



**Erie Conservation District**  
**2900 Columbus Ave, Rm 131**  
**Sandusky, OH 44870**  
**Phone: 419-626-5211**

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**SINGLE COUNTY PETITION**  
**O.R.C. 940**  
**CONSERVATION WORKS OF IMPROVEMENT**  
**ERIE COUNTY, OHIO**

1. Upon receipt of a petition, the supervisors shall make a preliminary determination to accept or reject the petition (ORC 940.19). If rejected, the supervisors shall notify the petitioner of the reasons why it was rejected.
2. Upon acceptance of a petition, a date, time, and place for a viewing and a public hearing shall be established (ORC 940.19). View shall be not less than 25 days and not more than 90 days after the petition is filed. A public hearing shall occur within 90 days of the view.
3. As soon as the view and hearing have been set, written notices shall be sent to the landowners within the benefited area. Notices must be sent at least 20 days prior to the view by certified mail to those adjacent to the project and first class mail or certified mail to all other landowners.
4. Upon acceptance of a petition, the supervisors shall prepare a preliminary report regarding the proposed improvement.

Report shall contain:

  - Estimated cost
  - Comments on feasibility
  - Supervisors' opinion on Costs vs. Benefits
  - Additional alternatives to accomplish intent of petition
5. During viewing of the project, supervisors shall meet and hear proof of the need of the project offered by any landowner affected by the project. Supervisors shall view the area in which the improvement is to be constructed. If the improvement is a ditch, the view will include the line of the proposed ditch, and each branch, lateral, or spur mentioned in the petition.
6. Preliminary Hearing - Objections may be filed at the district prior to the hearing.

At the hearing Supervisor's shall:

  - Hear Objections
  - Present their preliminary report
  - Hear evidence for or against the project
7. Supervisors may approve the petition if they find:
  - Costs are less than benefits of the project
  - The improvement necessary
  - The project to be conducive to public welfare
  - The project to improve water management and development in the county
  - The project will promote economical, industrial, environmental, or social development in the area
8. Upon approval of the petition, the supervisors shall establish a date by which plans and specification for construction, estimated costs, and estimates of damage will be completed. Supervisors may extend completion date if necessary

9. Upon completion of the plans, the supervisors shall:
  - Determine the area benefited, and certify the determination and approval of the project to the county commissioners of each county in the project.
  - Submit plans to each board of county commissioners
10. Upon receipt of certification from the supervisors, the commissioners shall approve or disapprove the project within 60 days. Considerations for approval or disapproval are set forth in ORC 940.29.
11. Upon approval by the commissioners, the county engineer shall file with the county recorder a plat showing the general location of the improvement and a description of any permanent easement necessary for maintenance. In the case of an improvement that is an open ditch, provisions of 6137.12 shall be used in establishment of the permanent easement for maintenance.
12. Upon approval, the County Commissioners may elect to refer the project to the Board of Supervisors to advertise and let the construction contract.
13. The Board of Supervisors may alter their procedures or regulations regarding contracting, as provided in ORC 940.06, to be in accordance with rules and regulations of state, federal or other cooperating agencies participating in the project.
14. The District reserves the right to accept or reject any or all bids, waive any regularities in bidding, and to award the bid on the basis of the lowest and/or best bid it deems in the best interest of the District.
15. The Contractor is then required to provide a bond, for the full amount of the contract price, before construction can be initiated.
16. During construction, the District will oversee the project.
17. The county commissioners through the Board of Supervisors will allocate funds for construction of the project.
18. Immediately after construction, the property owners are notified of assessments, by the County Commissioners.
  - The County Commissioners with the aid of the District, shall levy the assessments.
  - Minimum assessment per parcel is \$25.
  - Notice of assessments is given to every person by first class mail. Owners may file objections with the County Commissioners within thirty days after the mailing notice.
  - If the residence of any owner cannot be ascertained or mailed notice is returned undelivered, the County Commissioners shall publish a notice for three weeks. Any owner may file objection in writing at the office of the County Commissioners thirty days after last publication of notice.
  - The County Commissioners shall hold a hearing upon all objections received within thirty days of receipt of objections.
  - Any owner whose objection is not allowed may appeal within thirty days of Court of Common Pleas.
19. Upon successful completion of the improvement, the project will be placed on the county's maintenance program. Monies will be collected and reserved in the maintenance fund, not to exceed twenty (20) percent of the construction cost.
20. County commissioners or their designee shall prepare a schedule of estimated assessments.
21. However, a description of any easement on the property necessary for maintenance shall be included in public notices CWI Procedures.