

Minutes

August 16, 2022

Commissioners Present: Michael Pepple, William Bateson and Timothy Bechtol.

Also Present: Lynn Taylor, Cindy Land, Phil Johnson, Adam Witteman, Auditor Charity Rauschenberg, Lou Wilin and Rachele Harmon.

Commissioner Pepple opened the meeting at 9:30 a.m. in the Commissioners' 1st floor conference room. The Pledge of Allegiance was recited. Minutes from the August 11, 2022, meeting was read with Timothy Bechtol making the motion to approve, William Bateson seconded. Motion passed 3-0.

The Clerk presented the following resolutions for consideration:

Resolution #513-22 – Authorizing the payment of the listed and/or attached Purchase Orders. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #514-22 – Transfer of funds within the appropriation – Fostoria Municipal Court. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #515-22 – Transfer of funds within the appropriation – Treasurer. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #516-22 – Additional appropriation within the Auditor's certification – Commissioners to appropriate to Blanchard River Maintenance. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #517-22 – Transfer of funds within the appropriation – Job & Family Services. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #518-22 – Additional appropriation within the Auditor's certification – Commissioners to appropriate to TIF Fund 8111. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

A travel request was approved for the Treasurer's Office. Timothy Bechtol made the motion and William Bateson seconded for Michael Pepple to sign the McComb School District facility use form and the 2 cyber liability forms for the insurance renewal. Motion passed 3-0.

Cindy Land presented the following resolutions for consideration:

Resolution #519-22 – Contract for the phase 2 GCCS construction oversight services between the Mannik & Smith Group, Inc., consultants and the Board of Hancock County Commissioners work order No. H1010075. Cindy stated that contract is for \$36,000.00 to provide engineering services for Phase 2. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #520-22 – Contract for 2022 permit modification between the Mannik & Smith Group, Inc., consultants and the Board of Hancock County Commissioners work order No. H1010076. Cindy stated this the contract is for \$135,000 and is needed as a result of the change in the gas collection process. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #521-22 – Change order No. 1 to the contract for general consulting services between the Mannik & Smith Group, Inc., consultants and the Board of Hancock County Commissioners work order No. H1010071. This is a change order request for \$86,000 making the total contract price \$206,000. The contract is for 2022 Landfill Consulting services. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Resolution #522-22 – Authorizing relocation of Spectrum cable access to the Hancock County Justice Center associated with the project to construct a Juvenile/Probate Court building at the location of the current tower. Spectrum will be removing the cable from the radio tower located at the Hancock County Justice Center for \$7,467.60. Timothy Bechtol made the motion to approve, William Bateson Motion passed 3-0.

Cindy Land requested an executive session in regards to personnel- discipline.

Phil Johnson requested an executive session in regards to potential real estate acquisition, potential real estate lease, and potential litigation.

Timothy Bechtol inquired if the cable that Spectrum will be removing will be underground. Cindy Land stated that she thinks they will be capping the underground cable. Tim stated that the area of the underground cable will be in the proposed mechanical area of the new building. Therefore, they will need to contact RCM to make sure they are aware of the cable being pulled off the tower. Cindy suggested that Tim Stuart and Mike Thompson would have additional information. Mike Pepple questioned whether or not space will be available once it's demolished. Cindy stated that she thought that the Engineer's items have been removed and are in the Sheriff's Office.

Auditor Rauschenberg had nothing to report.

Adam Witteman reported that Munis should be up and running today. The update has been going smoothly.

Rachele Harmon stated that the Cass Township project is at a standstill due to a civil suit being filed. Rachele was a potential spokesperson at the evidentiary hearing for the Washington Township project. However, she was not selected to speak. In the meantime, her family has been contacted by a potential new solar farm company, Cypress Creek Renewables. Her concern with this potential development is that it will be relatively close to drinking water locations. Bill Bateson stated that farms under 50 megawatts are allowed to happen and those farms over 50 megawatts are not allowed.

Meetings and Reports

Tim Bechtol reported he attended the Cass Township Trustee meeting. In addition, he announced that his son completed the tryouts for The Ohio State Marching Band and is officially a 3rd year member of the band.

Bill Bateson attended the Cass Township Trustee meeting also. Bill attended the Opioid Task Force meeting and announced that another medication collection drop off will be scheduled in November.

Mike Pepple also attended the Cass Township Trustee meeting. Mike attended the Alliance Board meeting and announced that the replacement for Glenn Jost will be hopefully named around the middle of September.

At 10:00 a.m., Mike Pepple made the motion to enter into executive session to discuss personnel in regards to hiring, potential real estate acquisition, potential real estate lease and potential litigation. Bill Bateson seconded. A roll call vote resulted as follows: Mike Pepple, yes; Bill Bateson, yes; Tim Bechtol, yes. At 10:54 a.m., Mike Pepple made the motion to come out of executive session regarding personnel in regards to hiring, potential real estate acquisition, potential real estate lease and potential litigation. Bill Bateson seconded. Motion passed 3-0.

The 10:30 a.m. meeting with Soil & Water was cancelled.

At 6:00 p.m., the Commissioner's meeting was reconvened at the Brugeman Lodge to hold the first hearing on the Forest Lake Petition Ditch. Lynn Taylor, Christine Carrigan, Alec Helms, Phil Johnson, Engineer Doug Cade and Kyle Parker were also in attendance. In addition, please see the attached attendance sheets.

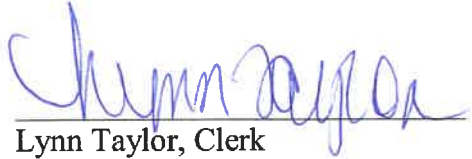
Mike Pepple welcomed everyone to the meeting and stated the hearing purpose per ORC Section 6131, which defines the process for denial or establishment of Petition Ditches. Alec Helms read the Ditch Petition history. Mike mentioned that the testimonies need to focus directly on issues related to the ditch petition. This is a formal proceeding and is not designed as a forum to ask questions of the Board members. Jason Fisher provided a history of the ditch and testimony as to why he filed the petition. Engineer Doug Cade provided a summary of Jason's petition project. In addition, Engineer Cade read an amendment to the petition that was filed by Dennis Ciesinski. Engineer Cade's estimated cost for the project is \$487,507.95. Furthermore, an estimated cost of \$514.79 per parcel would be assessed as there are 947 parcels in the watershed. If the project is financed, \$69.94 per year for 10 years would be assessed. The amended area is not contiguous to the current petition proposed, therefore Engineer Cade recommends this be a separate petition. To include the amendment in the petition, the estimated project cost would then be \$541,016.69.

Public testimony then followed. Prior to the testimonies, each individual was sworn in by Mike Pepple. Several members of the public then voiced their support and opposition for the project. Mike Pepple thanked everyone for their participation.

Timothy Bechtol inquired from Engineer Cade of the approximate distance of the proposed amendment to the petition area. Engineer Cade did not have the exact measurements; however, he thinks it to be several thousand feet.

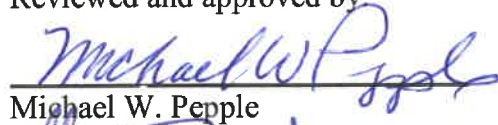
Timothy Bechtol made the motion to approve Resolution #523-22 – Resolution – Commissioners finding against the amendment to the proposed improvement, Bill Bateson seconded. Motion passed 3-0.

Timothy Bechtol made the motion to approve Resolution #524-22 – Resolution- Commissioners finding for the improvement. In addition, Tim stated that this will allow the next steps to happen and the Engineer will that the 1 ½ - 2-year process to gather the information for a 2nd hearing. Bill Bateson seconded. Motion passed 3-0.

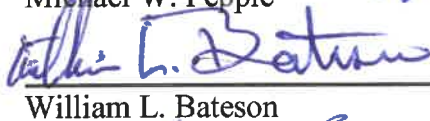


Lynn Taylor, Clerk

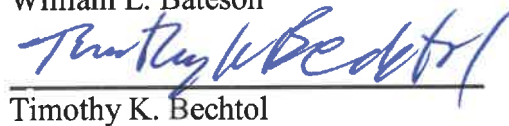
Reviewed and approved by:



Michael W. Pepple



William L. Bateson



Timothy K. Bechtol

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING

SIGN IN - 8/16/2022

NAME (PLEASE PRINT)	DEPARTMENT/ADDRESS
Beverly Atkins	15170 Beechwood Rd.
Jane & Brian Beckwith	8361 Shawnee Forest
Mark Cheney	15867 Forest Lane
Shirley Smith	8250 Shawnee Forest Forest
Mary Johnson	16190 Forest Lane
Paul Hartman	15561 Brookview Forest
Dennis Hucke	8262 Shawnee Forest
Rob Hammer	15874 Oak Shade Ln.
Stephen Pavlock	15775 Brookview Trail
Rich Rodriguez	13318 Deer Landing
Arlene McChen	8464 Indian Lake Dr
Neil Brown	8227 Ash Ridge Lane
MATT MCGRAW	8438 Plumwood Dr.
Ben Kellen	15282 Beechwood Rd
Michael Yeo	15818 Forest Lane
Alan Distel	8219 Shawnee Forest
Nick Norman	16060 Beechwood Rd.
LAYNE McDonald	11093 Forest Lake Drive
MARK GAZAREK	8396 Ash Ridge Ln
Tamara Sultan	8441 Arapaho Drive
Jeff Whitman	2109 Saratoga

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING

SIGN IN - 8/16/2022

NAME (PLEASE PRINT)	DEPARTMENT/ADDRESS
Roger J Geyman	1931 NICKLAUS Drive
Cindy Land	15860 Forest Lake Dr., Findlay
Judy Burk	8108 Shawnee Forest Dr., Findlay
Jane & Dave Deeter	2010 Woods Dr., Findlay
MICHAEL & LYNN SILVERS	6819 TWP. RD. 212
Gregory Goodwin	8169 Oakbrook Drive
Tom Range	16127 E. BEECHWOOD RD.
Steve Seibert	8309 Tawa Creek Dr.
Cheryl Seibert	" " " "
Walt Homan	7750 WILLOWOOD RD
MARK JOHNSON	16190 FOREST LANE
John Brink	7525 Westwood Rd
Kevin Foley	7685 Willowood Rd
TOM Strecker	8293 Brookfield DR.
Hayden Dubbs	15511 Beechwood Rd
Scott B. Smith	8289 Ash Ridge Ln.
Rebecca Yeo	15818 Forest Ln.

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING

SIGN IN - 8/16/2022

NAME (PLEASE PRINT)	DEPARTMENT/ADDRESS
BRUCE BOBUSKI	1920 PALMER DR
Brian Strunk	15640 Brookview Trl
DAVE DICESARE	2010 NICKLAUS DR.
MARK BAETZ	15300 BENT TREE DRIVE
KAY BOUIFACE	8522 TAWAH CREEK DR
GLEN BOUIFACE	8522 TAWAH CREEK DR
Stan Macke	8407 PLUMWOOD Dr.
Kathryn Kinn	6784 Tup Rd 212
Richard Cogley	6784 Tup Rd 212
Scott Malloy	2530 FOXWOOD Dr.
DELE & TIA KIRBY	8404 PLUMWOOD
WAINE T. BROCK	8389 ASHRIDGE LN
Diane Gilliland	15569 Lakebend Drive
Jay Gilliland	" " "
Bill Fitch	15934 Forest Lane
Leesa Fruth	7611 Hickory Lane
Nate Fruth	7611 Hickory Lane
Patrick Fleck	15945 Forest Lake Dr.
Lisa Vick	16050 Forest Ln
Heather Hille	15317 Bent Tree Dr
Josh Hille	15317 Bent Tree Dr
Robert Houdeshell	7643 Westwood Rd

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING

SIGN IN - 8/16/2022

NAME (PLEASE PRINT)	DEPARTMENT/ADDRESS
Debra McCoy	7690 Wildwood Rd.
Deborah & GARY Cerce	15896 Forest Lane
Jim Gosche	7120 Tr. 243
Danielle Delong-Clem	Blanchard Valley Health System
LEO FRANZ	2103 GARY STONE
TERRY BOSSERMAN	16050 Beechwood Rd
KEVIN WORK	1910 Palmer Dr
Steve Rodman	7272 TR 212 Findlay
KRIS JENSEN / Rich Orr	16093 FOREST EDGE DR.
Tom Finn	15524 BROOKVIEW TR
MARY HOO	7562 WESTWOOD RD
Vickie McCallister	2004 NICKLAUS DR
GARY McCallister	2004 NICKLAUS DR
Larry Alter	15668 Beechwood Rd
BARB Alter	"
Ralph Dotterweich	15940 Wolf Run
Oliver Hamlin	1927 Nicklaus Dr
John Simmons	15893 Forest Ln.
Perry & Susan Harden	15848 Forest Ln.
JOHN HULL	16228 SHERWOOD ROAD
Mark Rickenbacher	2000 Nicklaus Drive
Diane Boguski	1920 PALMER DRIVE

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING
SIGN IN - 8/16/2022

[illegible]

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING TESTIMONY SIGN UP SHEET

[illegible]

FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING TESTIMONY SIGN UP SHEET

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FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING TESTIMONY SIGN UP SHEET

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FOREST LAKE SINGLE COUNTY DITCH 1ST HEARING TESTIMONY SIGN UP SHEET

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Office of the County Commissioners

Hancock County, Ohio

300 South Main Street

Findlay, Ohio 45840

Reference: The matter of the Forrest Lake Single County Ditch

Petitioned for by Jason Fisher and others.

I, Dennis Ciesinski, parcel #350000160220, would like to amend above petition in accordance with Ohio Revised Code 6131.05.

The benefit or benefits includes any and all of the following factors: Eliminating or reduction of damage from flood; removal of water conditions that jeopardize public safety, or welfare; increased value of land resulting from improvements; use of water for irrigation, storage, regulation of stream flow, soil conservation, water supply, or any other purpose incidental thereto; providing an outlet for the accelerated runoff from artificial drainage whenever the stream, watercourse, channel, or ditch under improvement is called upon to discharge functions for which it is not designed by nature; it being the legislative intent that uplands that have been removed from their natural state by deforestation, cultivation, artificial drainage, urban development, or other man-made causes shall be considered as benefitted by an improvement required to dispose of the accelerated flow of water from the uplands (Per Sec 6131 O.R.C.).

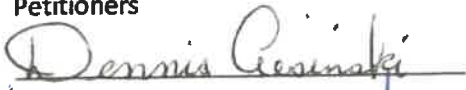

The area to be amended is the ditch running north from State Route 224, parallel to County Road 212, through and under Thornwood Drive, terminating north of property line at 7046 County Road 212.

The construction of the improvement is necessary and will benefit the petitioner.

All cost of engineering, construction, and future maintenance will be assessed to the benefiting parcels of land described in Section 6131 O.R.C. The exact size and location of the tile will be determined at the time of the engineering survey and design between the first and the second reading.

The list of names and addresses of the people benefitting are the same as in the original petition.

Petitioners

15546 Thornwood Dr. Findlay, OH 45840
15521 Thornwood Dr. Findlay, OH
45840

Amendment Map



Received

JUN 27 2022

LETTER OF APPEAL TO FOREST LAKE PETITION DITCH

Commissioner's Office
Hancock Co., Ohio

Bruce and Diane Boguski
1920 Palmer Drive
Findlay, OH 45840

June 24, 2022

Hancock County Commissioners
514 S. Main Street #2
Findlay, OH 45840

Kyle Parker (Delivered via email to
Hancock County Engineer
1900 Lima Avenue
Findlay, OH 45840

Dear Commissioners and Mr. Parker,

We are writing in regards to the Forest Lake Single County Ditch. We request that our property be removed from the costs of engineering, construction and future maintenance of the proposed ditch located in Forest Lake.

Our property is located in the very northwest corner of the watershed area and after attending the viewing on June 14, 2022 at the intersection of Wolf Run and Shawnee Drive, it is our strong opinion the sole financial burden of the proposed ditch should remain on the shoulders of the property and parcel owners of that subdivision that are physically affected. We have seen the photographs taken by the Forest Lake subdivision during the July 2021 storm, while there clearly is a drainage issue, it is very apparent that only several properties are affected located in the Wolf Run and Shawnee Drive area. Furthermore, the initial responsibility lies with the developer of that subdivision and all those involved approving the development of that area. It is not our responsibility to pay for the neglect or oversight errors of those parties.

Hypothetically speaking, if my basement had flooding issues, I would not petition my neighbors to bear the financial responsibilities of addressing, repairing and preventing further water damage. I would finance the repairs and maintenance myself.

In conclusion, the claimed improvement will not affect or benefit our property, but solely those in the Forest Lake subdivision. Photographic evidence clearly supports that fact.

We appreciate your time and ask that you consider our request to be removed from the financial obligations of the Forest Lake Single County Ditch Petition.

Sincerely,

Bruce Boguski Diane Boguski

Bruce and Diane Boguski

LETTER OF APPEAL TO FOREST LAKE PETITION DITCH

Jonathan and Elaine Wisebaker
2005 Nicklaus Drive
Findlay, OH 45840
419-348-0503

June 30, 2022

Hancock County Commissioners
514 S. Main Street, #2
Findlay, OH 45840

Dear Commissioners:

It has been brought to our attention that a petition has been filed to construct, reconstruct, widen, repair, replace, clean, locate, enlarge and maintain an existing open ditch and storm sewer with the Commissioners Clerk of the County. We are requesting that our property, and those in the Woods of Burberry subdivision, be removed from the costs of engineering, construction, and future maintenance of the proposed ditch located in Forest Lake.

Our property (Parcel ID 630001020638) is in the Woods of Burberry subdivision is reportedly located in the northwest corner of the applicable watershed, which is over two miles away from the entrance of Forest Lake. Additionally, our property elevation is over 40 feet higher than the entrance of the Forest Lake subdivision. Since owning our property, we have never experienced any flooding or water drainage issues.

We feel, as do a majority of the property owners in our subdivision, the sole financial burden of the proposed ditch is the responsibility of the property owners of the Forest Lake subdivision. Any costs associated to the proposed project should be their responsibility as they are the ones who are affected. Additionally, we hope that the Commissioners are not only assessing the benefits to applicable property owners, but also considering the negative impacts of additional waterflow into the Blanchard River south of the Forest Lake subdivision and potentially adding to any flooding and drainage issues within the city of Findlay. We hope that property owners downstream of this proposed project are also being contacted and given an opportunity to assess and provide feedback on this project.

The proposed improvements you are hoping to make will not affect or benefit our property or those in our subdivision and ask that you consider our request to be removed from the financial obligations of the Forest Lake Single County Ditch Petition.

Thank you for your consideration of our appeal. If you have any questions, please do not hesitate to contact us.

Jonathan D. Wisebaker
Elaine P. Wisebaker

c: Kyle Parker, Hancock County Commissioners (kd.parker@co.hancock.oh.us)

Notice of Objection And Intent To Sue

In the matter of the Forest Lake
Single County Ditch
Petitioned for by Jason Fisher
and Others

Office of the County Commissioners,
Hancock County, Ohio
18 June 2022

To the County Commissioners of Hancock County, Ohio this is a formal notice of objection and intent to sue Jason Fisher and petitioners, County Engineer Douglas E. Cade, Project Manager Kyle Parker of the Hancock County Engineer's Office, and each member of the Board of Commissioners of Hancock County, Ohio over the matter of the Forest Lake Single County Ditch petitioned for by Jason Fisher and others.

The plan as proposed was issued and has moved forward in violation of the Ohio Revised Code. Any further action on this proposal will result in legal action against Jason Fisher et. al., the individual members of the Hancock County Board of Commissioners, the Hancock County Engineer and staff, and Hancock County, Ohio. Withdrawal of the application and resubmission in an effort to meet the legal requirements of the Ohio Revised Code will result in legal action.

Background:

On April 08, 2022 Jason Fisher and others applied to the Hancock County board of Commissioners a plan to construct, reconstruct, widen, repair, replace, clean, locate, enlarge, and maintain existing open ditch and storm sewer.

A notice of the filing of the petition was sent to the Board of County Commissioners, Hancock County, Ohio was filed with the Clerk of the County Commissioners as required by Ohio Revised Code 6131.07.

The filing of the petition and the actions of the county engineer are unlawful.

Violation of Law or Precedent:

O.R.C. 6105.06 Organizational Meeting to Establish District

Upon the filing of the Petition and publication of the watershed map, the Board of Commissioners, Hancock County, Ohio was required to hold a meeting within 60 days of publication to establish the watershed or drainage district. The map was submitted to the Clerk of the County Commissioners on 08 April 2022 and publication date would then be 11 April 2022, the next full business day, the County Board of Commissioners for Hancock County, OH would be required to hold a meeting on 10 June 2022. If notification is based on the date of notification to the Board of Commissioners, 14 April 2022 the County Board of Commissioners, Hancock County, OH would have had to have held a meeting on 13 June 2022. There was a

meeting held on 14 June 2022 to review the project submitted for the Single County Ditch Petition submitted by Jason Fisher, et. Al. This is beyond the statutory requirements of O.R.C. 6105.06.

O.R.C. 6117.04 Authority of board of county commissioners to acquire, construct, maintain, and operate sanitary or drainage facilities.

The county engineer and Board of Commissioners, Hancock County, Ohio did violate O.R.C. 6117.04 by failing to gain approval of the City of Findlay, Hancock County, Ohio to take actions of acquisition, construction, maintenance, and operation of drainage facilities within the municipal corporation. The Forest Lake Single County Ditch Petition states that connections will be made to the drainage facilities or drainage tiles within the municipal corporation limit of the City of Findlay, Ohio. This may only be done by first gaining authorization for such action by an ordinance or resolution of the legislative authority of the municipal corporation. The municipal corporation, City of Findlay, Ohio, may make use of the facilities within the municipal corporation limit by the establishment of rules and subject to any applicable requirement of the director of environmental protection. The county engineer, Hancock County, Ohio and the board of commissioners, Hancock County, Ohio have failed to follow the requirements of O.R.C. 6117.04.

O.R.C. 6131.07 Notice and hearing on petition.

The clerk of the board of commissioners, Hancock County, Ohio, the county engineer, and Jason Fisher, et.al, failed to make proper and legal notification of all owners of property within the proposed watershed and drainage district. Owner as defined by O.R.C. 6131.01 includes the mayor or legislative authority of a municipal corporation, the director of any department, office, or institution of the state, and the trustees of any state, county, or municipal public institution. "Owner" also includes any public corporation and the director of any department, office, or institution of the state affected by an improvement but not owning any right, title, estate, or interest in or to any real property. The clerk of the board of commissioners, Hancock County, Ohio failed to make legal notification as shown the Watershed Land Owner Parcel List. The City of Findlay, Ohio is not listed. The City of Findlay, Ohio does have an interest in proper notification as they are the legislative and legal owner of the drainage tiles, underground storage facilities, public right of ways, and public easements within the Forest Lake area of petition. This is in violation of O.R.C. 6131.07.

O.R.C. 6131.07 Notice and hearing on petition

The clerk of the board of commissioners, Hancock County, Ohio, the county engineer, and Jason Fisher, et.al failed to make proper notification of Land owners as required by law. Land as defined by O.R.C. 6131.01 is defined includes any estate or interest, of any nature or kind, in or to real property, or any easement in or to real property, or any right to the use of real property,

and all structures or fixtures attached to real property, including but not restricted to all railroad, roads, electric railroads, street railroads, streets and improvements, telephone, telegraph, and transmission lines, underground cables, sewage, and water systems, pipe lines, and rights of way of public service corporations, and all other real property whether public or private. The clerk of the board of commissioners, Hancock County, Ohio failed to make notification of said improvements to Hancock-Wood Electric Corporation, Spectrum Cable, City of Findlay Water and Sewer Department, and all others that maintain public utilities within the rights of way within the proposed district.

O.R.C. 6131.06 Bond to be filed with petition

The county engineer and board of commissioners, Hancock County, Ohio failed to meet the requirement of O.R.C. 6131. The petitioner, Jason Fisher, et. Al has failed to file a bond with the board of commissioners, Hancock County, OH. The bond shall be in the sum of one thousand five hundred dollars, plus the sum of five dollars for each parcel of land in excess of two hundred parcels that are listed in the petition as lands that will benefit from the improvement. This is in violation of O.R.C. 6131.06.

O.R.C. 6131.07 Notice and hearing on petition

The clerk of the county commissioners, Hancock County, Ohio failed to make the required, lawful notifications in accordance with O.R.C. 6131.07 which required the clerk to notify all owners that are adjacent to the proposed improvement. The Jason Fisher, et. al., the county engineer, and the clerk of the board of commissioners failed to make notice to the domestic railroad, Norfolk-Southern Lima. This is in violation of O.R.C. 6131.07.

O.R.C. 6131.07 Notice and hearing on petition

The clerk of the county commissioners, Hancock County, Ohio failed to make all required notifications of the hearing on the petition in accordance with O.R.C. 6131.07. The clerk only made notification to those listed within the proposed watershed map. O.R.C. 6131.07 requires notification of all owners that are adjacent to the proposed improvements. The Jason Fisher et.al., the county engineer, the clerk of commissioners of Hancock County, Ohio failed to make notifications to property owners on Reimund Court, Lakebend Drive, Lakebrook Drive, Lakeview Parkway, Parkview Drive, Timberview Drive, County Road 243, Stonehedge Drive, Ohio State Route 12, Ohio State Route 568, Greystone Drive, and the housing development located off County Road 242. Jason Fisher et.al, the county engineer, the clerk of commissioners of Hancock County Engineers also failed to make notification to Walgreens, Wal-Mart, and additional business that are located adjacent to the proposed watershed district.

O.R.C. 121.22 Open Meetings Act

On 14 June 2022 the time and place for the inspection of the plan was made. During the meeting Jason Fisher, the representative for the Forest Lake subdivision, Marion Township,

Hancock County, Ohio made the statement that this plan was being worked on for the last several years. Jason Fisher et.al, the county engineer, the clerk of the board of commissioners, Hancock County, Ohio have failed to keep records of all agenda, meetings, e-mails, and discussions as required by law. There were no public notifications made that any discussions, meetings, or other actions were taken concerning this proposed project. Jason Fisher et. al., the county engineer, the clerk of the board of commissioners, Hancock County, Ohio have failed to publish or make available all meeting agenda, notes, records, or decisions made as required by O.R.C. 121.22 and O.R.C. 6131.04.

O.R.C. 6131.06 Bond to be filed with petition

The clerk of the county commissioners failed to collect a bond at the time of filing the petition for the Forest Lake Ditch improvement. The clerk of the county board of commissioners did accept a check made payable to Hancock County but did not accept a bond as required by law. The definition of bond is found under O.R.C. 133.01 is defined as bond, notes, certificates of indebtedness, commercial paper, or other instruments in writing, including, unless the context does not admit, anticipatory securities, issued by an issuer to evidence its obligation to repay money borrowed, or to pay interest, by or to pay at any future time other money obligations of, the issuer of the securities, but not including public obligations.

O.R.C. 6131.07 Notice and hearing on petition

On 21 June 2022 Kyle Parker of the Hancock County Engineer's office failed to make the file, as required by law, available for review and to ask questions. Contact was made with the Hancock County Engineer's Office. A conversation ensued with Ben Linhorse stating that the file was not available and questions on the file could not be answered. Mr. Linhorse stated that Mr. Parker may have taken the file home with him as he cannot find the file. This is a violation of O.R.C. 6131.07.

Let all who bear witness to this notice of objection and intent to sue know that it has been filed in accordance with the laws and regulations of the State of Ohio.

A handwritten signature in black ink, appearing to read 'D. Henley', with a stylized flourish at the end.

Dwight E. Henley
8275 Brookfield Drive
Findlay, Ohio 45840

To: Office of the County Commissioners
Hancock County, OH

From: Dwight E. Henley
8275 Brookfield Drive
Findlay, OH 45840

Subject: In the Matter of the Forest Lake
Single County Ditch
Petitioned for by Jason Fisher and Others

Commissioners,

This is a formal notice of objection to the proposed petition. The petition is forcing upon property owners outside the Forest Lake subdivision located in Marion Township, Hancock County, OH cost associated with the developer's failure to properly anticipate and develop a drainage management plan for the subdivision. This includes the failure to add proper drainage ponds, proper tile drainage, and ground drainage. The costs of drainage improvements should be covered by the property owners and the developer of Forest Lake subdivision, Marion Township, Hancock County, OH.

The current proposed plan is for the benefit of property owners of Forest Lake subdivision, Marion Township, Hancock County, OH. The plan as described and listed on the Hancock County Commissioners website does not provide any proof that the plan will be beneficial to property owners in Lakeview subdivision, City of Findlay, OH. If the proposed plan provided a benefit, then there would be concurrence and signatures of concurrence from the majority of property owners in the proposed area to be taxed that live in the Lakeview subdivision, City of Findlay, OH. The petitioners would have also sought concurrence and input from the City of Findlay, OH. The plan is being used to link the drainage system of the Forest Lake subdivision, Marion Township, Hancock County, OH to the drainage system of Lakeview subdivision, City of Findlay, OH which will cause an increase in water inflows into Lakeview subdivision, City of Findlay, OH.

Marion Township, Hancock County, OH and Hancock County, OH were responsible for the issuance of building permits, site development, and subdivision rain water, drainage, and water retention plans for the Forest Lake subdivision, Marion Township, Hancock County, OH. The City of Findlay, OH did not issue the building permits for Forest Lake subdivision, Marion Township, Hancock County, OH. It should be first and foremost the responsibility of the property owners of Forest Lake subdivision, Marion Township, Hancock County, OH to correct their drainage issues at their expense. Property owners in the Lakeview subdivision, City of Findlay, OH should not bear the cost of improvements due to the failures of Marion Township, Hancock County, OH and Hancock County, OH.

As a property owner, objection is raised to the taxing of residents of the City of Findlay, OH for improvements for Forest Lake subdivision, Marion Township, Hancock County, OH. The City of Findlay, OH and Marion Township, Hancock County, OH are separate and equal taxing authorities and it may not be legal to tax a separate and legal taxing authority for the benefit of a different taxing authority.

The current plan is to link the drainage tiles to the drainage system in the Lakeview Property Owners Association, City of Findlay, Hancock County, OH. This is unacceptable. The petitioners have not attempted to take action to correct the drainage other than to submit the lowest cost proposal for their

benefit. The lowest cost proposal is not acceptable and will only add to water retention and spillage into the neighboring property. This drainage plan will not benefit those listed in the area of the Lakeview Property Owners Association. A review of the proposed action show that only benefit received is to the Forest Lake subdivision which has had drainage issues from the time of inception.

The proposed action does not list or show any benefit to those along Rachel Creek or the Harold Shafer Creek that live in the Lakeview Property Owners Association. The Lakeview Property Owners Association did not incur significant flooding during the 2007 flood that caused great damage to the area. This plan will increase the likelihood of increased flooding in the area of the Lakeview Property Owners Association. The increased flooding is highly likely as the proposed plan will be used to link Forest Lake subdivision, Marion Township, Hancock County, OH to the retention ponds and storm sewer system of Lakeview subdivision, City of Findlay, OH.

The Forest Lake Property Owners have several options to improve water retention and drainage that does not include dumping water directly into the proposed ditch or retention ponds of the Lakeview Property Owners Association.

The first option is to, at the cost of the Forest Lake Subdivision, purchase the land south of the subdivision and create a retention and drainage pond similar to the drainage on the south end of the Lakeview Property Owners Association. This pond is bordered by the North with the Lakeview Property Owners Association, to the East by County Road 237, to the West by County Road 236, and to the south by State Highway 568. The county could use eminent domain to take the area of land bordered to the North by the Forest Lake subdivision, to the West by County Road 237, to the East by County Road 242, and to the South by State Highway 568. The cost of action could be directly assessed to the property owners of the Forest Lake subdivision, Marion Township, Hancock County, OH. This will prevent direct inflows of water during storms into the retention ponds of the Lakeview Property Owners Association and into the Harold Shafer Ditch and Rachel Creek. The current plan will cause inflows to exceed the current capacity of the Ditch and the Creek. Should this occur legal action will be taken against petitioner and the county. This action may include individual property owner action and a class action should property damage occur.

The second option is to install, at the expense of the property owners of Forest Lake Subdivision, Marion Township, Hancock County, OH in ground storage of runoff. This would include adding catch tanks or basins similar in size and shape of a septic tank that would work to catch water runoff from each roof or homeowner's property which could be interconnected with neighboring properties so as to limit the runoff during storms and periods of snow thaw. The tanks could be installed in the areas between the curb and sidewalk of each property and connections made to downspouts of each home and to the sump pumps of each property. This action will decrease sudden inflows of water, will create a catch basin for each home and will not cause the drainage to be sent into the retention ponds and drainage system of the Lakeview Property Owners Association. Should the current proposed plan increase water flows into Rachel Creek and Harold Shafer Ditch and cause property damage a class action or individual action for damages may occur.

The third option, at the expense of the Forest Lake subdivision property owners is to dig out the dirt and fill material between the curb and sidewalk and fill that area with washed and clean stone, sand, and clean gravel to create an area of water retention. This action will help to limit direct inflows to Rachel Creek and the Harold Shafer Ditch which will increase the likelihood of property damage to property

owners in the Lakeview Property Owners Association. Should flood damages occur legal action will be taken against the Forest Lake subdivision, their property owners, and Hancock County, OH.

The fourth option is on combine options three and four at the expense of the Forest Lake subdivision property owners. This will reduce direct inflows to the Harold Shafer Ditch and Rachel Creek. This will also reduce inflows to the drainage and retention ponds of the Lakeview Property Owners Association. Should flood damages occur based on the current proposal legal action will be taken against the Forest Lake subdivision, their property owners, and Hancock County, OH.

The current plan proposed by Jason Fisher and the Forest Lake subdivision is based on the lowest cost to the owners of property in the Forest Lake subdivision. The proposal is using the taxing authority of the county to mitigate poor construction practices that caused the drainage issues. The plan also crosses from the area of Marion Township, Hancock County, OH into the City of Findlay, OH without input and discussions of the elected city representatives of the Lakeview Property Owners Association, City of Findlay, OH. The plan, should it move forward without taking action to impair costs on the owners of property of the Forest Lake subdivision will result in legal action as this action crosses into a separate and distinct legal jurisdiction, legal and separate taxing authorities, and fails to gather input and concurrence from the City of Findlay, OH.

A handwritten signature in black ink, appearing to read 'D. Henley', with a stylized flourish at the end.

Dwight E. Henley

LETTER OF APPEAL TO FOREST LAKE PETITION DITCH

June 28, 2022

Hancock County Commissioners
514 S. Main Street #2
Findlay, OH 45840

Kyle Parker
Hancock County Engineer
1900 Lima Avenue
Findlay, OH 45840

Dear Commissioners and Mr. Parker,

We are writing in regards to the Forest Lake Single County Ditch. We request that our property be removed from the costs of engineering, construction and future maintenance of the proposed ditch located in Forest Lake.

Our property is located in the very northwest corner of the watershed area and after attending the viewing on June 14, 2022 at the intersection of Wolf Run and Shawnee Drive, it is our strong opinion the sole financial burden of the proposed ditch should remain on the shoulders of the property and parcel owners of that subdivision that are physically affected. We have seen the photographs taken by the Forest Lake subdivision during the July 2021 storm, while there clearly is a drainage issue, it is very apparent that only several properties are affected located in the Wolf Run and Shawnee Drive area. Furthermore, the initial responsibility lies with the developer of that subdivision and all those involved approving the development of that area. It is not our responsibility to pay for the neglect or oversight errors of those parties.

Hypothetically speaking, if our house crawl space had flooding issues, I would not petition my neighbors to bear the financial responsibilities of addressing, repairing and preventing further water damage. I would finance the repairs and maintenance myself.

In conclusion, the claimed improvement will not affect or benefit our property, but solely those in the Forest Lake subdivision. Photographic evidence clearly supports that fact.

We appreciate your time and ask that you consider our request to be removed from the financial obligations of the Forest Lake Single County Ditch Petition.

Sincerely,



Jane and Dave Deeter
2010 Woods Drive
Findlay, OH 45840

LETTER OF APPEAL TO FOREST LAKE PETITION DITCH

June 26, 2022

Mr. Kyle Parker
Hancock County Engineer
1900 Lima Avenue
Findlay, OH 45840

Hancock County Commissioners
514 S. Main Street #2
Findlay, OH 45840

Dear Mr. Parker and Commissioners,

We, the landowners of the Woods at Burberry and the Villas at Burberry, are writing in regards to the Forest Lake Single County Ditch Petition. This is a joint appeal to the petition and the assessment for costs of engineering, construction and future maintenance of the proposed ditch located in Forest Lake.

Our properties are located in the very northwest corner of the watershed area-as far away from Forest Lake as can be. There are several retention ponds in our area which are self-sufficient and much of our properties drain into them. There are also several large businesses (Walmart, Menards, Birchhaven, and many other establishments with rather large parking areas as well as Lakeview which also has its own retention pond) between our subdivisions and Forest Lake. It seems unlikely that our area impacts flooding at Forest Lake given all of this and other factors not listed here.

Therefore, the cost and ongoing maintenance of the proposed ditch improvement is not the responsibility of the residents of Woods at Burberry or Villas at Burberry subdivisions. The proposed improvement will not affect, impact or benefit any of our properties and we therefore should not be liable for costs.

We appreciate your time and ask that you consider our request to be removed from the financial obligations of the Forest Lake Single County Ditch Petition.

Sincerely,

Homeowners of Woods at Burberry and Villas at Burberry

See 2 pages attached.

6/26/22

Name

Address

Jane Deeter, Dave Deeter	2010 Woods Drive, Findlay
Robert Schrock	1937 woods Drive Findlay
Kimberley Schrock	1937 Woods Dr Findlay Ohio 45840
Jason & Laura Reyer	1928 Woods Dr. Findlay, OH 45840
Glenn & Carol Taylor	1924 Woods Dr. Findlay OH 45840
T.M. + MICHELE HENSEL	1929 WOODS DR. FINDLAY, OH 45840
Krist + Brooke Jamison	1916 Woods Dr Findlay, OH 45840
Smile J. Allen	1908 Woods Dr Findlay OH 45840
Dick Hackey	1921 Hogan Dr Findlay, OH 45840
Cathy Hackey	1921 Hogan Dr Findlay, OH 45840
Bob & Brenda Miller	7224 C.R. 236, Findlay, Oh 45840
Dana Helfrich	1911 Nicklaus Dr. Findlay, OH 45840
L.M. Kelly	1911 Nicklaus Dr. Findlay, OH 45840
Randall S. Hamilton	1927 Nicklaus Dr. Findlay, OH 45840
Alice J. Hamilton	1927 Nicklaus Dr Findlay, OH 45840
Quincy Reist	1923 Nicklaus Dr. Findlay, OH 45840
Mark & Holly Rickenbacher	2000 Nicklaus Dr Findlay, OH 45840
David Vicki McCallister	2004 Nicklaus Dr Findlay, OH 45840
David Di Cesare	2010 Nicklaus Dr. Findlay, OH 45840
Linda M. Casari	2010 Nicklaus Dr. Findlay, OH 45840
Glenn & Jim Winkler	2005 Nicklaus Dr. Findlay, OH 45840
Denny & Ann Moore	2008 NICKLAUS DR. FINDLAY, OH 45840
Kimberly Lyndell Work	1910 Palmer Dr. Findlay, OH 45840
Rick & Abby Langford	1930 Palmer Dr. Findlay, OH 45840
Erin K.	1940 Palmer Dr. Findlay, OH 45840
Richard J. Boyle	1960 PALMER FINDLAY, OH 45840
Diane Boguski	1920 Palmer Dr. Findlay, OH 45840
Bruce Boguski	1920 Palmer Dr. Findlay, OH 45840
Roger J. Beyman	1931 NICKLAUS DR Findlay, OH 45840
Kylie Aguirre	1940 WOODS DR FINDLAY OH 45840

6/26/22

Name

Address

Ashley Richey
Jon Richey
Laurie Ragan
Gregory Ragan
Jacqueline Baldwin
David Miller
Dennis Limagun
Garry Maysa
Lee Franz

1932 Woods Dr
Findlay, OH 45840
2011 Woods Dr Findlay 45840
2011 Woods Dr Findlay 45840
1941 Woods Dr. Findlay, Ohio 45840
1935 Nicklaus Dr. Findlay, OH 45840
2065 Graystone Dr. Findlay, OH 45840
2065 Graystone Dr Findlay 45840
2103 Graystone Dr Findlay 45840

Kyle D. Parker

From: William Naert <williamnaert@ymail.com>
Sent: Saturday, June 18, 2022 10:06 AM
To: Kyle D. Parker
Subject: [External] : Forest Lake Single County Ditch

WARNING: This email originated from an external source. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

I attended the "view" of this project on June 14th and listened to the presentation. I was not convinced that the properties outlined in Lakeview Park are in any way responsible for the drainage issues in Forest Lake or will in any way benefit upon the completion of the project. I VOTE "NO" ON THE PROJECT and feel that if Forest Lake residents want to improve their drainage then Forest Lake residents should bear the entire cost of the project. Soliciting residents in an adjacent subdivision to help pay for their issue is wrong and should not be allowed.

William Naert
8105 Clearbrook Drive
Lakeview Park Resident

LETTER OF APPEAL TO FOREST LAKE PETITION DITCH

David and Leslie DiCesare
2010 Nicklaus Drive
Findlay, OH 45840
419-619-3792

June 30, 2022

Hancock County Commissioners
514 S. Main Street, #2
Findlay, OH 45840

Dear Commissioners:

It has been brought to our attention that a petition has been filed to construct, reconstruct, widen, repair, replace, clean, locate, enlarge and maintain an existing open ditch and storm sewer with the Commissioners Clerk of the County. We are requesting at this time that our property and those in the Woods of Burberry subdivision be removed from the costs of engineering, construction and future maintenance of the proposed ditch located in Forest Lake.

As ours and the properties in the Woods of Burberry subdivision are located in the very northwest corner and 2.5 miles away from the entrance of Forest Lake, we feel, as do a majority of the property owners in our subdivision, the sole financial burden of the proposed ditch is the responsibility of the property owners of that subdivision as they are the ones who are affected, as well as the developers of the Forest Lake subdivision should be responsible. It appears that only several properties in the Wolf Run and Shawnee Drive area are affected by the drainage issue. In addition, some homes in our subdivision are located in the watershed and some are not. A property two doors down from us is not. Also, it is our understanding that the waterflow from our subdivision does not even flow to the Forest Lake area, but south on 236 towards the river.

The improvements you are hoping to make will not affect or benefit our property or those in our subdivision and ask that you consider our request to be removed from the financial obligations of the Forest Lake Single County Ditch Petition.

If you have any questions, please do not hesitate to contact us.

Thank you for your consideration of our appeal.



David P. DiCesare
Leslie E. DiCesare

c: Kyle Parker, Hancock County Commissioners (kdarker@co.hancock.oh.us)