

# PETITION DITCH – F.A.Q’s

## WHAT IS A PETITION DITCH?

A group of property owners initiated the project by filing a petition with the clerk of the Board of County Commissioners of Allen County in order to correct or improve a drainage or flooding problem. The petition states that the construction of the improvement is necessary, will benefit the petitioner, and will be conducive to the public welfare (Per Sec. 6131 O.R.C.).

## WHY AM “I” BEING ASSESSED FOR THIS PROJECT?

Because you own a piece of property that is to be benefited by this proposed improvement, which also means that this property lies, all or in part, within the boundaries of the Project’s Watershed (Watershed is the term used to describe the ground surface area that “sheds” water off, either directly or indirectly, into a drainage system). **Any and all state, county, and township owned property in the watershed is also assessed.**

## HOW IS THIS PROJECT GOING TO BENEFIT ME?

"Benefit" or "benefits" includes any or all of the following factors: Elimination or reduction of damage from flood; removal of water conditions that jeopardize public health, safety, or welfare; increased value of land resulting from the improvement; use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other purpose incidental thereto; providing an outlet for the accelerated runoff from artificial drainage whenever the stream, watercourse, channel, or ditch under improvement is called upon to discharge functions for which it was not designed by nature; it being the legislative intent that uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other man-made causes shall be considered as benefited by an improvement required to dispose of the accelerated flow of water from the uplands (Per Sec. 6131 O.R.C.).

## IS THIS A “ONE TIME ASSESSMENT?”

The Notice of Estimated Assessment that you received is a **one-time assessment for the construction** of the project. No payment is due now. If the project is approved at the final hearing and upon completion of the construction, you will receive another notice that will be your actual assessment for the project. If construction costs are lower than estimated, then your actual assessment will be reduced accordingly. Your actual assessment **will not** exceed the Total Maximum Assessment stated on your notice.

## HOW LONG DO I HAVE TO PAY THE ASSESSMENT

At the final hearing, the Board of County Commissioners will determine a duration for repayment of the assessment. A 5 year repayment period is typical for many petition projects. Assessments may be paid in part or full upon completion of the project. Any unpaid assessments will be certified to the County Auditor as a special assessment and placed upon the tax duplicate of the parcel. Interest will be added to the assessment amount at the same rate as the note issued to borrow funds for construction of the project.

## WHO APPROVES THE PROJECT

The Ohio Revised Code specifies that the Board of County Commissioners has authority over the project. The final hearing gives the opportunity for each parcel owner to address the Board of County Commissioners, however no public vote is taken. The Board of County Commissioners have the final authority over the project.

## DO I HAVE TO ATTEND THE PUBLIC HEARING

The final hearing is your opportunity to address the Board of County Commissioners concerning the project. You are not required to attend the final hearing. A presentation will be given by the County Engineer’s office detailing the project and the petition ditch process.

## HOW DO I VOICE MY OPINION ON THE PROJECT IF I CAN’T ATTEND THE HEARING

If you are unable to attend the final hearing, you may send written correspondence to the clerk of the Board of County Commissioners at the address listed on the notice. You may also email correspondence to the clerk at [ksinghaus@allencountyohio.com](mailto:ksinghaus@allencountyohio.com).

## DOES ANYONE ELSE RECEIVE A PORTION OF THE ASSESSMENT?

That answer is absolutely **NO!** As explained above, the assessments are used to construct and maintain your project **only**. By law, that money cannot be used for any other purpose whatsoever. The Allen County Engineer is funded through vehicle license fees and gasoline taxes, therefore the County Engineer does not “Profit” financially from the petition process. Per section 6131 of the O.R.C., the County Engineer is obligated to do the engineering work on a petition ditch project and subsequently charge his time to the project.

## IS THE PROJECT MAINTAINED ONCE COMPLETED?

In 1957 the Ohio Revised Code was changed by the addition of Sec. 6137. This section states that any project, which is completed through the petition process, must be placed on a permanent maintenance program under the direct control of the Board of County Commissioners. This means that for any project reconstructed through the petition process, a maintenance fund would be established for this project and this fund would be used to maintain the project forever. Maintenance will be assessed as needed to complete any maintenance activities on the drainage system. Maintenance assessments in any one year cannot exceed 20% of your Total Maximum Assessment per the Ohio Revised Code. Typical maintenance assessment will be 1% - 5% of your assessment.