



Ohio Revised Code

Section 940.23 Hearing on petition; objections by affected landowners.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) On the date and at the time established by the board of supervisors for the hearing on a petition for a proposed improvement, the board shall conduct the hearing. At the hearing, the board shall do both of the following:

(1) Present the board's preliminary report on the proposed improvement;

(2) Hear any comments or evidence offered by any landowner for or against the proposed improvement.

(B) If necessary, the board may recess and continue the hearing on subsequent days as may be reasonable to consider additional information about the proposed improvement or so that all interested landowners may have an opportunity to comment on the proposed improvement.

(C) At the conclusion of the hearing, the board shall vote to decide whether to proceed with a project survey and design or to dismiss the petition. In making its decision, the board shall take into consideration all of the following:

(1) The petition;

(2) The preliminary report;

(3) Comments on the proposed improvement;

(4) The protection of environmentally significant areas when those areas could be adversely affected by the construction of the proposed improvement and, if necessary, alternative plans providing for that protection and for construction of the proposed improvement.

(D) The board may proceed with the project survey and design for a proposed improvement if both



of the following apply:

- (1) The board finds that a proposed improvement is necessary and is conducive to the public welfare.

 - (2) The board is reasonably certain that the benefits of the proposed improvement will outweigh its costs.
-