

RESOLUTION NO. 22-21

COMMISSIONERS' FINDING FOR THE VACATION OF  
THE OTTO PFEIFFER DITCH IMPROVEMENT  
(Rev. Code, Secs 6131.64 and 6131.12)

The Board of County Commissioners of the County of Ottawa, Ohio, met in regular session at the office of the Board of County Commissioners, Ottawa County Courthouse, Port Clinton, Ohio on the 19<sup>th</sup> day of May 2022, at the regular place of meeting with the following members present:

Mark E. Coppeler      Mark W. Stahl      Donald A. Douglas

Commissioner Stahl moved the adoption of the following Resolution:

**WHEREAS**, the Board in its order dated the 25<sup>th</sup> day of January 2022, for the Single County Ditch Petition No. 117 to vacate the Otto Pfeiffer Ditch Improvement as petitioned for by Leona Dupler, met at their office located at the Ottawa County Courthouse, 315 Madison Street, Port Clinton, Ohio, on April 5, 2022, and conducted the viewing for this petition, and

**WHEREAS**, no amendments to the petition were filed, and

**WHEREAS**, the Board met in their offices on May 5, 2022, and conducted the first hearing on the petition to vacate the Otto Pfeiffer Ditch Improvement, and has heard either in person, by counsel or as submitted in writing prior to the proceeding, all evidence offered by any owner of land for or against the granting of the proposed vacation described in the petition; and

**WHEREAS**, this being the day fixed by the Board in its order dated May 5, 2022 for the continued first hearing to vacate the Otto Pfeiffer Ditch Improvement, and after proper examination, the Board finds that due and legal notice has been given in the manner and for the length of time required by law, to all owners of land affected by said vacation, and

**WHEREAS**, the Board has given consideration to the Engineer's report and evidence and testimony submitted by property owners, and

**WHEREAS**, property owners indicated through testimony or letter, that it is their preference and intent to maintain the ditch themselves in the future, and

**WHEREAS**, the Board has considered the factors set forth in the statute, ORC § 6131.64; now, therefore be it

**RESOLVED**, by the Board of County Commissioners, that the Board hereby finds, on balance, that the vacation of the Otto Pfeiffer Ditch will be conducive to the public welfare, as the property owners of the benefitted real property have petitioned to and shall jointly bear the sole responsibility to maintain the Ditch to their satisfaction and enjoyment without assessment from the county; and therefore

**BE IT RESOLVED**, that the prayer of the petition to vacate the Otto Pfeiffer Ditch is hereby Granted; and be it further

**RESOLVED**, that the following described route and termini of the proposed vacation and of the branches, spurs and laterals thereof, and the manner of vacating the same are hereby adopted and prescribed by the Board.

On the south side of the Duff-Washa Road in Section 5, Carroll Township and 152' east of the drive into the property of Chas. Arndt; thence east along the south side of the Duff-Washa Road to the Fremont-Oak Harbor or the Road know as State Route No. 19; thence south along the west side of the said State Route 19, through Sections 5 & 8, to the dredge cut and there to terminate, being in all a distance of approximately 1.25 miles

**RESOLVED**, that the County Engineer be and he is hereby directed to prepare final assessments for the cost to vacate this improvement; which shall include the cost of engineering, notices, publications and other expenses incurred; and be it further

**RESOLVED**, that the County Engineer be and he is hereby directed to calculate a final maintenance assessment to cover any outstanding costs for this ditch, and to make the maintenance fund whole, and be it further

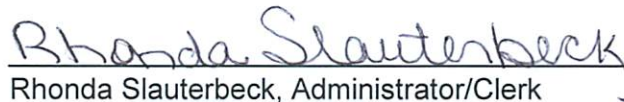
**RESOLVED**, after all maintenance costs are addressed, if there is any money remaining in the maintenance fund, it will be used to reduce the total assessment amount due. Maintenance funds received after final assessments are approved will be refunded to the property owners of record at the time of refund, and at the same rate the parcels were assessed through these proceedings, and be it further

**RESOLVED**, that the 12 day of August, 2022, at 4:30 o'clock, p.m. is hereby fixed as the time for filing with the Clerk of the County Commissioners the schedules and reports prepared by the County Engineer; and be it further

**RESOLVED**, the bond shall be returned to the petitioner upon the expiration of the 30-day appeal period or at the termination of an appeal if one is filed, and costs incurred in the proceedings will be assessed to the benefitting land owners.

Commissioner Douglas seconded the resolution and the roll being called upon its adoption, the vote resulted as follows:

Vote on Motion: Mark E. Coppeler, yes; Mark W. Stahl, yes; Donald A. Douglas, yes.

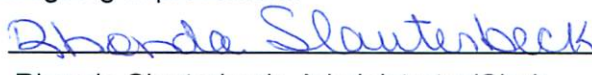


Rhonda Slauterbeck, Administrator/Clerk  
Board of County Commissioners, Ottawa County, Ohio

May 19, 2022

To the County Engineer:

I hereby certify the foregoing to be a true and correct copy of the finding of the Board of County Commissioners against the foregoing improvement.



Rhonda Slauterbeck, Administrator/Clerk  
Board of County Commissioners, Ottawa County, Ohio