

# COUNTY DITCH PETITION

Single

Single or Joint

Revised Code, Secs. 6131.04; 6133.02, .03

2013 FEB 12 PM 2:18

, 2013

, Ohio,

Carroll, Erie, and Salem Townships

*Petition to* <sup>1</sup> Clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and the LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.

**To the Board of County Commissioners,** Ottawa County, Ohio:

*The undersigned hereby petition*    *your honorable body to* <sup>1</sup> *initiate the process of cleaning or reconstructing all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and a section of LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.*

*On the course hereinafter set forth.*

*The construction of the improvement is necessary, will benefit the petitioner(s), and will be conducive to the public welfare.*

*The following is the course and termini of said proposed improvement, to-wit:*

*Commencing at the intersection of Toussaint South Road (CR #104) and Schultz Ditch, located in Section 26, T7N-R15E of Carroll Township, thence proceeding in a southeasterly direction along the existing centerline of the Schultz Ditch to a point of termination at the intersection with the LaCarpe Creek located in Section 31, T7N-R16E of Erie Township, or to an adequate outlet.*

*This petition shall also include drainage issues in the LaCarpe Creek commencing at the intersection of LaCarpe Creek and Shultz Ditch, located in Section 31, T7N,R16E of Erie Township, thence proceeding in an easterly direction along the existing centerline of LaCarpe Creek until termination at the intersection with Rymers Road (TR #13) located in Section 31, T7N,R16E of Erie Township, or to an adequate outlet. Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.*

*All costs of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land, except under Section 6131.31 of the Revised Code.*

*The following is the nature of the work petitioned for: Petitioners request to have whatever work done that is necessary to provide positive drainage for the above described areas. Said work shall include, but not be limited to, cleaning existing waterways, creating new waterways, cleaning or fixing existing storm sewers and cross-over pipes, or installing new storm water and cross-over pipes.*

Single

Single or Joint

# COUNTY DITCH PETITION

Revised Code, Secs. 6131.04; 6133.02, .03

2013 FEB 12 PM 2:10

Carroll, Erie, and Salem Townships

, Ohio,

, 2013

*Petition to* <sup>1</sup> Clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and the LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.

**To the Board of County Commissioners,** Ottawa **County, Ohio:**

*The undersigned hereby petition* your honorable body *to* <sup>1</sup> *initiate the process of cleaning or reconstructing all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and a section of LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.*

*On the course hereinafter set forth.*

*The construction of the improvement is necessary, will benefit the petitioner(s), and will be conducive to the public welfare.*

*The following is the course and termini of said proposed improvement, to-wit:*

*Commencing* at the intersection of Toussaint South Road (CR #104) and Schultz Ditch, located in Section 26, T7N-R15E of Carroll Township, thence proceeding in a southeasterly direction along the existing centerline of the Schultz Ditch to a point of termination at the intersection with the LaCarpe Creek located in Section 31, T7N-R16E of Erie Township, or to an adequate outlet.

This petition shall also include drainage issues in the LaCarpe Creek commencing at the intersection of LaCarpe Creek and Shultz Ditch, located in Section 31, T7N,R16E of Erie Township, thence proceeding in an easterly direction along the existing centerline of LaCarpe Creek until termination at the intersection with Rymers Road (TR #13) located in Section 31, T7N,R16E of Erie Township, or to an adequate outlet. Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.

*All costs of engineering, construction, and future maintenance will be assessed to the benefitting parcels of land, except under Section 6131.31 of the Revised Code.*

*The following is the nature of the work petitioned for:* Petitioners request to have whatever work done that is necessary to provide positive drainage for the above described areas. Said work shall include, but not be limited to, cleaning existing waterways, creating new waterways, cleaning or fixing existing storm sewers and cross-over pipes, or installing new storm water and cross-over pipes.

**BOND**  
**(TO BE FILED WITH DITCH PETITION)**

2013 FEB 12 PM 2:18

Revised Code, Sec. 6131..06

KNOW ALL MEN BY THESE PRESENTS, That we,

Mr. Jason Riffle \_\_\_\_\_, as principal, and \_\_\_\_\_ and \_\_\_\_\_

as surety \_\_\_\_\_, are held and firmly bound unto \_\_\_\_\_ Ottawa \_\_\_\_\_ County, Ohio, in the sum of<sup>1</sup> \_\_\_\_\_ Five Hundred \_\_\_\_\_ Dollars, to the payment of which sum, well and truly to be made, we do hereby jointly and severally bind ourselves, our heirs, executors and administrators.

Signed by us and dated at Ottawa County, Ohio, this 12<sup>th</sup> day of February, 2013.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That, Whereas, on the 12<sup>th</sup> day of February, 2013, the above bound Mr. Jason Riffle

filed a petition with the Clerk of the County Commissioners of \_\_\_\_\_ Ottawa \_\_\_\_\_ County, Ohio, making application to the County Commissioners to <sup>2</sup> clean, remove obstructions from, reconstruct, deepen, widen, box or tile any and all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and a section of LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.

Petitioned for by \_\_\_\_\_ Mr. Jason Riffle \_\_\_\_\_ and others, The following being the course and termini of said proposed improvement, to-wit:

Commencing at the intersection of Toussaint South Road (CR #104) and Schultz Ditch, located in Section 26, T7N, R15E of Carroll Township, thence proceeding in a southeasterly direction along the existing centerline of the Schultz Ditch to a point of termination at the intersection with the LaCarpe Creek located in Section 31, T7N, R16E of Erie Township, or to an adequate outlet.

This petition shall also include drainage issues in the LaCarpe Creek commencing at the intersection of LaCarpe Creek and Shultz Ditch, located in Section 31, T7N, R16E of Erie Township, thence proceeding in an easterly direction along the existing centerline of LaCarpe Creek until termination at the intersection with Rymers Road (TR #13) located in Section 31, T7N, R16E of Erie Township, or to an adequate outlet. Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.

Now, if the said \_\_\_\_\_ Mr. Jason Riffle \_\_\_\_\_ will pay the cost of notices, plus any other incidental expenses, except the costs incurred by the Engineer in making his preliminary reports, if the prayer of the petition is not granted or if the petition is for any cause dismissed, unless the Board of County Commissioners decides to pay the Engineer's costs from this Bond in accordance with Section 6131.09 of the Revised Code, then this obligation shall be void; otherwise it shall be and remain in full force and virtue in law.

*Jason Riffle*  
Jason Riffle

The above bond is approved this \_\_\_\_\_ day of February, 2013

1. Five hundred dollars, plus the sum of two dollars for each parcel of land in excess of two hundred parcels averred in the petition to be benefited.  
2. Locate, clean, remove obstructions from, reconstruct, reconstruct, straighten, deepen, wide, alter, box, tile, fill, etc., for proper phraseology see Sec. 6331.04 R.C.

**NOTICE OF FILING OF SINGLE COUNTY DITCH PETITION  
(Single or Joint)**

Office of Clerk of County Commissioners of Ottawa County, Ohio, February 21, 2013.

To the Board of County Commissioners, Ottawa County, Ohio:

You are hereby notified that a petition and a bond for a single county ditch improvement were filed in my office on the 21<sup>st</sup> day of February 2013 and I certify that a true copy of said petition is set out below.

  
Clerk of the County Commissioners

Petition to clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and the LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.

To the Board of County Commissioners, Ottawa County, Ohio:

The undersigned hereby petition your honorable body to initiate the process of cleaning or reconstructing all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and a section of LaCarpe Creek located in various sections of Salem, Carroll, and Erie Townships.

On the course hereafter set forth:

The construction of the improvement is necessary and will benefit the petitioner(s), and will be conducive to the public welfare.

The following is the course and temini of said proposed improvement, to-wit:

Commencing at the intersection of Toussaint South Road (CR #104) and Schultz Ditch, located in Section 26, T7N-R15E of Carroll Township, thence proceeding in a southeasterly direction along the existing centerline of the Schultz Ditch to a point of termination at the intersection with the LaCarpe Creek located in Section 31, T7N-R16E of Erie Township, or to an adequate outlet.

This petition shall also include drainage issues in the LaCarpe Creek commencing at the intersection of LaCarpe Creek and Schultz Ditch, located in section 31, T7N, R16E of Erie Township, thence proceeding in an easterly direction along the existing centerline of LaCarpe Creek until termination at the intersection with Rymers Road (TR #13) located in Section 31, T7N, R16E of Erie Township, or to an adequate outlet.

Petition shall also provide consideration of all contributing channels, structures, and/or waterways that may need some form of construction/reconstruction necessary to properly drain the watershed areas being described.

All costs of engineering, construction and future maintenance will be assessed to the benefiting parcels of land, except as ordered under Section 6131.31 of the Revised Code.

The following is the nature of the work petitioned for: Petitioners request to have whatever work done that is necessary to provide positive drainage for the above described areas. Said work shall include, but not be limited to, cleaning existing waterways, creating new waterways, cleaning or fixing existing storm sewers and cross-over pipes, or installing new storm water and cross-over pipes.

A list of the names and addresses, where known, of all the owners of the land which the petitioner claims will be benefited or damaged by the construction of the proposed improvement is as follows:

**SEE ATTACHED LIST**

Service of notice of the filing of the Petition shall be obtained by mailing notices and publication as provided in Sec. 6131.07. R.C.

<u>Clayton Wilkins</u>	} Petitioners.
<u>Kevin Rutledge</u>	
<u>Jean Reiterman</u>	
<u>Brian Kruse</u>	
<u>Jeff Zetzer</u>	
<u>Jason Riffle</u>	

c: County Engineer

<sup>1</sup> Locate, construct, reconstruct, straighten, deepen, widen, alter, box, tile, fill, etc., 6131.04

<sup>2</sup> Here insert "Mailing notices and publication as provided in Sec. 6131.07, ORC

\*One copy of this notice to the County Commissioners, one copy to Engineer.

Resolution No. 13-10

**RESOLUTION – ORDER FIXING TIME OF VIEW AND FIRST HEARING  
Ohio Revised Code Section 6131.07**

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 21<sup>st</sup> day of February 2013, at the regular place of meeting with the following members present:

James M. Sass

Jo Ellen Regal

Steven M. Arndt

Commissioner Regal moved the adoption of the following Resolution:

**WHEREAS**, this 21<sup>st</sup> day of February 2013, the Clerk of this board gave notice to the Board of County Commissioners and the County Engineer of Ottawa County, Ohio, on the filing with her a petition signed by Jason Riffle and others as petitioner(s), to clean or reconstruct all drainage structures or waterways necessary to alleviate flooding for areas draining into both the Schultz Ditch and LaCarpe Creek located in various sections of Salem, Carroll and Erie Townships; and

**WHEREAS** it appears to said Board that the proper bond has been filed with the Clerk, approved, conditioned for the payment of costs of notices, plus any other incidental expenses, except the costs incurred by the Engineer in making his preliminary reports, if the prayer of the petition is not granted, or if said petition is for any cause dismissed, unless the Board decides to pay the Engineer's costs from the bond in accordance with Section 6131.09 of the Revised Code; therefore, be it

**RESOLVED**, by said Board of County Commissioners, that the 30<sup>th</sup> day of April 2013, at 1:30 p.m., EDT. The Commissioners and interested parties will meet at the intersection of Toussaint South Road and Bier Road in Carroll Township as the beginning point for the view thereon; and be it further

**RESOLVED**, that the 11<sup>th</sup> day of July 2013, at 6:30 p.m., EDT, at the Ottawa County Community Resource Centre, located at 8043 West State Route 163, Oak Harbor, Ohio, be and the same is hereby fixed as the time and place, for the first hearing on the petition; and

**THEREFORE BE IT RESOLVED**, that notice of said view and hearing be given, as required by law.

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

James M. Sass, yes; Jo Ellen Regal, yes; Steven M. Arndt, yes.



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

c: County Engineer

<sup>1</sup>Not fewer than twenty-five nor more than ninety days after the date the petition was filed with the Clerk.

<sup>2</sup>Not fewer than ten nor more than ninety days after the date set for the view.