



Ohio Revised Code

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

Effective: [March 24, 2021](#)

Legislation: [House Bill 340 - 133rd General Assembly](#)

(A) 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 its former order to proceed with project survey and design for the proposed 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.

(B) In determining whether or not the improvement should be granted, the board shall consider the following factors:

- (1) The cost of location and construction;
- (2) The compensation for land or other property necessary to be taken;
- (3) The effect on land along or in the vicinity of the route of the improvement;
- (4) The effect on land below the lower terminus of the improvement that may be caused by constructing the improvement;
- (5) The sufficiency or insufficiency of the outlet;
- (6) The benefits to the public welfare;
- (7) The benefits to land, public corporations, and the state needing the improvement;
- (8) Any other proper matter that will assist the board in finding for or against the improvement.

(C) The board shall set aside the former order and dismiss the petition if the board finds any of the



following:

(1) That the cost of the improvement will be equal to or greater than the benefits that will be derived from the improvement if constructed;

(2) That the improvement is not necessary;

(3) That the improvement will not be conducive to the public welfare.

(D) If the board dismisses the petition for a proposed improvement 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.

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

(E) 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.

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