



Ohio Revised Code Section 6101.84 Illustrative forms.

Effective: May 9, 2000

Legislation: House Bill 617 (GA 123), House Bill 495 (GA 123)

The following forms illustrate the character of the procedure contemplated by this chapter, and, if substantially complied with, those things being changed which should be changed to meet the requirements of the particular case, such procedure shall be held to meet the requirements of this chapter.

(A) Form of Notice of Hearing on the Petition:

"To all Persons and Public Corporations Interested:

Public Notice is Hereby Given:

(1) That on the _____ day of _____, _____, pursuant to the Conservancy Law of Ohio, there was filed in the office of the Clerk of the Court of Common Pleas of _____ County, Ohio, the petition of _____ and others for the establishment of a Conservancy District to be known as _____ Conservancy District.

(Here insert the purposes)

(2) That the lands sought to be included in said District comprise lands in _____ and _____ Counties, Ohio, described substantially as follows:

Beginning on the north line of _____ County at its point of intersection with the west bank of the _____ River; thence west along the north line of _____ County to the high bluffs facing said _____ River on the west; thence following the base of the line of said bluffs to the north line of the right of way of the _____ Railroad; thence west along the north right of way line of said Railroad to the center line of _____ Avenue in the Village of _____; thence south along the center line of _____ Avenue to the _____ Pike; thence southeasterly along the _____ Pike to the southeasterly line of the right of way of the _____ Railroad;



thence southeasterly along said right of way line to the corporate limits of the City of _____;
thence with said corporation line southerly, easterly, and northerly to the southerly right of way line
of the main track of the _____ Railroad; thence easterly along said last named right of way line
to the boundary line between _____ Counties; thence north along said County line to the
southerly line of _____ County; thence easterly along the dividing line between _____
Counties to the easterly line of the right of way of the _____ Railroad; thence northerly along
said right of way line to its intersection with the _____ Pike; thence westerly along said Pike to
the center line of the bridge over _____ Creek; thence up said Creek and along the center line
thereof to the north line of _____ County; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the District may be described as
follows:

All of Township _____ in Range _____ between the _____ Railroad and the
_____ River; the following lands in _____ Township and _____ Range; Section
_____ and the _____ half of Section _____; also all lands within the corporate limits of the City
of _____ etc.

(3) That a public hearing on said petition will be had in said Court on _____ the _____ day of
_____, _____, at the hour of _____ o'clock _____M. by the Court of Common Pleas of
_____ County, at the Courthouse in the City of _____ County, Ohio.

All persons and public corporations interested will be given the opportunity to be heard at the time
and place above specified.

Clerk of the Court of Common Pleas

of _____ County, Ohio.

Date _____, Ohio, _____, _____"



(B) Form of Finding on Hearing:

"State of Ohio,)

) ss.

_____ County)

In the Court of Common Pleas of _____ County. In Matter of _____ Conservancy
District:

FINDINGS AND DECREE ON HEARING

On this _____ day of _____, _____, this cause coming on for hearing upon the petition of
_____ and others, for the organization of a Conservancy District under the Conservancy Law
of Ohio, the Court, after a full hearing now here finds:

(1) That it has jurisdiction of the parties to and the subject matter of this proceeding.

(2) That the purposes for which said District is established are:

(Insert the purposes)

And that it is a public necessity.

(3) That the public safety, health, convenience, and welfare will be promoted by the organization of a
Conservancy District substantially as prayed in said petition (if additional lands are added by
petition) except, that the following additional lands at the petition of the owners thereof should be
and hereby are included in said District:

(Here insert additional lands)

(4) That the boundaries of said District as modified by the last finding herein are as follows: (Here



insert corrected boundaries of district)

(5) That the said territory last above described should be erected into and created a Conservancy District under the Conservancy Law of Ohio under the corporate name of _____ Conservancy District.

Wherefore, it is by the Court ordered, adjudged, and decreed:

That the territory as above described be, and the same hereby is erected into and created a Conservancy District under the Conservancy Law of Ohio under the corporate name of _____ Conservancy District, with its office or principal place of business at _____, in _____ County, Ohio. (If directors are appointed at the same time) And the following persons are hereby appointed directors of said Conservancy District:

_____, for the term of three years,

_____, for the term of four years (if the district includes all or parts of more than sixteen counties),

_____, for the term of five years,

_____, for the term of six years (if the district includes all or parts of more than sixteen counties),

_____, for the term of seven years, who are hereby directed to qualify and proceed according to law.

(6) For consideration of other matters herein, this cause is retained on the docket.

Judge"



(C) Form of Notice to Persons and Public Corporations to pay Assessment:

"To all Persons and Public Corporations Interested:

Public Notice is Hereby Given:

(1) That on the _____ day of _____, _____, the Board of Directors of The _____ Conservancy District duly levied an assessment upon all the benefited property and public corporations in said District in the aggregate sum of \$_____, has caused the same to be recorded upon the Assessment Record of said District, and that said Assessment Record is now on file in the office of the District at _____.

(2) That the assessment against any parcel of land or any public corporation may be paid to the Treasurer of The _____ Conservancy District at any time on or prior to _____, _____, without costs and without interest, and if so paid a discount of ten per cent of the assessment will be allowed according to law.

(3) That as soon after the _____ day of _____, _____, as conveniently may be, the Board of Directors of said District will divide the uncollected assessment into convenient installments, provide for the collection of interest on the unpaid installments, and issue bonds bearing interest in anticipation of the collection of the several installments of said assessment pursuant to the Conservancy Law of Ohio.

President

Secretary"

(D) Form of Bond and of Coupon:



(Form of Bond)

"No. _____ \$ _____

UNITED STATES OF AMERICA

State of Ohio

_____ Conservancy District.

Conservancy Bond.

Know all Persons by These Presents that _____ Conservancy District, a legally organized Conservancy District of the State of Ohio, acknowledges itself to owe and for value received hereby promises to pay to bearer _____ Dollars (\$_____) on the first day of _____, _____, with interest thereon from the date hereof until paid at the rate of _____ per cent per annum, payable _____, _____, and semiannually thereafter on the first day of _____ and of _____ in each year on presentation and surrender of the annexed interest coupons as they severally become due. Both principal and interest of this bond are hereby made payable in lawful money of the United States of America.

This bond is one of a series of bonds issued by _____ Conservancy District for the purpose of paying the cost of constructing a system of flood prevention (or for the other works) for said District and in anticipation of the collection of the several installments of an assessment duly levied upon lands and public corporations within said District and benefited by said improvement in strict compliance with the Conservancy Law of Ohio, and pursuant to an order of the Board of Directors of said District duly made and entered of record.

And it is hereby certified and recited that all acts, conditions, and things required to be done in locating and establishing said District and in equalizing appraisals of benefits and in levying assessments against lands and public corporations benefited thereby, and in authorizing, executing, and issuing this bond, have been legally had, done, and performed in due form of law; that the total amount of bonds issued by said District does not exceed ninety per cent of the assessments so levied



and unpaid at the time said bonds are issued or any legal limitation thereof.

And for the performance of all the covenants and stipulations of this bond and of the duties imposed by law upon said District for the collection of the principal and interest of said assessments and the application thereof to the payment of this bond and the interest thereon, and for the levying of such other and further assessments as are authorized by law and as may be required for the prompt payment of this bond and the interest thereon, the full faith, credit, and resources of said _____ Conservancy District are hereby irrevocably pledged.

In Testimony Whereof the Board of Directors of _____ Conservancy District has caused this bond to be signed by its President, attested by its Secretary, and registered by the Treasurer of State, and the coupons hereto annexed to be executed by the facsimile signatures of said President and Secretary, as of the _____ day of _____, _____.

President

Attest:

Secretary"

(Form of Coupon)

"\$ _____

(_____)

On the first day of (_____), _____,

(_____)



_____ Conservancy District promises to pay to bearer _____ Dollars
(\$ _____) lawful money of the United States of America, at the office of the Treasurer of State,
Columbus, Ohio, being semiannual interest due on that date on its Conservancy Bond dated
_____, ____

President

No. _____

Secretary"

(E) Form of Notice of Enlargement of District:

"State of Ohio,)

) ss.

County of _____)

In the Court of Common Pleas,

_____ County, Ohio.

In the Matter of

_____ Conservancy District

NOTICE OF ENLARGEMENT OF DISTRICT



To All Persons (and Public Corporations, if any) Interested:

Public Notice Is Hereby Given:

(1) That heretofore on the _____ day of _____, _____, the Court of Common Pleas of _____ County, Ohio, duly entered a final decree erecting and creating _____ Conservancy District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed

_____ (if the district included all or part of more than sixteen counties)

_____ (if the district includes all or parts of more than sixteen counties)

to be the Board of Appraisers for said District. That said Board of Appraisers on the _____ day of _____, _____, filed its report recommending that the following described lands, not originally included in the District, be added thereto:

(Here describe generally the lands which the Report of the Board of Appraisers recommends should be added to the District).

(3) That on _____, the _____ day

of _____, _____, (or as soon thereafter as the convenience of the Court will permit), at the Courthouse in _____ of _____, Ohio, the Court of Common Pleas of _____ County, Ohio, will hear all persons and public corporations interested upon



the question whether said lands should be added to and included in said _____
Conservancy District.

Clerk of the Court of Common Pleas

of _____ County, Ohio"

(F) Form of Notice of Hearing on Appraisals:

"State of Ohio,)

) ss.

County of _____)

In the Court of Common Pleas,

_____ County, Ohio.

In the Matter of)

)

_____ Conservancy District)

NOTICE OF HEARING ON APPRAISALS

To all Persons and Public Corporations Interested:

Public Notice Is Hereby Given:



(1) That heretofore on the _____ day of _____, _____, the Court of Common Pleas of _____ County, Ohio, duly entered a decree erecting and creating _____ Conservancy District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed _____ the Board of Appraisers for said District. That said Board of Appraisers on the _____ day of _____, _____, filed its Appraisals of Benefits and Damages and of land to be taken as follows: (Here insert general description of land appraised)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

(3) All public corporations and all persons, owners of or interested in the property described in said Report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies within or without said District), desiring to contest the appraisals as made and returned by the Board of Appraisers, must file their objections in said court on or before the _____ day of _____, _____, (here insert a date thirty days after the publication of the notice) and a hearing on said appraisal will be had on the _____ day of _____, _____, (here insert a date not less than forty, or more than fifty, days after the date of the publication of this notice, as fixed by the court) in the City of _____, Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

Clerk of the Court of Common

Pleas of _____ County, Ohio

Dated at the City of _____, Ohio, this _____ day of _____,
_____ "

(G) Form of Certificate of Assessment Record:



"This is to Certify:

(1) That on the _____ day of _____, _____, the Board of Directors of The _____ Conservancy District duly levied an assessment upon all the benefited property and public corporations in said District in the aggregate sum of \$_____, together with interest, and duly apportioned said assessment to and levied said assessment upon each tract of land or other property and each public corporation in said District in proportion to the benefits thereto.

(2) That the said assessment and the apportionment thereof upon the benefited lands and public corporations have been recorded in the Conservancy Assessment Record of The _____ Conservancy District which contains a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.

(3) That the Conservancy Assessment Record of The _____ Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court and of the assessment levied by the Board of Directors thereof on _____ day of _____, _____

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of The _____ Conservancy District have hereunto set their hands this _____ day of _____, _____.

President

Secretary"



(H) Form of Certificate of Annual Levy:

"This is to Certify:

(1) That on the _____ day of _____, _____, the Board of Directors of The _____ Conservancy District determined, ordered, and levied the Annual Levy of _____ (year) upon all the benefited property and public corporations in said District in the aggregate sum of \$_____ for the account of the Bond Retirement Fund of said District and pursuant to and being a part of assessments heretofore levied.

(2) That the said Board of Directors has duly apportioned said Annual Levy to all of the benefited properties and public corporations in said District and that the respective amounts of said Annual Levy imposed upon the benefited properties and public corporations have been recorded in the Assessment record of The _____ Conservancy District, which contains a schedule thereof.

(3) That on the _____ day of _____, _____, the Board of Directors of The _____ Conservancy District duly levied a maintenance assessment for the year _____, in the aggregate sum of \$_____ for the account of the Maintenance Fund of said District. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said District in proportion to benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District have been recorded in the Conservancy Assessment record of The _____ Conservancy District.

(4) That the Conservancy Assessment record contains a true and correct record of the Annual Levy of _____ (year) and of the maintenance assessment for the year _____ as determined, ordered, and levied by the Board of Directors of The _____ Conservancy District on the _____ day of _____, _____.

(5) That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year _____ in the sums specified at the same time that the state and county taxes are due and collectible.



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #300915

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of the _____ Conservancy District have hereunto set their hands this _____ day of _____, _____

President

Secretary"

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.