



Ohio Revised Code

Section 6131.63 Written agreement for construction of drainage improvement.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

- (A) When one or more owners are willing to construct and pay the costs of a drainage improvement that will benefit the land of the owners, they may enter into a written agreement for the construction of the improvement, which may include each owner constructing part of the improvement.
- (B) The owners shall file the agreement and the plan and schedules for construction of the proposed improvement with the clerk of the board of county commissioners of the county in which the improvement is to be constructed. The clerk shall submit the agreement, plan, and schedules to the county engineer for examination and review.
- (C) The county engineer shall determine the adequacy of the plan and schedules and the effect of the proposed improvement on any other improvements and highways in the area affected.
- (D) The county engineer shall also prepare a schedule of proposed assessments for the maintenance of the improvement according to an estimate of benefits accruing to each owner and an estimate of maintenance costs including the engineer's costs in preparing the schedules.
- (E) The engineer shall file with the clerk of the board of county commissioners, within sixty days, a report of the engineer's review together with such recommendations for change, amendment, or alteration of the agreement, plan, and schedules.
- (F) When the agreement, plan, and schedules, as presented or as amended by the owners pursuant to the county engineer's recommendations, are approved by the county engineer, the engineer shall file, within sixty days, a certificate of approval with the clerk of the board of county commissioners. Failure to file a certificate of approval within sixty days constitutes a presumption of certification and the owners may proceed to construct.
- (G) The board shall set a hearing date on the engineer's proposed maintenance assessments for the drainage improvement not less than twenty-five nor more than ninety days after the engineer files a



certificate of approval and shall notify all persons whose names appear in the engineer's schedule of maintenance assessments in accordance with section 6131.16 of the Revised Code. At the hearing on the proposed assessments the board of county commissioners shall hear any evidence offered for or against the assessments proposed to be levied against any owner as shown by the schedule of assessments filed by the county engineer and shall hear any competent evidence on the question of benefits.

(H) The board, from the evidence offered, may amend and correct the assessments, and the assessments so amended or corrected shall be approved by the board and the approval entered on its journal. Once the assessments have been approved, all further proceedings in connection with the maintenance of the improvement shall be in accordance with Chapter 6137. of the Revised Code.

(I) The clerk shall record the agreement, plan, and schedules in the drainage records of the county, and the agreement shall locate and establish the improvement as a drainage improvement. The improvement shall then be constructed by the owner in accordance with the approved plans.

(J) This section shall not be interpreted to include improvements or changes in stream channels that may be made by the department of transportation or other public agencies or railroads at their own expense for the purpose of providing a more adequate waterway along a highway or at the site of a bridge or culvert or to improve conditions of flow through them or for the purpose of protecting the highway or road bed and that do not limit future deepening of the channel.