

Final Report
Miller-Williams-Holmes #2 & The Village at Harvest Wind Condominiums
Drainage Improvement Petition
per Ohio Revised Code Sec. 6131
May 23, 2023

This report has been prepared for the Final Hearing on a drainage improvement petition filed by The Village at Harvest Wind Condominiums and others on September 14, 2022. The petition was signed by 54 individuals representing 52 of the 104 condominium units and 52 of the 331 parcels in the watershed.

The general location and course of the requested improvements is stated on the petition as follows:

“In Delaware County, Genoa Township, within the Miller-Williams-Holmes #2 watershed and generally following, but not limited to the course and termini of the existing improvements inclusive of the existing flood control improvements within the Village at Harvest Wind condominiums. We also request the Board of Commissioners consider consolidation of the petition with the Lanetta Lane Drainage Improvement Petition per the provisions of Ohio Revised Code Sec. 6131.13.

This petition specifically asks for:

“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, and to maintain these improvements per the associated engineering plans as requested by this petition.”

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. The Commissioners conducted the viewing for this project on December 12, 2022. Next, the first hearing was held on March 2, 2023. 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 and benefit.

The Miller-Williams-Holmes #2 portion of the project will consist of the existing open channel beginning at the north side of the Center Green Drive right-of-way and extending upstream to a point approximately thirty feet north of Autumn Lake Drive at the downstream terminus of the Lanetta Lane Drainage Improvement Project. Items of work for this portion will include open channel restoration, logjam removal, clearing and snagging, and the placement of rock channel protection. The full watershed will have benefit of this proposed portion.

The Village at Harvest Wind portion of the project will consist of accepting onto the Drainage Maintenance program the portions of the storm water improvements within the condominium identified as necessary for flood control. Several areas of the system will require minor repairs once the project has been accepted onto Drainage Maintenance including the removal of tree roots from the retention basin outlet pipe and the clearing of trees and brush directly over the outlet pipe. This work is estimated to cost \$5,000. This will necessitate an initial 3.5% maintenance assessment collection. The existing retention pond will be maintained for storm water functionality only. Aesthetic maintenance will remain the responsibility of the Village at Harvest Wind Condominium Association.

No construction assessment is proposed for this portion of the project. Only those properties within the Village at Harvest Wind Condominium will benefit of this portion of the project.

Project Estimate

Miller-Williams-Holmes #2

Construction	\$ 37,210.00
Administration, Survey, and Engineering	\$ 5,900.00
Construction Supervision and Inspection	\$ 2,500.00
Contingency	\$ 6,691.50
<u>Drainage Maintenance 1st Year Pay-in</u>	<u>\$ 2,230.50</u>
Total Estimated Cost: Miller-Williams-Holmes #2	\$ 54,532.00

Village at Harvest Wind Condominium

The annual maintenance assessment for each of the properties within the Village at Harvest Wind would be estimated as follows:

Estimated current value of original improvement:	\$ 150,472.50
Per property construction cost (based on 104 units):	\$ 1,446.85

The annual maintenance assessment per lot is calculated by multiplying the per lot construction cost by the percentage to be collected. For the initial 3.5% collection, this produces a per lot maintenance assessment of \$50.63.

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 326 residential parcels in the watershed, the potential average benefit is \$2,836,200. 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 the Miller-Williams-Holmes #2 portion of the project is necessary to consider approval of the Village at Harvest Wind portion. Denial of the Miller-Williams-Holmes #2 portion necessitates denial of the Village at Harvest Wind.

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 for the Miller-Williams-Holmes #2. I would also request that a 3.5% collection rate be certified to the Delaware County Auditor for special assessments for the Village at Harvest Wind 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 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 \$5,400.

Prepared by,



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

Approved by,



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