



Ohio Revised Code

Section 6131.07 Notice and hearing on petition.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) When a petition is filed under section 6131.04 of the Revised Code with the clerk of the board of county commissioners, the clerk shall give notice of the petition to the board of county commissioners and the county engineer.

(B) The board of county commissioners shall do both of the following:

(1) Establish a date and hour for a view of the proposed improvement, which shall be between thirty and one hundred twenty days after the date on which the petition was filed with the clerk;

(2) Establish a date and hour between thirty and ninety days after the date set for the view, when it will hold its first hearing on the petition.

(C) At least twenty-one days prior to the date set for the view, the clerk shall send a written notice to the owners named in the petition and of legal record on the date of its filing. The clerk shall include all of the following in the notice:

(1) The date, time, and location for the view and the first hearing;

(2) A description of the proposed improvement and its location as stated in the petition, a map indicating the location of the proposed improvement or information on where to access such map, and an explanation of how to access additional information or ask questions about the proposed improvement;

(3) A statement that all costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land;

(4) A statement that an owner may file, not more than twenty-one days after the date of the view, an amendment to the petition that expands the length of the proposed improvement, provided that such



amendment does not expand the area to be benefited by the proposed improvement;

(5) A statement that an owner receiving the notice may comment on the proposed improvement in writing before or in person at the public hearings on the petition;

(6) The address at which to file an amendment to the petition or submit written comments on the proposed amendment or the petition.

(D) The clerk shall notify all owners that are adjacent to the proposed improvement by certified mail and shall notify all other owners by certified mail or first class mailings. The words "Legal Notice of Proposed Drainage Improvement" shall be printed in plain view on the face of the envelope. When the owner is not a natural person, the notice shall be mailed to its chief officer or managing agent at the usual place of business in the county. If such an owner is a foreign or domestic railroad company, regardless of whether the charter thereof prescribes the manner or place of service of process thereon, the notice shall be addressed to the property owner of record as listed by the county auditor on the general tax list. If such an owner other than a railroad company does not maintain a regular place of business in the county, then the notice shall be mailed to the nearest regular place of business of such an owner.

(E) The clerk shall publish a legal notice in at least one newspaper of general circulation in the area affected by the proposed 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 view and first hearing. If the individual notices are sent by certified mail, the clerk shall publish the notice in one issue of such newspaper, and shall not publish the notice less than thirteen days prior to the date of the view. If the individual notices are sent by first-class mail in five-day return envelopes, the clerk shall publish the newspaper notice 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 clerk shall publish the first such publication not be less than thirteen days prior to the date of the view, and the second publication not be less than six days prior to the date of the view. The publication shall serve as public notice to all owners of the pendency of the improvement whether or not they were individually named and notified.

Proof of notice by publication shall be verified by affidavit of the printer or other person knowing the



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fact, 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 first hearing. Notices returned undelivered and receipts shall be kept on file by the clerk as part of the permanent record of the improvement.