



Ohio Revised Code Section 6131.12 Grant of petition.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) At the conclusion of the first hearing on a petition for a proposed improvement, the board of county commissioners may decide to proceed with the project survey and design for a proposed improvement if the board finds all of the following:

- (1) That a proposed improvement is necessary;
- (2) That the proposed improvement is conducive to the public welfare;
- (3) That it is reasonably certain that the benefits of the proposed improvement will outweigh its costs.

(B) The board shall give consideration to the protection of environmentally significant areas when those areas could be adversely affected by the construction of the proposed improvement and, if necessary, to alternative plans providing for that protection as well as for construction of the proposed improvement.

(C) After deciding to proceed with a petition for a proposed improvement, the board shall do all of the following:

- (1) Determine the route and termini of the proposed improvement and of the branches, spurs, and laterals thereof and the manner of constructing the same. The board, without request or application, may by its order change either terminus of the proposed improvement or the route thereof if it finds that the change is necessary to accomplish the purposes of the improvement.
- (2) Order the county engineer to prepare the reports, plans, and schedules as provided in this chapter.
- (3) Set a date for the filing of reports, plans, and schedules by the engineer, allowing such time as is



necessary for the preparation of the reports, plans, and schedules by the engineer, and such time may be extended from time to time by the board.

(D) After the thirty-day period for appeal provided under section 6131.25 of the Revised Code has expired and no appeal has been filed, the board may order the county auditor to transfer funds of the county not otherwise appropriated to the appropriate drainage improvement fund. The board shall not appropriate an amount that exceeds twenty-five per cent of the engineer's preliminary cost estimate.

(E) If the board decides to proceed with a petition for a proposed improvement, and if the improvement is being undertaken through the joint efforts and cooperation of the board and any federal or state agency, and if the federal regulations, state agency rules, or other procedures of the cooperating agency are in conflict with Chapter 6131. of the Revised Code with respect to the procedures for the preparing of contracts, the issuing of bids, the making of awards, and generally the administering of the contracts, the board may adopt the federal regulations, state agency rules, or procedures in those areas where conflict exists and proceed with the improvement in accordance with the requirements of the federal regulations, state agency rules, or procedures.

(F) The board shall enter all of its findings and orders in the board's journal. An order issued by the board under this section granting the intent of the petition is effective on the day of the hearing at which the board issued it.