

**OFFICE OF THE
LOGAN COUNTY ENGINEER
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**SCOTT C. COLEMAN, P.E., P.S.
LOGAN COUNTY ENGINEER**

**Telephone: (937) 592-2791
Fax: (937) 599-2658**

The Board of Logan County Commissioners
117 E. Columbus Avenue, Suite 100
Bellefontaine, OH 43311

February 8, 2024

Re: Review of Laws Ditch #757 permanent assessment base and landowner assessment schedule

In 1986, Laws Ditch #757, which consisted of 950-feet of tiled ditch and 334-feet of open ditch to help drain a watershed of approximately 47 acres, was petitioned for improvement according to Ohio Revised Code (ORC) 6131. The Logan County Commissioners (LCC) approved this ditch petition improvement in 1988. In 1991, a drainage improvement known as the Sedimentation Basin Demonstration Project/the Laws Ditch Upper End Improvement was completed by a partnership between the Indian Lake Hydrologic Unit, O.D.N.R, Indian Lake Eagles Aerie No. 3615, the Logan County Engineer's Office (LCEO), and the LCC. This 1991 improvement included 420-feet of grassed waterway (with a subsurface drain tile) and a sediment basin with a footprint of 150,000 square feet and on July 23, 1991, the LCC accepted this improvement as part of the Laws Ditch. The LCEO has maintained the originally petitioned and the 1991 ditch improvements, all of which totals 1,704-feet of ditch improvements and a sediment basin, using the original permanent assessment base amount but it is no longer financially feasible to do so. Furthermore, in an effort to ensure all benefitting parcels are being as fairly assessed as reasonably possible, the LCEO has submitted herewith an updated schedule of landowners to the LCC. The values in this updated schedule were obtained using the most accurate data that is available to the LCEO.

ORC Section 6137 allows for the LCC to review such ditch projects, to “add to the schedule of benefited owners any other owner who, in the judgment of the board, is benefited by the operation and maintenance of the improvement” (ORC 6137.11) and to reestablish the permanent assessment base per ORC 6137.112, which states “the county engineer [is] to estimate the

construction cost of the improvement if that improvement were to be constructed at the time of the permanent assessment base review.”

The LCEO has been maintaining the ditch with a permanent assessment amount of \$17,943.00 which means the maximum amount currently allowed in the ditch maintenance fund is \$3,588.60. We have calculated that the updated construction cost for the above projects is \$146,562.55 (for a detailed breakdown of the procedure to update the assessment base, please see Attachment #1). Therefore, I recommend that the Board of Commissioners reestablish the permanent assessment base to \$146,500.00. Per ORC, up to 20% of this updated permanent assessment base may be used to fund the ditch maintenance account thus the maximum amount this ditch maintenance account could have is a balance of \$29,300.00. Based on the past maintenance needs of this ditch and the Ditch Supervisor’s verbal report on the current condition of this ditch, I recommend assessing landowners 1% of the proposed permanent assessment base; this would yield \$1,465.00 annually.

I also recommend the Board accept the updated landowner assessment schedule. This updated schedule was created using the assessment method currently used by our office (said method updated January 1, 2022), which models the assessment calculations after a procedure first developed by the Preble County Soil and Water Conservation District in 1981. This procedure takes into consideration the following four physical features of a watershed: benefitted acres, land use, soils, and topography. The proposed watershed is based upon a watershed that was created using 2-foot contours obtained from 2019 LiDar. The existing watershed was created using 5-foot contours in 1988. Aerial imagery from 2022 was used to determine land use values and 2006 soil data was used to determine the soil group values.

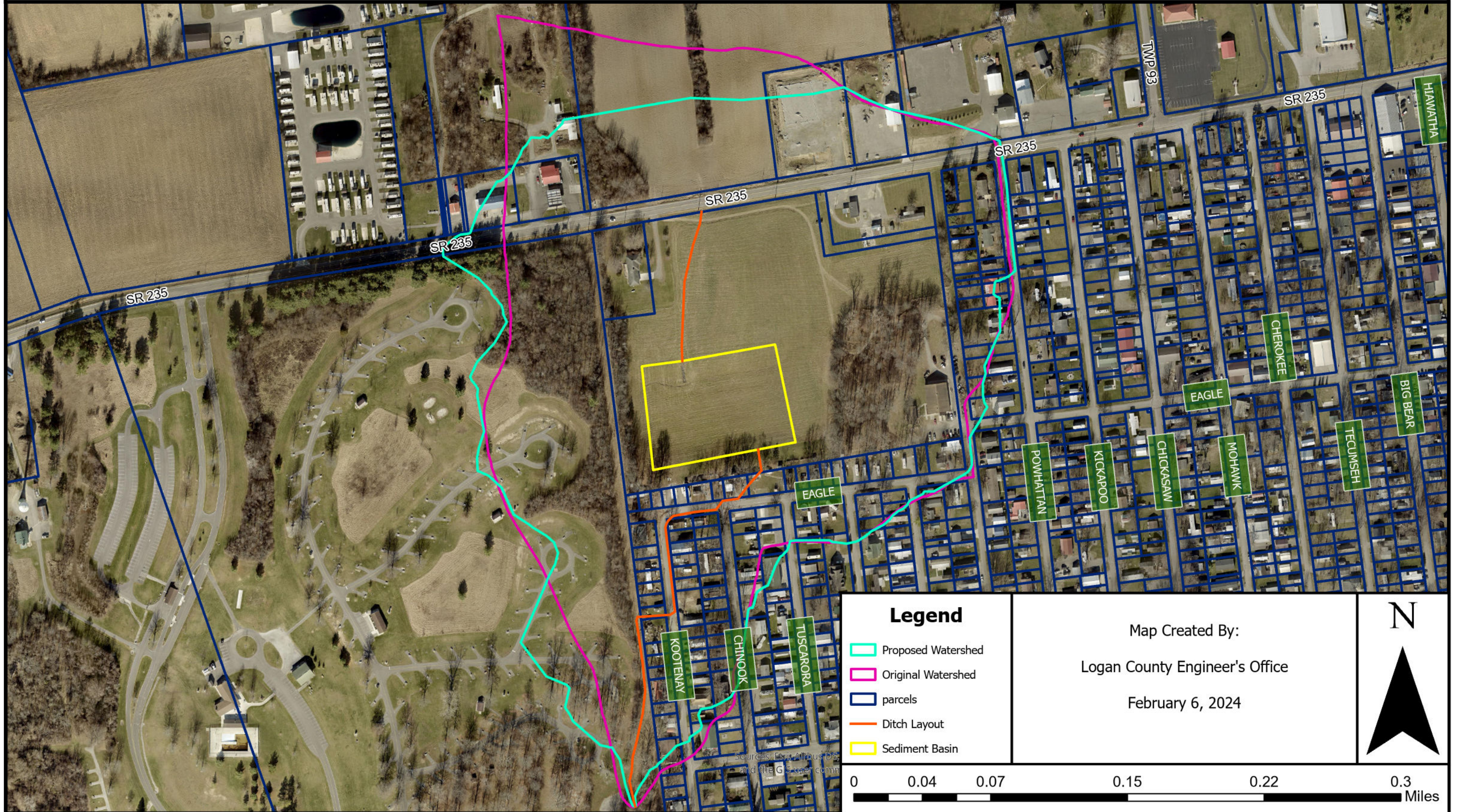
Attachment #2 contains proposed resolution language if the above recommendations are accepted.

Respectfully submitted,

Scott C. Coleman, P.E., P.S.
Logan County Engineer

SCC/mjk/jsp
cc: Logan County Auditor; File

LAWS DITCH #757 WATERSHED MAP



Owner:

To the landowners within the Laws Ditch #757 watershed:

You're receiving this Legal Notice because a parcel of land you own is benefitting from Laws Ditch #757. In 1986, Laws Ditch #757, which consisted of 950-feet of tiled ditch and 334-feet of open ditch to help drain a watershed of approximately 47 acres, was petitioned for improvement according to Ohio Revised Code (ORC) 6131. The Logan County Commissioners (LCC) approved this ditch petition improvement in 1988. In 1991, a drainage improvement known as the Sedimentation Basin Demonstration Project/the Laws Ditch Upper End Improvement was completed by a partnership between the Indian Lake Hydrologic Unit, O.D.N.R, Indian Lake Eagles Aerie No. 3615, the Logan County Engineer's Office (LCEO), and the LCC. This 1991 improvement included 420-feet of grassed waterway (with a subsurface drain tile) and a sediment basin with a footprint of 150,000 square feet and on July 23, 1991, the LCC accepted this improvement as part of the Laws Ditch. The LCEO has maintained the originally petitioned and the 1991 ditch improvements, all of which totals 1,704-feet of ditch improvements and a sediment basin, using the original permanent assessment base amount but it is no longer financially feasible to do so.

ORC Section 6137 allows for the LCC to review such ditch projects, to "add to the schedule of benefited owners any other owner who, in the judgment of the board, is benefited by the operation and maintenance of the improvement" (ORC 6137.11) and to reestablish the permanent assessment base per ORC 6137.112, which states "the county engineer [is] to estimate the construction cost of the improvement if that improvement were to be constructed at the time of the permanent assessment base review."

In an effort to ensure all benefitting parcels are being as fairly assessed as reasonably possible, the LCEO has submitted an updated schedule of landowners to the LCC. The values in this updated schedule were obtained using the most accurate data that is available to the LCEO.

The LCEO has calculated that the updated construction cost for the above projects is \$146,562.55 and the LCEO has recommended that the LCC reestablish the permanent assessment base to \$146,500.00. Per ORC, up to 20% of this updated permanent assessment base may be used to fund the ditch maintenance account thus the maximum allowed in this ditch account would be \$29,300.00. The LCEO has been maintaining the ditch with a permanent assessment amount of \$17,943.00, which means the maximum amount currently allowed in the ditch maintenance fund is \$3,588.60. The LCEO recommends assessing 1% of the proposed permanent assessment base for the ditch; this would yield \$1,465.00 annually.

On [DAY], [DATE], 2024, at [TIME] , a public hearing will be held at the Logan County Commissioners Office to discuss the changes outlined in this letter. Additional information regarding these changes, including the schedule of landowners and a map showing the benefitted parcels in the watershed, can be found at: <http://lceo.us/Ditches/Ditch-Improvements/Laws.pdf>

If you do not attend the hearing or if you do not notify our office via a letter, email or phone prior to the hearing, we will assume you are in agreement with the proposed changes outlined in this letter. If you have any questions, please contact the LCEO's designee Jonathan Parthemore, Engineering and Map Room Assistant, by phone at 937-599-7230 or by email at jparthemore@logancountyohio.gov.

This is not a bill but represents your assessment if the aforementioned updates are approved by the Logan County Commissioners. Assessments were determined via a procedure that takes into consideration the following four physical features of a watershed: benefitted acres, land use, soils, and topography. Please contact the LCEO's designee if you would like more details on your assessment. The "Percent of Entire Assessment Schedule" is the parcel's portion of the entire assessment. The "Current Annual Assessment" is the amount currently paid and the "Proposed Annual Assessment" is the amount that would be owed once assessments are levied, which is likely to begin in the year 2025.

Parcel Number	Parcel's Percent of Entire Landowners Assessment Schedule	Current Annual Assessment	Proposed Annual Assessment

Laws Ditch #757 Attachment #1

Process for updating permanent base assessment:

- (1) LCEO looks through the ditch's historical documents and finds the original construction base (it would typically be listed on the original schedule of landowners)
- (2) LCEO converts the original construction base dollars into current dollars using this Consumer Price Index Inflation Calculator link provided by the U.S. Bureau of Labor:
https://www.bls.gov/data/inflation_calculator.htm
- (3) If the original construction base didn't include improving the entire ditch, the LCEO divides the total length of ditch by the length of the section of ditch that was improved and multiplies that by current dollars. This calculated amount will reflect what it would cost to reconstruct the entire ditch today and fulfills the intent of ORC 6137.112, which states "the county engineer [is] to estimate the construction cost of the improvement if that improvement were to be constructed at the time of the permanent assessment base review".

Calculation for updated permanent base assessment for Laws Ditch #757

In 1988, the County Engineer submitted the original schedule of landowners to the Commissioners using a permanent assessment base amount of \$17,943.00. The total cost of construction was \$19,555.31. This total was based on the cost to reconstruct and improve a total of 1,284-feet of ditch improvements.

In 1991, the Commissioners accepted an additional 420-feet of ditch improvements and a sediment basin (known as the Sedimentation Basin Demonstration Project/the Laws Ditch Upper End Improvement) as part of the Laws Ditch. The total cost of construction of these additions was \$43,007.73.

The total length of the above ditch improvements that are under permanent maintenance is 1,704-feet and the county also maintains the sediment basin.

-Use the U.S. Bureau of Labor inflation calculator to find in August of 1988 \$19,555.31 has the equivalency of \$50,407.67 in December of 2023

- Use the U.S. Bureau of Labor inflation calculator to find in September of 1991 \$43,007.73 has the equivalency of \$96,154.88 in December of 2023

-Total Cost of Construction in December of 2023: \$50,407.67 + \$96,154.88 = \$146,562.55

-Requested updated permanent assessment base: \$146,500.00

- ORC 6137.03(2): "At no time shall a maintenance fund have an unencumbered balance greater than twenty percent of the permanent assessment base for maintenance". Updated maximum allowable maintenance fund balance is 20% of the permanent base:

$$0.2 \times \$146,500.00 = \$29,300.00$$



CPI Inflation Calculator

CPI Inflation Calculator

\$

in

has the same buying power as

in

About the CPI Inflation Calculator

The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average series for all items, not seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by urban households.



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Attachment #2

Whereas, ORC Section 6137 of the Ohio Revised Code allows for the Logan County Commissioners to reestablish the permanent assessment base; whereas, ORC Section 6137.112 allows this reestablished permanent assessment base to be estimated by the county engineer who is to “estimate the construction cost of the improvement if that improvement were to be constructed at the time of the permanent assessment base review”; whereas, the Logan County Engineer has determined said construction estimate to be \$146,562.55 and recommended the permanent assessment base be \$146,500.00; whereas, by the adoption of a resolution the Logan County Commissioners may approve this updated permanent assessment base and henceforth this updated permanent assessment base will be the permanent assessment base that is used to calculate maintenance fund assessments for owners benefiting from the improvement;

Whereas the Logan County Commissioners accept the proposed schedule of landowners that the Logan County Engineer has submitted for today’s hearing;

Whereas the Logan County Commissioners accept the annual assessment percentage of 1% of the reestablished permanent assessment base;

Previous 4-year Funding History of Laws Ditch #757

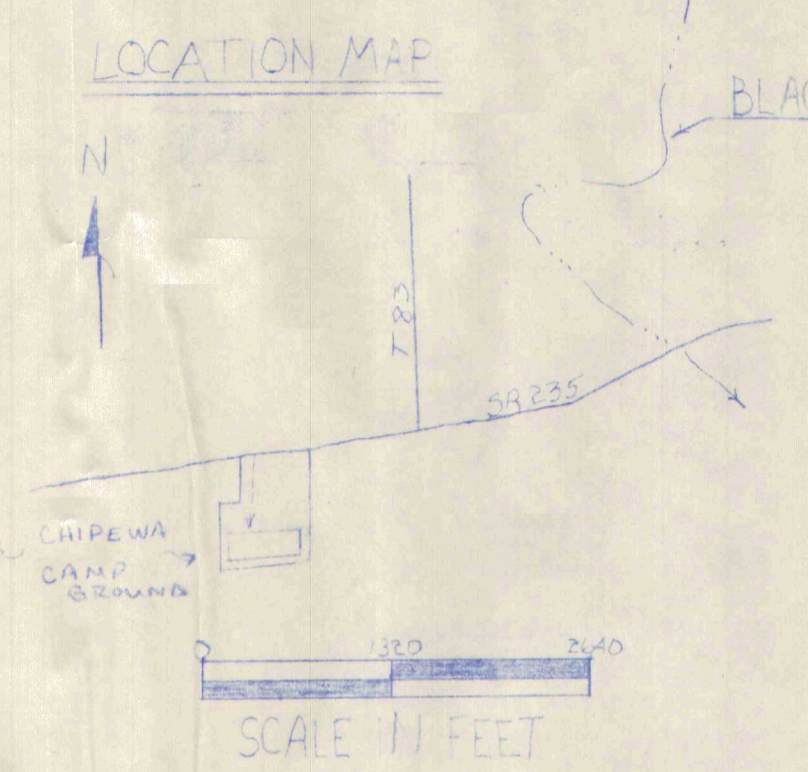
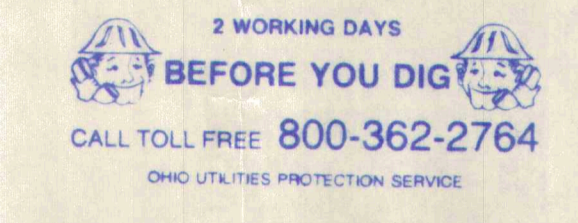
Previous 4-year Funding History of Laws Ditch #757										
ASSMT BASE	BALANCE 1/1/19	2019 INCOME	2019 EXPENSES	BALANCE 1/1/20	2019 ASSMT	2020 ESTIMATED INCOME	FUNDS 2020 AVAIL.	EST 2020 APPROPRIATIONS	NEW BASE % for 2020	2021 ESTIMATED INCOME
\$ 17,943.00	\$ 1,124.84	\$ 1,304.80	\$ 1,071.97	\$ 1,357.67	5.00%	\$ 897.15	\$ 2,254.82	\$ 4,000.00	5.00%	\$ 897.15
ASSMT BASE	BALANCE 1/1/20	2020 INCOME	2020 EXPENSES	BALANCE 1/1/21	2020 ASSMT	2021 ESTIMATED INCOME	FUNDS 2021 AVAIL.	EST 2021 APPROPRIATIONS	NEW BASE % for 2021	2022 ESTIMATED INCOME
\$ 17,943.00	\$ 1,357.67	\$ 1,078.12	\$ 729.74	\$ 1,706.05	5.00%	\$ 897.15	\$ 2,603.20	\$ 2,000.00	5.00%	\$ 897.15
ASSMT BASE	BALANCE 1/1/21	2021 INCOME	2021 EXPENSES	BALANCE 1/1/22	2021 ASSMT	2022 ESTIMATED INCOME	FUNDS 2022 AVAIL.	EST 2022 APPROPRIATIONS	NEW BASE % for 2022	2023 ESTIMATED INCOME
\$ 17,943.00	\$ 1,706.05	\$ 927.38	\$ 835.03	\$ 1,798.40	5.00%	\$ 897.15	\$ 2,695.55	\$ 2,000.00	5.00%	\$ 897.15
ASSMT BASE	BALANCE 1/1/22	2022 INCOME	2022 EXPENSES	BALANCE 1/1/23	2022 ASSMT	2023 ESTIMATED INCOME	FUNDS 2023 AVAIL.	EST 2023 APPROPRIATIONS	NEW BASE % for 2023	2024 ESTIMATED INCOME
\$ 17,943.00	\$ 1,798.40	\$ 1,009.17	\$ 1,320.24	\$ 1,487.33	5.00%	\$ 897.15	\$ 2,384.48	\$ 2,000.00	8.00%	\$ 1,435.44

UNDERGROUND UTILITIES AT EXCAVATION SITE				
Utility			Member OUPS	Limited Basis Participants
Name	Address	Phone No.		

NOTE TO EXCAVATOR

Excavator must notify all utilities at least 48 hours and not more than 10 days prior to the planned commencement of excavation.

- Member utilities will be contacted by calling OUPS (1-800-362-2764).
- Each Limited Basis Participant will be contacted by the excavator using the telephone number provided.



BENCHMARK DESCRIPTION

B.M.1 RAILROAD SPIKE IN UTILITY POLE SOUTH SIDE OF EAGLE PATH BETWEEN KOOPEWAY AND CHINOOK. ELEVATION 1019.37

B.M.2 SPIKE IN UTILITY POLE SOUTH SIDE OF RT 235 30 FT EAST OF CULVERT. ELEVATION 1026.87

SEEDING AND FERTILIZER RATES

TURF TALL FESCUE @ 9000/PAC X PAC = 700 LBS
 KENTUCKY BLUEGRASS @ 5145/PAC X PAC = 40165
 WHEAT @ 20165/PAC X PAC = 162165
 FERTILIZER 18-46-0 @ 650165/PAC X PAC = 5200165
 MULCH STRAW @ 2 TON/PAC X PAC = 16 TON
 MULCH NETTING 15 FT WIDE = 450 L.F.
 SEEDING DATES: APRIL 1 TO MAY 10
 AUG 1 TO AUG 30

BILL OF MATERIALS

825 FT - 10" CPT
 1052 FT - 4" CPT
 605 FT - 6" CPT
 165 FT - 10" PVC - SCH 40
 10 FT - 6" PVC - SCH 40
 1 - 6" HICKENBOTTOM INTAKE
 1 - 2'x4'x4" CONCRETE CATCH BASIN WITH GRATE
 1 - 2'x4'x4" CONCRETE CATCH BASIN WITH GRATE
 BAC - SEEDING & MULCH
 19,000 YD³ - EARTH MOVING
 30 FT - 4" PVC - SCH 40

LEGEND

- 1023 CONTOUR LINE
- B.M. BENCHMARK
- PROPOSED WATER WAY
- PROPOSED WATER AND SEDIMENT CONTROL BASIN
- CATCH BASIN - CONCRETE
- NORTH ARROW
- 12+00 STATIONING
- EXISTING 10" RISER PIPE
- STONE INLET
- SUBSURFACE DRAIN

CONSTRUCTION NOTE

Surface water will be diverted around or over fill to avoid ponding at time of construction.

WOODS

SPILL AREA

HOME LOT

PROPOSED 6" TILE

EXISTING CHANNELS

10.165 BOTTOM ELEVATION

CATCH BASIN

HOUSE

EAGLE PATH

PLAN VIEW

EAGLES PROJECT
 INDIAN LAKE DEMONSTRATION

U. S. DEPARTMENT OF AGRICULTURE
 SOIL CONSERVATION SERVICE

JOB CLASS: III
 CONSTRUCTION
 APPROVAL:
 DATE:

Designed	BS, JP, LM	Date	7-90	Approved by	David W. ...
Drawn	T.B. ...	Date	7-90	Title	...
Traced		Title		Sheet	No. 1
Checked	...	Date	8-20	Drawing No.	