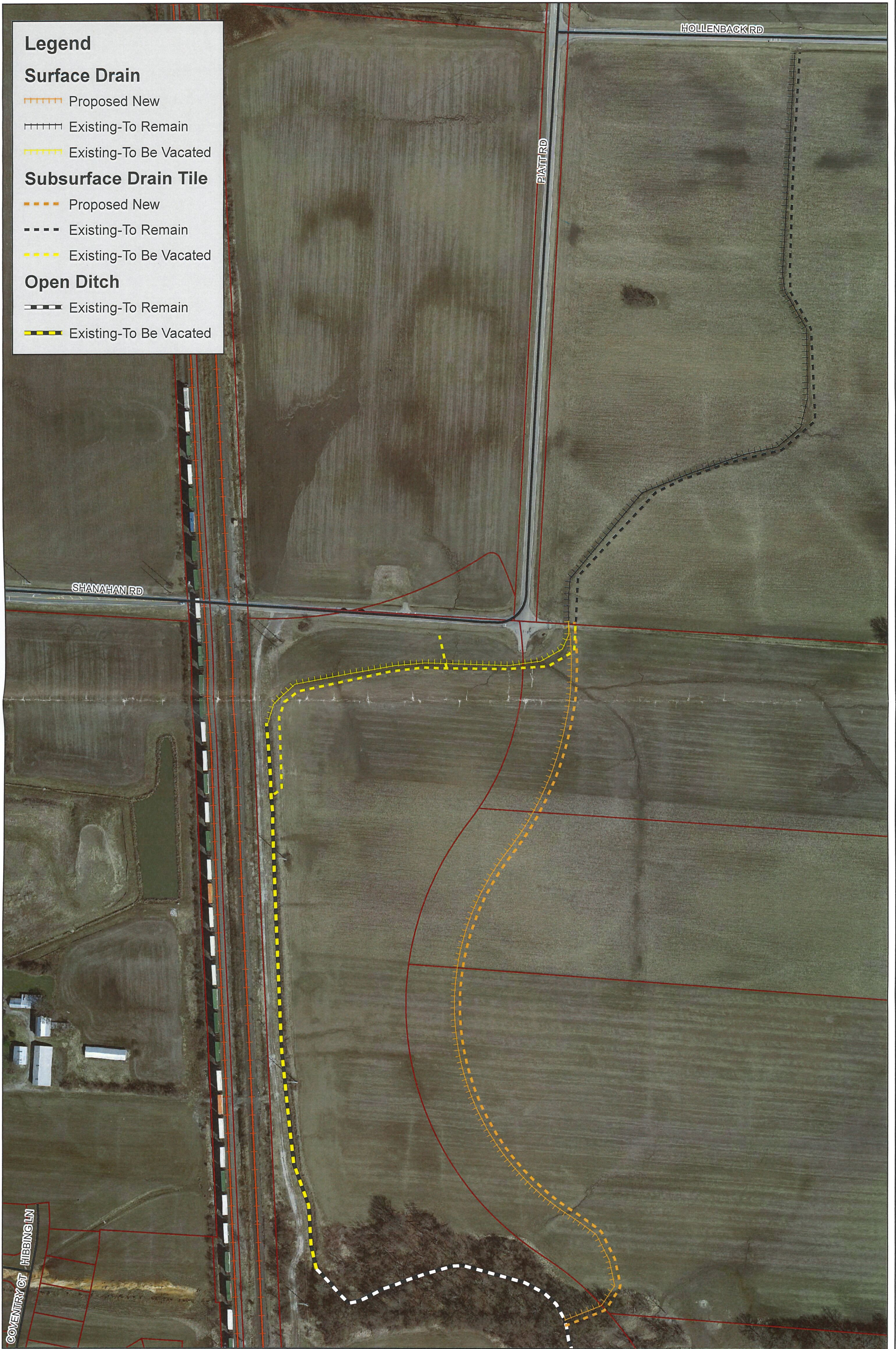
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-  Existing-To Remain
-  Existing-To Be Vacated

Subsurface Drain Tile

-  Proposed New
-  Existing-To Remain
-  Existing-To Be Vacated

Open Ditch

-  Existing-To Remain
-  Existing-To Be Vacated



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




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
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Legend



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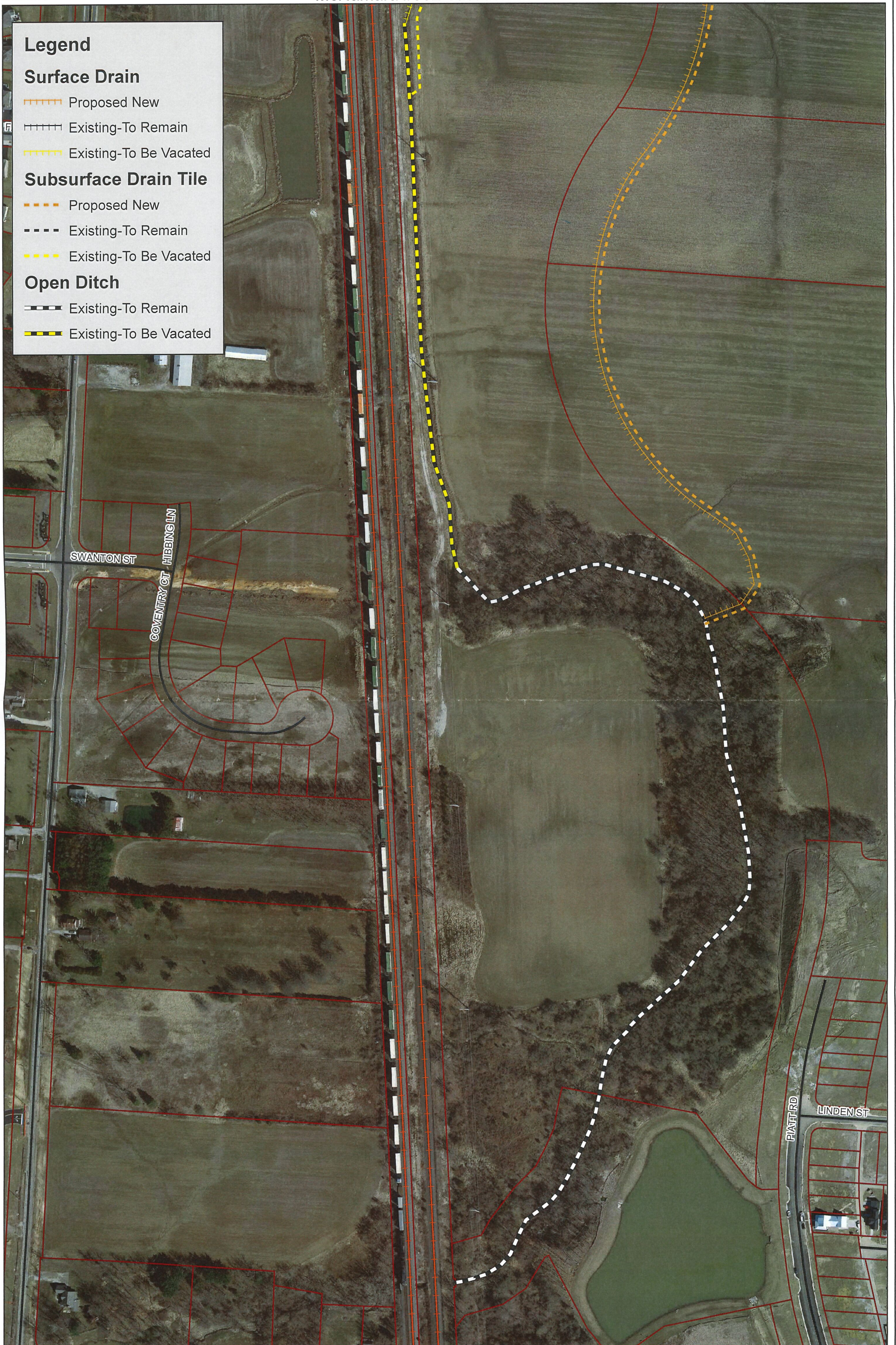
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