



## Ohio Revised Code

### Section 6131.16 Notice of assessments and final hearing.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

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(A) Upon the filing with the clerk of the board of county commissioners of the reports, plans, and schedules by the county engineer as provided in section 6131.14 of the Revised Code, the board of county commissioners shall fix a date not fewer than twenty-five nor more than ninety days thereafter when a final hearing on the report shall be held.

(B) At least twenty-one days prior to the date established for the hearing, the clerk shall provide notice to all owners that are adjacent to the proposed improvement by certified mail and to all others in the area to be benefited by the proposed improvement by certified or first class mail. The clerk shall ensure that the words "Legal Notice of Proposed Drainage Improvement" are printed in plain view on the face of the envelope. The clerk shall send the notice to all the owners whose names appear in the engineer's schedules of assessments and damages. The clerk shall mail the notice to each address as given in the petition or to such address as the clerk learns to be the correct address, as provided in section 6131.07 of the Revised Code. If the schedule of assessments or the schedule of damages filed by the engineer contains the names of owners other than those mentioned in the petition, the clerk shall mail the notice to those owners. The clerk shall include in the notice all of the following:

- (1) An owner's estimated assessment, the estimated damages, if any, and of any compensation for land or other property necessary to be taken on each tract of land owned by the owner, as estimated and described in the schedules;
- (2) The date, time, and location of the final hearing by the board on the report of the engineer and on the proceedings for the improvement;
- (3) A statement that an owner may file an exception to the assessments or a claim for compensation or damages with the clerk of the board of county commissioners not less than five days before the date fixed for the final hearing;



(4) A statement that if bonds or notes are to be issued, an owner may pay an assessment in cash by giving notice to do so on a form proscribed by the board of county commissioners not more than twenty-one days after the final hearing or that an owner may pay the assessments in installments payable with interest added at the same rate that bonds or notes bear interest.

(C) The clerk shall cause to be published a legal notice in at least one newspaper of general circulation in the area affected by the improvement, stating the name and number, if any, of the proposed improvement, the location and nature of the work proposed in the petition, and the date, time, and location of the final hearing. The publication of this notice shall be made in one issue of the newspaper if the individual notices are sent by certified mail. If the individual notices are sent by first-class mail in five-day return envelopes, the publication of this newspaper notice shall be made in two issues of the newspaper, and the notice shall include a list of the names of all addressees whose individual notices were undelivered. The publication shall be not fewer than thirteen days prior to the date of the final hearing. The publication shall serve as public notice to all owners of the substance of the proposed improvement and of the pendency of the final hearing of the board of county commissioners in the proceedings to authorize the construction of the proposed improvement whether or not they were individually named and notified.

Proof of notice by publication shall be verified by affidavit of the newspaper and the clerk of the board of county commissioners shall prepare a certificate showing the service of the notices by mail, both of which shall be filed with the clerk of the board of county commissioners on or before the day of the final hearing. If any notices are returned undelivered, the clerk shall keep the returned undelivered notices and their receipts with the permanent file of records required under section 6131.061 of the Revised Code.