



Ohio Revised Code

Section 6137.12 Permanent easement for maintenance and cleaning of drainage improvements.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) In the cleaning, repair, and other maintenance work on drainage improvements, the persons whose duty it is to perform the maintenance work may go upon the adjoining or abutting lands within the permanent easement necessary for proper operation of the required machinery, tools, motor vehicles, conveyances, or other equipment.

(B)(1) In the case of open ditches, the permanent easement so used shall be not more than twenty-five feet from the top of the bank, measured at right angles thereto, and wherever practical the area so used shall be on one side of the ditch only.

(2) In the case of an open ditch log-jam removal project within a wooded riparian corridor, a maintenance easement may be created from the top of the bank to twenty-five feet outside of the edge of the wooded riparian corridor.

(3) When the county engineer determines that an emergency situation exists at an open ditch needing maintenance, the county engineer may, with the approval of the board of county commissioners, temporarily extend the easement to not more than seventy-five feet from the top of the bank, measured at right angles thereto, in order to conduct the necessary maintenance work and alleviate the condition or conditions causing the emergency situation.

(C) The maximum width of permanent easement for closed ditches shall not exceed eighty feet centered on the centerline of the improvement.

(D) The permanent easement for all other improvements shall be as located and the width as specified by the county engineer.

(E) When the performance of maintenance requires the damage of existing crops beyond the permanently established sod or seeded strip, the owner of the crops shall submit a written request for



payment for damages to the county engineer. The county engineer shall award the crop owner damages equal to market value, to be paid from the permanent maintenance fund established for the improvement.

(F)(1) Under contract work, the county engineer may specify the right-of-way to be used within the permanent easement. Where the nature of the surface of the adjoining or abutting land does not prevent it, and there are growing crops on one side of the ditch but none upon the other, the right-of-way provided for shall be used on that side of the ditch on which there are no growing crops.

(2) In using the right-of-way, the persons performing maintenance shall, as far as possible, avoid damage to the owner of the adjoining or abutting lands.

(3) If in the doing of this work it is necessary to damage or temporarily remove any fences, poles, or wire lines, the cost of repairing, removing, and replacing the fences, poles, and wire lines shall be included in the total cost of the maintenance.

(G) This section does not authorize passage across, along, or between railroad tracks until thirty days after notice has been mailed in accordance with section 6131.07 of the Revised Code.