

DELAWARE COUNTY
COMMISSIONERS

**Final Hearing Report
Villas at Maple Creek**

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Drainage Petition per Ohio Revised Code Sec. 6131

July 27, 2022

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This report has been prepared for the final hearing on a drainage petition filed by the Villas at Maple Creek Condo Association on December 6, 2019. The petition was signed by 5 individuals representing 5 of the 152 properties within the condominium.

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

In Delaware County, Genoa and Orange Townships, in the Villas at Maple Creek condominium generally following the course and terrain of the existing flood control improvements.

The following is the nature of the work petitioned:

Replace, repair, or alter the existing improvements as required, and to maintain these improvements per the associated engineering designs.

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 as requested by the petitioners. Should the commissioners find in favor of the petition, the existing storm water drainage system will be placed on the Delaware County Drainage Maintenance program in perpetuity per section 6137 of The Ohio Revised Code. The special maintenance assessments that follow this action would appear on each property's tax duplicate semi-annually. The Cost of maintenance would average 2% to 5% annually of the current value of construction costs, and is divided equally among the benefiting properties.

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 on January 30, 2020. Next, a preliminary hearing is held to consider the initial feasibility and benefit of the request. This hearing was held August 27, 2020. At this 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 with the detailed inspection and assessment of the storm water system, the development of engineering plans and specifications, and the development

of the schedule of assessments. It is this information that is before the Board of Commissioners at this second and final hearing.

Existing Conditions

The Delaware Soil and Water Conservation District performed an inventory and evaluation of the existing storm water drainage system. The system generally appears to have been installed and is functioning per the original engineering plans. Several areas will require minor repairs once the project is accepted onto the County Drainage Maintenance Program.

- Approximately 33 square yards of rock riprap or rolled concrete matting will be placed on the backslope of the levee for Pond #3 (Worthington Rd.) to prevent erosion and degradation of the slope.
- An emergency spillway will be constructed on Retention Pond #1 (Africa Rd.) to direct overflow routing away from Africa Road.
- The catch basin structure in Detention Basin #1 requires settlement and mortar repairs.
- The storm pipe entering the catch basin structure in Detention Basin #1 will be jetted to remove gravel and debris.
- Rock channel protection will be placed at the outlet headwall for Detention Basin #1 and brush and vegetation will be removed from overtop of the pipe.

This work is estimated to cost \$8,500. This will necessitate an initial 5% maintenance assessment collection.

The existing retention ponds will be maintained for storm water functionality only. Aesthetic maintenance will remain the responsibility of the Villas at Maple Creek Condominium Association.

Maintenance and Construction Cost Estimate

The annual maintenance assessment for each of the properties would be estimated as follows:

Estimated current value of original improvement:	\$183,088.98
Per property construction cost (based on 152 units):	\$ 1,204.53

The annual maintenance assessment per lot is calculated by multiplying the per lot construction cost by the percentage to be collected. For the initial 5% collection, this produces a per lot maintenance assessment of \$60.23.

Recommendations

Based on all of the information gathered for this petition request, I believe the project should proceed. It is my opinion that the benefits of the proposed petition exceed the estimated maintenance costs and would be conducive to the public welfare.

Should the Board of Commissioners choose to move forward with this project and affirm the order to proceed, I would request a separate resolution that the Villas of Maple Creek condominium be accepted into the Delaware County Drainage Maintenance Program and that the schedule of assessments be approved and confirmed as submitted. I would also request that a 5% collection rate be certified to the Delaware County Auditor for special assessments for the Villas of Maple Creek condominium to begin in January 2024.

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 the reports and schedules be distributed to the benefiting property owners in the same ratio as determined in the final estimated assessments presented at this hearing.

Prepared by,

Approved by,



Bret Bacon
Deputy Administrator
Delaware Soil and Water
Conservation District



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