

# Frequently Asked Questions (FAQ) Sheet

## SWAN CREEK WATERSHED IMPROVEMENT PROJECT

### 1. What is the purpose of the Final Hearing?

At the Final Hearing for the Swan Creek Watershed Petition, the Joint Board of Commissioners will reconsider their decision made at the First Hearing in 2021, based upon the 6-Year Maintenance Plan (and other detailed information) presented by the Fulton, Henry, and Lucas County Engineers (Joint County Engineers), as well as, any testimony provided by the benefitting land owners of each petition. At the Final Hearing, the petition will be reaffirmed or dismissed.

If the petition is reaffirmed, the Joint Board of Commissioners will direct the Joint County Engineers to proceed with the yearly improvements described in the 6-Year Maintenance Plan for the petition and proceed with construction contracts for the completion of the proposed work for the upcoming year. The calculated yearly assessment costs for the cost of the maintenance projects for the upcoming year will be sent to the County Auditors for placement on the real estate tax bills of the benefitted property owners in 2025.

### 2. Why did I get a notice in the mail?

You have been identified as a benefitting landowner in the petition filed by the Village of Whitehouse for the proposed improvements to the Swan Creek Watershed. The petition includes the main stem of Swan Creek as well as selected tributaries. Maps which identify the area benefitting from the proposed improvement as well as the tributaries identified in the petition for maintenance are located on the project website located at: <https://www.lucascountyengineer.org/swancreek.html>

### 3. Please explain the information presented on the card.

Joint Board of Fulton, Henry, and Lucas County Commissioners  
c/o Lucas County Engineer  
1049 S. McCord Road  
Holland, OH 43528

PRESORT  
FIRST CLASS  
U.S. POSTAGE  
PAID  
PERMIT NO. 522  
TOLEDO, OH

**LEGAL NOTICE OF PROPOSED DRAINAGE IMPROVEMENT**

254 \*\*\*\*\*ALL FOR AADC 481 1 1

**Address**

cost of damage/loss of land proposed work will cause to your property. So in almost all cases

Parcel ID	Estimated First Year Assessment	Estimated Damages	Maintenance Base and Percent of Total
[REDACTED]	\$14.77	\$0	\$1,145.20 0.000327%

↑ Your property's parcel number

↓ Estimated amount you may pay

↓ MB is the property's share of the total cost if Swan Creek and its tributaries were constructed today. A property owner will never pay this amount, but is required by law to be shared as it is how maintenance assessments are partitioned between property owners.

#### **4. Why petition the project?**

Drainage infrastructure (creeks, ditches, ponds, streams, rivers, etc.) within Ohio, located on private property, are the responsibility of adjacent private landowners. The petition ditch process allows Fulton, Henry, and Lucas Counties to expend public funds for continued/long-term maintenance of private creeks and ditches which provide a public benefit. Without a petition, creek and ditch maintenance would remain the responsibility of the adjacent landowners.

Over the last decade, due to the impacts of the emerald ash borer, private landowners and local governments have needed to clear significant log jams on the main stem of Swan Creek due to dead and fallen ash and other trees. Left untreated, log jams have a significant impact on flooding properties along the water course and in tributaries (smaller ditches or creeks that flow into Swan Creek) as well as provide a significant source of erosion which can lead to greater amounts of pollutants into the Swan Creek, the Maumee River and Lake Erie.

In addition, the tributaries have experienced significant log jams as well as well as levels of sedimentation and brush impeding flow. In many locations, tributaries have lost about half their capacity due to sedimentation of as much as 2 ½ feet from their original bottom elevation. This has also led to significant flooding and standing water and lack of drainage in the watershed.

#### **5. I do not live directly on a ditch in the proposed maintenance area, why am I considered a benefitting landowner?**

The Ohio Petition Law considers all land owners in the watershed (i.e., drainage area) of a creek or ditch improvement as *benefitting* from the improvement or future improvement.

If you received the notice postcard in the mail, a property you own is located within the Swan Creek Watershed and benefits from the stormwater drainage capacity provided by the associated creek and ditches. For maps of the Swan Creek Watershed in Fulton, Henry, and Lucas Counties, please visit the Ditch Petition Information Section on the Lucas County Engineer's website at: <https://www.lucascountyengineer.org/swanecreek.html>

#### **What is proposed to be improved as a result of this petition?**

The associated creek and ditches within the watershed area are proposed to be placed under permanent maintenance. This means that Fulton, Henry, and Lucas County will review the condition of the creek and ditches on a routine basis and will perform maintenance work on the creek and ditches as needed on a yearly basis to keep creek and ditches functioning and in good working order.

#### **6. What will I be assessed for maintenance of ditches within the petition watershed area?**

The Joint County Engineers will request a yearly assessment from all benefitting landowners, including all state, county, and township property, in order to perform

the maintenance work the following year as proposed in the 6-Year Plan (if it is approved at the Final Hearing). Property owners will be yearly assessed for maintenance costs to assure the ditch/ditches remain in good working condition. The anticipated assessments may range from \$10 to \$20 on a yearly basis for a typical residential property. The actual amount of the assessment is determined by the proportion of the property's maintenance base to the total maintenance base amount multiplied by the cost of work required to be done. The first-year estimated assessment amount for each parcel in 2025 can be found by selecting "Find Your Parcel" on: <https://www.lucascountyengineer.org/swancreek.html>

Depending on the type of maintenance required, current policy does provide for the Lucas County Stormwater Utility to pay assessment costs, on behalf of those properties within the Lucas County Stormwater Utility area, for select permanent maintenance projects once they are complete. This is determined on a case by case basis, and can only occur on maintenance projects that reduce discharge of sediment & pollutants from storm water runoff.

In addition, Ohio law permits municipalities to pay ditch maintenance assessments on behalf of their residents. The City of Toledo and the Village of Whitehouse have agreed to pay these assessments for their residents if the Swan Creek Petition is approved at the Final Hearing.

## **7. What is the Maintenance Base Cost for my parcel?**

The Maintenance Base (MB) Cost for a parcel is the parcel's percentage of today's construction cost for Swan Creek and tributaries calculated as described in Ohio Petition Law (ORC 6131). A property owner will never pay this amount, but it is required by law to be shared with you as it is how maintenance assessments are partitioned between property owners. The MB percentage for each parcel serves as the basis on which the costs for yearly maintenance will be proportioned and assessed.

## **8. How is the Maintenance Assessment Cost for my parcel calculated?**

If yearly maintenance work is proposed, the maintenance assessment is calculated as follows:

$$\text{Maintenance Assessment} = (\text{Property Maintenance Base Cost} / \text{Total Watershed Maintenance Base Cost}) \times \text{Yearly Maintenance Cost}$$

Example: If we have \$100,000 total in Maintenance Base Cost for the entire petition watershed, and your Maintenance Base Cost percentage of the total is calculated to be \$1,000, then if the proposed yearly maintenance costs for the petition are \$2,000, your assessment for ditch maintenance would be calculated as follows:

$$(\$1,000 \div \$100,000) \times \$2,000 = \$20.00.$$

In addition, the Joint Board can choose to collect an assessment for future maintenance in an amount up to 20% of the total maintenance base. The minimum assessment that can be collected per year is \$4.

**9. What work do you anticipate will be performed if the petition is approved?**

Work will likely include but will not be limited to the following:

- Removal of log jams and leaning trees
- Removal of accumulated sediments in channels
- Development of a 10' buffer strip in agricultural areas

**10. Can I perform my own maintenance work on the ditch on my property?**

A benefitting landowner whose property contains a drainage segment named or mapped in the petition may perform the maintenance work on that drainage within their property boundary. The landowner shall inform the Joint County Engineers by May 1 of each year of the work that is proposed to be performed on their property. The Joint County Engineers will subsequently work with the landowner on the scope and extent of the work required and inspect the completed work. If Joint County Engineers determine that the completed work satisfies the maintenance requirements for a particular ditch segment, the landowner will be credited for the cost of the work against any petition assessment for that same assessment year.

**11. How do I file an exception to the engineer's schedule of assessments?**

The only way to be excluded entirely from the estimated yearly assessment is to demonstrate that your property is not within the Swan Creek Watershed. If you feel that the estimated yearly assessment and the estimated damages as described in the engineer's legal notice is not accurate for your parcel, then you, as the landowner, can file an exception to the amount of the assessment in writing on or before the date of the Final Hearing on August 6th that includes clear text (with data and facts) that describes how another assessment value should be calculated for your parcel. Exceptions in writing can be filed via emailed at: [LCEinfo@co.lucas.oh.us](mailto:LCEinfo@co.lucas.oh.us) . Staff of the Lucas County Engineer will submit all of the filed exceptions to the Clerk of Board of County Commissioners on or before the date of the Final Hearing.