

## **PETITION FOR CONSTRUCTION OF DRAINAGE IMPROVEMENT**

## Ohio Revised Code (ORC) §6131.04

Single County (ORC 6131)  Joint County (ORC 6133)

**TO THE BOARD OF COUNTY COMMISSIONERS, WOOD COUNTY, OHIO:**

The undersigned hereby petition your honorable body for the following nature of work (ORC §6131.04(B)(1)):

Located within \_\_\_\_\_ Township.

The following is the **course and termini** of the proposed improvement and the branches, spurs, or laterals, if any are petitioned for (ORC §6131.04(B)(2):

Commencing \_\_\_\_\_

The construction of the improvement is necessary and will benefit the petitioner (ORC §6131.04(B)(3)).

Except as ordered under section 6131.31 of the Revised Code, all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land (ORC §6131.04(B)(4)).

**OWNERS OF LAND AS PETITIONER(S)**

**PRINTED NAME**

ADDRESS

**SIGNATURE**

A list of the names and addresses, where known, of all the owners of the land that the petitioner or the county engineer claims will be benefited or damaged by the construction of the proposed improvement, as determined by the county engineer (ORC §6131.04(B)(5) is as follows:

File original petition with the:  
Clerk of the Board of County Commissioners, One Courthouse Square, Bowling Green, Ohio 43402

Per Ohio Revised Code §6131.06, the petitioner shall file with the petition a bond in the sum of one thousand five hundred dollars, plus the sum of five dollars for each parcel of land in excess of two hundred parcels that are listed in the petition as lands that will benefit from the improvement. The bond shall be made payable to the Wood County Treasurer.

## Section 6131.04 | Petition for construction of single county drainage improvement.

**Effective:**

March 24, 2021

**Latest Legislation:**

House Bill 340 - 133rd General Assembly

(A) Any owner may file a petition for the construction of a drainage improvement with the clerk of the board of county commissioners of the county in which is located a part of the land proposed to benefit from the improvement. Prior to filing a petition, the petitioner shall consult with the county engineer of the county in which the petition will be filed to discuss the proposed drainage improvement and to determine the proper forms and procedures for filing the petition.

(B) The petition shall state all of the following:

(1) The nature of the work petitioned for, which may include locating, cleaning, removing obstructions from, constructing, reconstructing, straightening, deepening, widening, altering, boxing, tiling, filling, walling, or arching any ditch, drain, watercourse, floodway, creek, run, or river; changing the course, location, or terminus thereof; or constructing a levee, wall, embankment, jetty, dike, dam, sluice, revetment, reservoir, holding basin, control gate, breakwater, or other structure for control of water;

(2) The course and termini of the proposed improvement and the branches, spurs, or laterals, if any are petitioned for;

(3) That the construction of the improvement is necessary and will benefit the petitioner;

(4) That all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land, except as ordered under an appeal filed in accordance with section [6131.31](#) of the Revised Code;

(5) A list of the names and addresses, where known, of all the owners of the land that the petitioner or the county engineer claims will be benefited or damaged by the construction of the proposed improvement, as determined by the county engineer.

(C) One or more owners must sign the petition as the petitioners. If the petitioner is a public corporation or the state, its authorized representative must sign the petition.

(D) If the petitioner is the county, the petition must be filed with the clerk of the court of common pleas without the bond required under section [6131.06](#) of the Revised Code, and the clerk and the court shall do all things that sections [6131.01](#) to [6131.64](#) of the Revised Code provide that the county commissioners shall do. The court of common pleas may appoint a board of three disinterested owners in the county and shall designate one of the persons to be chairperson. The appointed board shall hear and act on the petition in accordance with this chapter. Either party may appeal the board's decision to the court of common pleas.

## Section 6131.06 | Bond to be filed with petition.

**Effective:**

March 24, 2021

**Latest Legislation:**

House Bill 340 - 133rd General Assembly

(A) The petitioner shall file with the petition referred to in section [6131.04](#) of the Revised Code a bond in the sum of one thousand five hundred dollars, plus the sum of five dollars for each parcel of land in excess of two hundred parcels that are listed in the petition as lands that will benefit from the improvement.

(B) The bond shall be made payable to the county, to the credit of the general drainage improvement fund or a special fund created for the proposed improvement, and conditioned to pay all costs associated in preparing for the view and first hearing if the petition is not granted or if the petition is for any cause dismissed.

(C) The clerk of the board of county commissioners shall release the bond at the expiration of the thirty-day appeal period provided for in section [6131.25](#) of the Revised Code after an order to proceed with the project by the board at the first hearing or at the termination of the appeal.

## Section 6133.02 | Hearing - filing petition.

**Effective:**

March 24, 2021

**Latest Legislation:**

House Bill 340 - 133rd General Assembly

(A) When an improvement is proposed to be located in or benefits or damages land in two or more counties, the proceeding shall be conducted by a joint board of county commissioners consisting of the members of the boards of county commissioners of the several counties in which land may be benefited or damaged by the proposed improvement.

(B) The petition for a joint county drainage improvement shall be filed with the clerk of the board of county commissioners of the lead county.

## Section 6133.03 | Procedure of joint board.

**Effective:**

March 24, 2021

**Latest Legislation:**

House Bill 340 - 133rd General Assembly

(A) A joint board of county commissioners may do all the things that a board of county commissioners may do in a single county improvement, and shall be governed by and be subject to sections [6131.01](#) to [6131.64](#) of the Revised Code, relating to single county ditches insofar as applicable.

(B) Except as otherwise provided for in this chapter, a petition for a joint county improvement shall proceed before the joint board of county commissioners the same as if the joint board were a board of county commissioners representing a county that included all the territory of all the counties represented by the commissioners on the joint board, except as otherwise modified in accordance with this chapter.

(C) The cost of a joint county improvement shall be paid by the counties affected by such improvement, in proportion to their total drainage assessments, or as otherwise apportioned by the joint board, for such improvement. To meet its portion of such cost, a board of county commissioners may borrow such sums of money as are apportioned to the county, and may issue and sell the bonds of the county to secure the payment of the principal and interest of the sum borrowed. Such principal and interest shall be paid as provided in section [133.26](#) of the Revised Code.

(D) All owners affected by the proceedings for a joint county improvement shall have all the rights and remedies given them in the case of single county improvements. All rights of appeal and all other rights or remedies as provided in Chapter 6131. of the Revised Code apply to joint county improvements.