



Ohio Revised Code

Section 6131.21 Factors to be considered by commissioners at final hearing.

Effective: April 9, 1981

Legislation: House Bill 268 - 113th General Assembly

At the final hearing on a proposed improvement, after hearing all the evidence offered in the proceedings and after receiving and considering all the schedules, plans, and reports filed by the county engineer, the board of county commissioners shall review and reconsider the former order made by it finding in favor of the improvement and shall either affirm its former order and proceed to confirm the assessments and order the letting of the contract or shall set aside its former order and dismiss the petition. At the final hearing, if the board finds that the cost of the improvement will be equal to or greater than the benefits that will be derived therefrom if constructed, or if the board finds that the improvement is not necessary, or if it finds that the improvement will not be conducive to the public welfare, the board shall set aside the former order finding in favor of the improvement made by it at the first hearing and shall dismiss the petition. In determining whether or not the improvement should be granted, the board shall consider the following factors:

- (A) The cost of location and construction;
- (B) The compensation for land or other property necessary to be taken;
- (C) The effect on land along or in the vicinity of the route of the improvement;
- (D) The effect on land below the lower terminus of the improvement that may be caused by constructing the improvement;
- (E) The sufficiency or insufficiency of the outlet;
- (F) The benefits to the public welfare;
- (G) The benefits to land, public corporations, and the state needing the improvement;
- (H) Any other proper matter that will assist it in finding for or against the improvement.



If the petition is dismissed at the final hearing, all costs for the proceedings, including the costs incurred by the engineer in making surveys, plans, reports, and schedules, may be distributed to the benefiting landowners in the same ratio as determined by the engineer in the final estimated assessments presented at the final hearing. The board shall confirm or alter the assessments as provided for in section 6131.22 of the Revised Code. The approved assessments shall then be certified to the county auditor to be administered pursuant to section 6131.49 of the Revised Code.

If the costs are not distributed to the benefiting landowners, they shall be paid from county funds.

The petitioner, or any owner in favor of the improvement, may appeal from the order of dismissal, as provided in section 6131.25 of the Revised Code.

An order issued by the board under this section is effective on the day of the hearing at which the board issued it.