



Ohio Revised Code

Section 940.31 [Former R.C. 940.29, amended and renumbered by H.B. 340, 133rd General Assembly, effective 3/24/2021] Approval or disapproval of construction of improvement.

Effective: March 24, 2021

Legislation: House Bill 340 - 133rd General Assembly

(A) At the conclusion of the hearing conducted under section 940.30 of the Revised Code, the board of county commissioners shall vote to approve or dismiss the petition.

(B) The board may approve the petition if the board is reasonably certain that:

(1) The benefits of the proposed improvement outweigh the costs.

(2) The proposed improvement is necessary.

(3) The proposed improvement will be conducive to the public welfare.

(4) The proposed route and mode of construction of the improvement will improve water management and development in the county in which the district is located to the advantage of lands located in it.

(5) The proposed improvement will aid lands in the area by promoting the economic, environmental, or social development of the area.

(C) When, in the opinion of the board of county commissioners, it is necessary for the board to acquire real property or a right-of-way or other easement for an improvement project under this chapter, the board may make the acquisition through purchase or voluntary transfer, or the board may appropriate the real property or right-of-way or other easement in accordance with sections 163.01 to 163.62 of the Revised Code.

(D) If the board approves a petition for an improvement, the county engineer shall file with the county recorder all of the following:



- (1) A property plat showing the landowners of record and parcel numbers along the improvement ;
- (2) The location of the improvement ;
- (3) The width of any permanent easement that is necessary for maintenance of the improvement granted in section 6137.12 of the Revised Code ;
- (4) An affidavit listing the landowners of record, complete property descriptions, and parcel numbers subject to the permanent easement. The county engineer shall note the property plat in the affidavit.

The county engineer shall include the permanent easement in the county's geographic information systems or other mapping system, if available.

In the case of an improvement that is an open ditch, provisions that govern the permanent easement for maintenance of the ditch that are established in section 6137.12 of the Revised Code apply.

(E) A board of county commissioners shall follow competitive bidding requirements in sections 307.86 to 307.91 of the Revised Code in constructing an improvement. However, the board may designate the board of supervisors of a soil and water conservation district as the contracting agency. The board of supervisors shall follow division (H) of section 940.06 of the Revised Code. If the improvement is being undertaken through the joint efforts and cooperation of the board of county commissioners or board of supervisors and another state or federal agency, and if the state or federal regulations or procedures are in conflict with those sections with respect to the procedures for the preparing of contracts, the issuing of bids, the making of awards, and generally the administering of the contracts, the board of county commissioners or board of supervisors may adopt the state or federal regulations or procedures in those areas where conflict exists and proceed with the improvement in accordance with the requirements of the state or federal regulations or procedures.

(F) If a board of county commissioners does not approve a petition for a proposed improvement, the applicable board of supervisors may revise the proposed improvement and submit the revision to the board of county commissioners for reconsideration of the petition.