

First Hearing Report
Miller-Williams-Holmes #2 Watershed/Village at Harvest Wind Condominiums
Drainage Petition Per O.R.C. 6131
March 2, 2023

This report has been prepared for the first hearing on a drainage 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 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, or portions thereof, that are located upstream of the property, or to which the property does not contribute drainage.

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 December 12, 2022. Next, the preliminary hearing, which is before us this morning, is held to consider the initial feasibility and benefit of the request. If the petition is approved at this preliminary hearing, a final hearing will be conducted to further consider the petition. At that time, final details, such as engineering plans and specifications, cost estimates, any required repairs or modifications to the existing system, and a proposed schedule of assessments to benefited landowners will be known.

Existing Conditions

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

The Miller-Williams-Holmes #2 watershed is approximately 207 acres. The watershed is predominantly urbanized with pockets of woods and golf course.

Improvements in the watershed have been constructed using the ORC 6131 process in 1869, 1885, 1893, 1896, 1906, 1916, 1933, 1937, and 1954. These improvements consisted of subsurface drain tile installation and open channel construction. The ORC 6131 process has also been used to place the constructed storm water improvements for Harvest Wind Phases 1 & 2, Harvest Wind Phase 4, and Harvest Wind Phase 5 onto the Delaware County Drainage Maintenance Program. Additionally, improvements in an upper section of the watershed are currently under consideration by the Board of Commissioners as part of the Lanetta Lane Drainage Improvement Project. This report is focused only on those improvements not already under consideration or on Drainage Maintenance.

The infrastructure within the Village at Harvest Wind Condominium was constructed between 2000 and 2002. A preliminary review of the existing storm water management system plans and records has been conducted. As part of this preliminary review, it has been determined that the existing storm water management system appears to be accurately reflected by the available records.

The Miller-Williams-Holmes #2 open channel does not appear to be functioning at optimum capacity due to a lack of comprehensive maintenance and the generally deteriorated condition of the infrastructure. There is accumulated sediment and organic material along the entire length and numerous logjams are present. This is leading to reduced flow capacity and the obstruction of the retention basin outlet for the Village at Harvest Wind. These conditions are

indicators of an aged and unmaintained drainage infrastructure. While the existing open channel does still provide some degree of drainage benefit, it does not appear to function as a good and sufficient outlet.

The storm water infrastructure within the Village at Harvest Wind Condominium appears to be functioning per the original engineering plans with the exception of the partially obstructed outlet for the retention basin. Pending approval at this preliminary hearing, a detailed inventory and evaluation of the existing storm water drainage system will be conducted. Based on this inventory and evaluation, any necessary repairs and the estimated cost can be calculated.

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

O.R.C. 6131 requires the County Engineer to state in a report the 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 Miller-Williams-Holmes #2 portion of the project would begin at the Center Green Drive right-of-way and extend upstream to approximately 50 feet north of Autumn Lake Drive coinciding with the downstream terminus of the Lanetta Lane Drainage Improvement Project. The primary items of work along this length would include open channel restoration, logjam removal, clearing and snagging, and seeding and mulching of disturbed areas.

The Village at Harvest Wind Condominium portion of the project would include the portions of the storm water improvements within the condominium identified as necessary for flood control.

Miller-Williams-Holmes #2

Construction	\$ 36,200.00
Drainage Maintenance (O.R.C. 6137 first year start up (5% of construction estimate)	\$ 1,810.00
Project Administration, Survey, and Engineering (15% of construction estimate)	\$ 5,430.00

TOTAL ESTIMATE: \$ 43,440.00

NOTES:

- It is important to note the above estimate is preliminary and made in the absence of a current detailed topographic survey of the project area.

- **The above estimate does not contain a contingency amount. The amount of necessary contingency would be evaluated as part of the survey and engineering design of the project, and added to the estimate presented at the Final Hearing. Contingency cost is typically estimated at 15-20% of the final construction estimate.**
- **Should the project fail to be approved at the Final Hearing, the benefitting landowners, as defined by O.R.C. 6131, may still be responsible for the cost of project administration, survey, and engineering design.**

Village at Harvest Wind Condominium

The current value of the storm water infrastructure and the share of that value for each of the units within the condominium would be estimated as follows:

Estimate current value of original improvement:	\$ 77,918.69
Per unit share of current value (Based on 104 units):	\$ 749.21

NOTES:

- **It is important to understand that the above estimate is preliminary and made in the absence of a detailed investigation of the existing storm water infrastructure in the Village at Harvest Wind Condominium.**
- **Should the project fail to be approved at the final hearing, the benefitting land owners, as defined by O.R.C. 6131, may still be responsible for the actual cost of project administration, survey, and design.**

The annual maintenance assessment per lot is calculated by multiplying the per lot share of current value by the percentage to be collected. On average, 2% to 5% of the full project value is collected annually. Based on the above estimate, a 3% collection rate would produce a per lot assessment of \$22.47.

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. It should be noted that maintenance assessments for the existing storm water improvements within the Village at Harvest Wind would be applied only to the properties within the condominium, while costs for

improvements to the Miller-Williams-Holmes #2 open channel would be assessed to the full watershed.

Factors Favorable/Unfavorable

Factors favorable to the improvement:

1. Improved surface drainage in the watershed.
2. Improved outlet for residential storm water systems.
3. Safeguard property values from decline due to poor drainage.
4. Reduction if future deterioration of the surface drainage channel.
5. Annual inspection and maintenance of improvements in perpetuity.
6. Reduction in the liability of individual homeowners and the civic association for upkeep and maintenance of the storm water management system.

Factors unfavorable to the improvement:

1. Temporary landuse disruption during construction.
2. Cost of construction and maintenance assessments may be a burden to some landowners.
3. Potential disruption of landscaping and lawn areas during some maintenance and repair activities.
4. Removal of existing trees and brush in the improvement area.

Benefits versus Cost

The lack of an adequate storm water outlet for residential subdivisions can negatively impact the drainage within the subdivision potentially limiting the value of homes for resale. Should the existing system require repair, the costs can be excessive for individual property owners. Communities that have planned and well-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. Other benefits that are commonly perceived as a result of drainage improvements focus on quality of life and positive neighborhood perception.

Conclusions

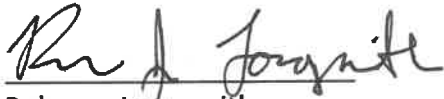
Based on all the information gathered and generated for this project, I believe this project is technically feasible and would adequately serve the project area's drainage needs. The testimony brought to the Board, however, should be given significant consideration in the decision to move forward with 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 determine the feasibility of advancing this proposed project.

Prepared by,

Approved by,



Rebecca Longsmith
Resource Conservationist
Delaware Soil and Water
Conservation District







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

The project centerline is shown for location reference only, and should not be interpreted as an exact representation of the location of proposed work. Actual centerlines would be set by survey and engineering design.



Legend

-  Proposed Centerline
-  Watershed Boundary
-  Roads
-  Parcels



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Note:
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