

AN ACT

To amend sections 5511.04, 6101.01, 6101.02, 6101.03, 6101.04, 6101.07, 6101.08, 6101.11, 6101.12, 6101.13, 6101.15, 6101.16, 6101.17, 6101.19, 6101.23, 6101.25, 6101.30, 6101.31, 6101.32, 6101.33, 6101.36, 6101.38, 6101.39, 6101.40, 6101.41, 6101.42, 6101.43, 6101.44, 6101.441, 6101.45, 6101.48, 6101.49, 6101.50, 6101.501, 6101.51, 6101.52, 6101.53, 6101.54, 6101.55, 6101.57, 6101.58, 6101.59, 6101.60, 6101.61, 6101.65, 6101.67, 6101.68, 6101.69, 6101.70, 6101.71, 6101.73, 6101.74, 6101.77, 6101.78, 6101.79, 6101.80, and 6101.84 of the Revised Code to update the provisions of the Conservancy District Law for both technical and substantive purposes, including modifications to notifications and other procedures relative to appraisals, anticipatory notes, bonds, and assessments.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5511.04, 6101.01, 6101.02, 6101.03, 6101.04, 6101.07, 6101.08, 6101.11, 6101.12, 6101.13, 6101.15, 6101.16, 6101.17, 6101.19, 6101.23, 6101.25, 6101.30, 6101.31, 6101.32, 6101.33, 6101.36, 6101.38, 6101.39, 6101.40, 6101.41, 6101.42, 6101.43, 6101.44, 6101.441, 6101.45, 6101.48, 6101.49, 6101.50, 6101.501, 6101.51, 6101.52, 6101.53, 6101.54, 6101.55, 6101.57, 6101.58, 6101.59, 6101.60, 6101.61, 6101.65, 6101.67, 6101.68, 6101.69, 6101.70, 6101.71, 6101.73, 6101.74, 6101.77, 6101.78, 6101.79, 6101.80, and 6101.84 of the Revised Code be amended to read as follows:

Sec. 5511.04. The director of transportation may relocate and for ~~such~~ that purpose construct or reconstruct ~~such the~~ relocated portions of all roads, highways, and streets, within, leading through, or adjacent to any lands owned by a conservancy district organized under ~~sections 6101.01 to~~

~~01.84~~ Chapter 6101. of the Revised Code; or lands on which any ~~such~~ conservancy district has a flood easement, construction easement, or right-of-way.

The director may ~~co-operate~~ cooperate in the construction, reconstruction, improvement, repair, and maintenance of roads leading from a state highway to any public park, forest preserve, or recreational area, or within the boundary of any public park, forest preserve, or recreational area, under the control and custody of ~~such~~ a conservancy district.

The director shall confer with the board of directors of ~~any such a~~ conservancy district upon the construction, reconstruction, location, or relocation of any roads or highways ~~which that~~ must be in conformity with the general engineering plans of the district.

With respect to any such road improvement projects, the director may, upon the terms mutually agreed between the director and the board of the district, in view of the benefits to be derived, enter into any contracts with ~~such the~~ district as may be necessary or convenient to carry out the general plans of the district.

The costs of ~~such the~~ improvements shall be paid in the same manner as for a state highway improvement, provided the expenditures in any one year shall not exceed two hundred thousand dollars.

This section does not derogate or limit the powers of the director to add additional mileage to the state highway system.

This section does not derogate or limit the power and authority conferred upon a district and its board by ~~sections 6101.01 to 6101.84~~ Chapter 6101. of the Revised Code.

Sec. 6101.01. As used in ~~sections 6101.01 to 6101.84, inclusive,~~ of the Revised Code this chapter:

(A) "Publication" or "published" means ~~once a week for three consecutive weeks in each of two newspapers of different political affiliations if there are such newspapers, and a newspaper of general circulation in the county or counties wherein such where the publication is to be made. Such publication need not be made on the same day of the week in each of the three weeks; but not less than fourteen days, excluding the day of the first publication, shall intervene between the first publication and the last publication. Publication shall be complete on the date of the last publication. Where such~~ When a publication is required to be made by a conservancy district or its board of directors, a copy of such the publication, certified by the secretary of the conservancy district to have been published in accordance with the provisions of this division of section 6101.01 of the Revised Code, shall be admitted in any court of this state as prima-facie

ence that ~~such~~ the publication has been made ~~as herein provided for~~.

(B) "Person" ~~means person, firm, partnership, association, or corporation, other than~~ has the same meaning as in section 1.59 of the Revised Code. "Person" does not include a county, township, municipal corporation, or other political subdivision of the state.

(C) "Public corporation" or "political subdivision" means counties, townships, municipal corporations, school districts, road districts, ditch districts, park districts, levee districts, and all other governmental ~~agencies~~ entities vested with the power of levying general to levy assessments or special taxes.

(D) "Court" means the court of common pleas in which the petition for the organization of a conservancy district ~~was~~ is filed and granted, as presided over by the judges provided for in section 6101.07 of the Revised Code.

(E) "Land" or "property," unless otherwise specified, means real property; as ~~real property~~ that term is used in and defined by the laws of this state, and ~~embraces~~ includes all railroads, tramroads, roads, electric railroads, street and interurban railroads, streets and street improvements, telephone, telegraph, and transmission lines, gas, sewerage, and water systems, pipe lines and rights of way of public service corporations, and all other ~~real property whether public or private~~ real property.

(F) "Underground water" means any water under the surface of the land or under the bed of any stream, lake, reservoir, or other body of surface water.

(G) "Aquifer" means any underground water-bearing bed or stratum of earth, gravel, sand, or porous stone having boundaries that may be ascertained or reasonably inferred, in which water stands, flows, or percolates.

Sec. 6101.02. (A) The bonds issued under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter may be called "conservancy bonds," and the term shall be ~~so~~ engraved or printed on ~~their~~ the face of the bonds.

(B) The ~~tax books and~~ records provided for in ~~such sections~~ this chapter shall be termed ~~"conservancy books" or "conservancy records," and such titles shall be printed, stamped, or written thereon.~~

Sec. 6101.03. (A) In any orders of the court, the words "The court now here finds that it hath jurisdiction of the parties to and of the subject matter of this proceeding" are equivalent to a finding that each jurisdictional fact necessary to confer plenary jurisdiction upon the court, beginning with the proper signing and filing of the initial petition to the date of the order

ntaining ~~such that~~ recital, has been scrutinized by the court and has been found to meet every legal requirement imposed by ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter.

(B) No other evidence of the legal hypothecation of ~~the~~ special ~~tax assessments~~ to the payment of ~~the~~ bonds is required than the passage of a bonding resolution by the board of directors of a conservancy district and the issuance of bonds in accordance ~~therewith~~ with the resolution.

(C) In the preparation of any assessment or appraisal record, the usual abbreviations employed by engineers, surveyors, and abstractors may be used.

(D) Where properly to describe any parcel of land, it would be necessary to use a long description, the board of appraisers of a conservancy district, after locating the land generally, may refer to the book and page of the public record of any instrument in which the land is described, which reference shall suffice to identify for all the purposes of ~~such sections~~ this chapter the land described in the public record so referred to.

(E) ~~Except as otherwise provided in section 6101.32 of the Revised Code, it~~ It is not necessary in any notice required by ~~such sections~~ to be published to specify the names of the owners of the lands or of the persons interested therein; ~~but, except as otherwise provided in section 6101.32 of the Revised Code, any such~~ in the lands. A notice may be addressed "To All Persons or Public Corporations Interested" with like effect as though ~~such the~~ notice named by name every owner of any lands within the territory specified in the notice ~~and~~, every person interested ~~therein in the lands~~, and every lienor, actual or inchoate, with respect to the lands.

(F) Every district declared upon hearing to be a conservancy district shall ~~thereupon~~ become upon that declaration a political subdivision and a public corporation of the state, invested with all the powers and privileges conferred upon ~~such conservancy districts by such sections~~ this chapter.

Sec. 6101.04. Any area or areas situated in one or more counties may be organized as a conservancy district, in the manner and subject to the conditions provided by ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ for any of the following purposes:

- (A) Preventing floods;
- (B) Regulating stream channels by changing, widening, and deepening the ~~same~~ stream channels;
- (C) Reclaiming or filling wet and overflowed lands;
- (D) Providing for irrigation where it may be needed;
- (E) Regulating the flow of streams and conserving ~~the~~ their waters thereof;

- (F) Diverting or in whole or in part eliminating watercourses;
- (G) Providing a water supply for domestic, industrial, and public use;
- (H) Providing for the collection and disposal of sewage and other liquid wastes produced within the district;
- (I) Arresting erosion along the Ohio shore line of Lake Erie.

This section does not terminate the existence of any district organized prior to July 19, 1937, entirely within a single county.

The purposes of a district may be altered by the same procedure as provided for the establishment of ~~such a~~ the district.

Sec. 6101.07. Upon the determination of a judge of the court of common pleas that a sufficient petition has been filed in ~~such~~ the court in accordance with section 6101.05 of the Revised Code, ~~he~~ the judge shall give notice ~~thereof~~ of the petition to the court of common pleas of each county included in whole or in part within the proposed conservancy district. The judge of the court of common pleas of each ~~such~~ county, or in the case of any county having more than one ~~such~~ judge, one judge assigned by order of the judges of the court of common pleas ~~thereof~~ of the county, shall sit as the court of common pleas of the county ~~wherein~~ in which the petition was filed to exercise the jurisdiction conferred by ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter. In case of the inability to serve of the judge of any county having only one judge, the chief justice of the supreme court, upon application of any interested person and proper showing of need, may assign a judge from another county to serve as a judge for ~~such~~ the county during the disability of its local judge. The court of any county, presided over by the judges provided for in this section, may establish conservancy districts when the conditions stated in section 6101.05 of the Revised Code are found to exist. Except as otherwise provided by ~~sections 6101.08 to 6101.84, inclusive, of the Revised Code, such in this chapter,~~ the court has, for all purposes of sections 6101.01 to 6101.84, inclusive, of the Revised Code this chapter, original and exclusive jurisdiction coextensive with the boundaries and limits of the district or proposed district and of the lands and other property included in, or proposed to be included in, ~~such~~ the district or affected by ~~such~~ the district, without regard to the usual limits of its jurisdiction. The judges of the court shall meet in the first instance upon the call of the judge determining the sufficiency of the petition and shall elect one of their number as presiding judge. Each judge when sitting as a member of the court shall receive ~~such~~ compensation and allowance for expenses as provided by law for a judge of the court of common pleas serving by assignment outside the county ~~wherein he~~ in which the judge resides, which shall be paid as other expenses

of the organization or operation of the district are paid.

The court shall adopt rules of practice and procedure not inconsistent with ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ and the general laws of this state. If the court consists of more than three judges, it may designate three of its members from three different counties to preside over the court, hear matters coming before the court, and make determinations and decisions or findings and recommendations, as the rules of the court provide, with respect to any matters authorized by ~~such~~ the rules, the disposition of which is vested in the court, except that it shall not make final decisions and orders as to the following:

(A) The establishment, dissolution, or merger of the district or of subdistricts ~~thereof~~ of it;

(B) The adoption, rejection, or amendment of the official plan;

(C) The appointment and removal of directors and appraisers;

(D) The confirmation of the appraisers' report of benefits, damages, and appraisals of property;

(E) The authorization of maintenance assessments in excess of one per cent of benefits;

(F) The authorization of a readjustment of the appraisal of benefits in accordance with section 6101.54 of the Revised Code;

(G) The approval of the method of financing improvements and activities under section 6101.25 of the Revised Code;

(H) The determination of rates of compensation for water under sections 6101.24 and 6101.63 of the Revised Code;

(I) The examination of the annual report of the board of directors of the conservancy district as provided under section 6101.66 of the Revised Code.

The concurrence of two of the three judges ~~so~~ designated shall be necessary for any action or determination ~~thereby~~ by the judges, and it has, if so provided by the rules of the court, the same effect as though taken or made by the full court. All actions and determinations by the full court require the affirmative vote of a majority of the judges constituting the court. In all cases in which the judges are evenly divided, that side with which the presiding judge votes shall prevail. ~~In the event~~ If the court consists of two judges and they find themselves unable to agree on any question left to their decision, a judge of the court of common pleas of some other county shall be designated by the chief justice of the supreme court to sit and vote as a third member of the court until ~~such~~ the question is decided.

When the court by its order entered of record decrees that a subdistrict be organized, the judge of the court of common pleas of each county included in whole or in part in the subdistrict, or in the case of any ~~such~~

county having more than one ~~such~~ judge, one judge assigned by order of the judges of the court of common pleas ~~thereof~~ of the county, shall sit as the court of common pleas, with jurisdiction in all matters relating to the subdistrict, the disposition of which is vested in the court, except those listed in ~~paragraph~~ divisions (A), (C), and (I) of this section, which shall remain the responsibility of the full court.

Sec. 6101.08. At the preliminary meeting of the court, it shall fix the time and place of the hearing on the petition for the establishment of the proposed conservancy district, which hearing shall be held not later than sixty days thereafter, and the clerk of ~~such the~~ court shall give notice of ~~such the~~ hearing by publication. Any owner of real property in a proposed district who individually has not signed ~~such a~~ the petition and who wishes to object to the organization and incorporation of ~~said the~~ district shall, on or before the date set for the cause to be heard, file ~~his the owner's~~ objections to the organization and incorporation of ~~such the~~ district. Similarly, objections may be filed by any public corporation ~~which that~~ has not signed ~~such the~~ petition. ~~Such The~~ objections shall be limited to a denial of the statements in the petition, and shall be heard by the court as an advanced case without unnecessary delay.

Upon the hearing, if it appears that the purposes of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter would be subserved by the creation of a district, the court, after disposing of all objections as justice and equity require, shall by its findings, duly entered of record, adjudicate all questions of jurisdiction; determine that the organization of the district for the purposes for which it is being organized, and that the surveys, plans, appraisals of benefits and damages, estimates of cost, land options, and the preparation of an official plan, will benefit the area within the territorial boundaries of the district; declare the district organized; and give it a corporate name by which in all proceedings it shall thereafter be known. A district so organized shall be a political subdivision of the state and a body corporate with all the powers of a corporation, and shall have perpetual existence, with power to sue and be sued, to incur debts, liabilities, and obligations, to exercise the right of eminent domain and of ~~taxation and~~ assessment as provided in ~~such sections~~ this chapter, to issue bonds, and to do all acts necessary and proper for the carrying out of the purposes for which the district was created and for executing the powers with which it is invested.

In ~~such the~~ decree, the court shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of the district if practicable, and which may be

the district shall be held at ~~such~~ the office or place of business, but for cause may be adjourned to any other convenient place. The official records and files of the district shall be kept at ~~such~~ the office except as otherwise approved by the court.

If the court finds that the property set out in ~~said~~ the petition should not be incorporated into a district, it shall dismiss ~~said~~ the proceeding, and adjudge the costs against the signers of the petition in the proportion of the interest represented by them.

After an order is entered, either dismissing the petition or establishing the district, ~~such~~ the order is a final order and may be appealed by any interested party or by the state, within twenty days from the date that the order is entered. The organization of ~~said~~ the district shall not be directly or collaterally questioned in any suit, action, or proceeding except as expressly authorized in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter.

Sec. 6101.11. Each member of the board of directors of a conservancy district, before entering upon ~~his~~ the member's official duties, shall take and subscribe to an oath before a suitable officer that ~~he~~ the member will honestly, faithfully, and impartially perform the duties of ~~his~~ office; and that ~~he~~ the member will not be interested directly or indirectly in any contract let by ~~said~~ the district. ~~Said~~ this oath shall be filed in the office of the clerk of the court in the original case. Upon the members' taking of the oath, the board shall choose one of its number as president of the board; and may elect another as vice-president. The board shall elect some suitable person secretary of the conservancy district, who shall not be a member of the board. ~~Such~~

~~The board shall adopt a seal, and shall keep in a well-bound book a record of all of its proceedings, minutes of all of its meetings, certificates, contracts, bonds given by employees, and all corporate acts. Such book~~ The record shall be open to the inspection of all owners of property in the district; as well as to all other interested parties. ~~The~~

The board shall adopt bylaws governing the administration of the affairs of the district.

A majority of the board constitutes a quorum, and a concurrence of the majority in any matter within the board's duties is sufficient for its determination. All actions of the board shall be by motion or resolution.

Sec. 6101.12. The secretary of the conservancy district shall be the custodian of the records of the district ~~and of its corporate seal~~ and shall assist the board of directors in ~~such~~ the particulars as it directs in the performance of its duties. The secretary shall attest; ~~under the corporate seal~~

~~of the district,~~ all certified copies of the official records and files of the district that are required of ~~him~~ the secretary by ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter or by any person ordering ~~such~~ copies and paying the reasonable cost of transcription. Any portion of a record so certified and attested prima-facie imports verity. The secretary shall serve also as treasurer of the conservancy district, unless a treasurer is otherwise provided for by the board.

The board may employ a chief engineer; an attorney; and ~~such~~ other engineers, attorneys, agents, and assistants as are needed, and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement.

The employment of the secretary, treasurer, chief engineer, and attorney for the district shall be evidenced by agreements in writing, which, so far as possible, shall specify the amounts to be paid for their services.

The chief engineer shall be superintendent of all the works and improvements, ~~and~~ shall make a full report to the board each year, or ~~often~~ more often if required, and may make ~~such~~ suggestions and recommendations to the board as ~~he deems~~ the chief engineer considers proper.

The board may require any officer or employee of the district to give bond for the faithful performance of ~~his~~ the officer's or employee's official duties in an amount prescribed by it, the expense ~~thereof~~ of the bond to be paid from the funds of the district.

The secretary or treasurer may take and certify the acknowledgment of instruments granting easements or rights-of-way to the district. ~~Such acknowledgment~~ Acknowledgment and certification, subscribed by the secretary or treasurer, is an acknowledgment and certification for purposes of section 5301.01 of the Revised Code.

Sec. 6101.13. Upon its qualification, or as soon thereafter as practicable, the board of directors of a conservancy district shall prepare a plan for ~~such~~ the part or parts of the improvements for which the district was created as the board of directors ~~shall deem~~ considers advisable. ~~Such~~ The plan shall be filed, in accordance with this section, within two years from the date of the order establishing the district. The court may grant extensions of time allowed for the filing of the plan if the board of directors so requests, for good cause shown. No plan or portion of a plan shall be prepared providing a water supply for domestic, industrial, or public use, or providing for the collection and disposal of sewage and other liquid wastes, for any municipal corporation, unless the governing body of ~~such~~ the municipal corporation has petitioned the board to provide a water supply or a system for the

llection and disposal of sewage and other liquid wastes, or has signed the petition initiating the proceeding by which the district acquired authority to undertake such improvements. ~~Such~~ The plan shall include ~~such the~~ the maps, profiles, plans, and other data and descriptions ~~as are~~ necessary to set forth properly the location and character of the work and of the property benefited or taken or damaged, with estimates of cost for doing the work, including the proportion of the total cost to be assessed within the district, a breakdown of the sources of funds to be used in making the improvements, and the extent of participation, if any, by other political agencies in constructing the work.

If the board finds that any former survey made by any other district or in any other matter is useful for the purposes of the district, the board may take over the data secured by ~~such that~~ that survey, or such other proceedings as is useful to it, and may pay ~~therefor~~ therefor an amount equal to the value of ~~such that~~ that data to ~~said the other~~ the other district. No construction shall be made under ~~sections 6101.01 to 6101.84 of the Revised Code, which this chapter that~~ sections 6101.01 to 6101.84 of the Revised Code, which this chapter that will cause the flooding of any municipal corporation or ~~which that~~ which that will cause the water to back up into any municipal corporation, unless the board has acquired and paid for the right to use the land affected for such purpose, and has paid all damages incident ~~thereto to the flooding or back-up.~~ thereto to the flooding or back-up. No railroad shall be required to be constructed with a grade in excess of the maximum ruling grade then existing upon that division of ~~said the~~ said the railroad ~~whereon said~~ whereon said where the change is required.

Upon the completion of ~~such the~~ the plan, the board shall file a copy ~~thereof~~ of it with the environmental protection agency, which may approve or reject any provisions ~~thereof of the plan~~ of the plan relating to the supplying of water for domestic, industrial, and public use or to the collection and disposal of sewage and other liquid wastes. In deciding whether to approve or reject ~~such the~~ the provisions, the agency shall consider, among other factors, the protection of the public health, and compliance with air and water quality standards and regulations and solid waste disposal requirements. If the ~~department~~ agency rejects ~~such the~~ the provisions or refers them back for amendment, the board shall prepare other or amended provisions relating thereto. If the agency approves the provisions, it shall certify a copy of its action to the board, which shall file it as a record of the district.

Upon the completion of the plan and the approval by the agency, the board shall ~~cause give~~ give notice of the completion of ~~such the~~ the plan ~~to be given~~ to be given by publication ~~in accordance with section 6101.01 of the Revised Code,~~ in accordance with section 6101.01 of the Revised Code, and shall file a copy of ~~such the~~ the plan in the office of the clerk of the ~~court of~~ court of common pleas ~~court~~ court of each county in which works of improvement are

proposed, or in which property would be benefited, damaged, or taken by the execution of ~~such the~~ plan. ~~Such copies~~ Copies shall be available for inspection by all persons, public corporations, and agencies of the state government interested. The board shall make copies of the plan available to any interested party, ~~such and may charge for the copies to be supplied only at the cost thereof of their production.~~

~~Said The~~ notice shall fix the times and places for the hearing of all objections to ~~said the~~ plan, which shall be not less than twenty ~~nor or~~ more than thirty days after the ~~last~~ publication of ~~said the~~ notice. The board, or its duly appointed representative under this section, may, upon motion and for good cause shown, or upon ~~its~~ the board's or ~~his~~ representative's own motion, grant continuances to a day certain of the hearing on the plan. ~~Such~~ Any continuances shall not necessitate additional notice. All objections to ~~said the~~ plan shall be in writing and filed with the secretary of the conservancy district at ~~his~~ the secretary's office not more than twenty days after the ~~last~~ publication of ~~said the~~ notice. A hearing on the objections ~~so~~ filed shall be provided for by the board in the county seat of each county in which a copy of the plan has been filed as required by this section, but ~~such the~~ hearing may be canceled in any county from which no objections have emanated either from a resident or owner of property located ~~therein~~ within the county. The board may, if it ~~deems~~ considers it necessary, appoint one or more representatives, each of whom shall be assigned by the board to conduct one or more of the hearings on the objections as required by this section and ~~to cause make~~ a record ~~to be made~~ of each of ~~such the~~ hearings and ~~to report~~ ~~such the~~ record back to the board. After ~~said the~~ hearings, the board shall adopt the plan with or without modifications as the official plan of the district. Within ten days after the adoption of the official plan by the board, the secretary of the conservancy district shall certify a copy ~~thereof of~~ it and deposit it with the clerk of the court, who shall file it in the original case. If any person, public corporation, or agency of the state government objects to ~~said the~~ official plan, ~~so as~~ adopted, ~~then such the~~ person, public corporation, or agency of the state government may, within thirty days from the adoption of ~~said the~~ official plan, file their objections in writing, specifying the features of the plan to which they object, in the original case ~~establishing the district~~ in the office of the clerk of the court. The clerk of the court shall fix a day for a hearing ~~upon said~~ on the official plan before the court, which shall not be less than twenty ~~nor or~~ more than thirty days after the time fixed for filing objections, at which time the court shall hear any objections ~~so~~ filed and ~~approved~~ approve, reject, or refer back ~~said the~~ plan to the board.

The court may, upon motion and for good cause shown, or upon its own motion, grant continuances to a date certain of the hearing on the plan when it is made to appear to the court that further time is needed for study of the plan by objectors. ~~Such~~ Any continuances shall not necessitate additional notice. If the court rejects ~~said the~~ plan, the board shall proceed as in the first instance under this section to prepare another plan. If the court refers ~~said the~~ plan to ~~said the~~ board for amendment, ~~then~~ the court shall continue the hearing to a day certain without publication of notice. If the court approves ~~said the~~ plan as the official plan of the district, a certified copy of the journal entry of the court shall be filed with the secretary, and ~~by him incorporated~~ the secretary shall incorporate it into the records of the district. The board, with the approval of the court, may alter or add to the official plan until the appraisal record is filed, and the board of appraisers of the conservancy district shall take notice of all such of the alterations and additions ~~the board of appraisers of the conservancy district shall take notice; but if~~. If, in the judgment of the court, any ~~such~~ alteration or addition is material in character, the procedure ~~thereon on it~~ shall be the same as on the adoption of the plan. After the appraisal record has been filed in court, no alterations of the official plan or additions ~~thereto to it~~ shall be made except as provided in section 6101.39 of the Revised Code.

The board of directors of a conservancy district shall have full power and authority to devise, prepare for, execute, maintain, and operate all works or improvements necessary or desirable to complete, maintain, operate, and protect the official plan. It may secure and use ~~men workers~~ and equipment under the supervision of the chief engineer or other agents, or it may ~~let~~ enter into contracts for ~~such the~~ works, either as a whole or in parts.

Sec. 6101.15. In order to accomplish the purposes of the conservancy district, the board of directors of a conservancy district may do the following:

(A) Clean out, straighten, widen, alter, deepen, or change the course or terminus of any ditch, drain, sewer, river, watercourse, pond, lake, creek, or natural or artificial stream located in or out of ~~said the~~ district;

(B) Fill up any abandoned or altered ditch, drain, sewer, river, watercourse, pond, lake, creek, or natural or artificial stream, and concentrate, divert, or divide the flow of water in or out of ~~said the~~ district;

(C) Construct, acquire, operate, and maintain main and lateral ditches, sewers, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, wells, intakes, pipe lines, purification works, treatment and disposal works, pumping stations and siphons, and any other works and improvements ~~deemed~~ considered necessary to accomplish the purposes of

the district or to construct, preserve, operate, or maintain ~~such~~ the works in or out of ~~said~~ the district. ~~Sections 6101.01 to 6101.84, inclusive, of the Revised Code do~~ this chapter does not limit the authority of public corporations to install, maintain, and operate sewerage systems and water-works systems as otherwise permitted by law; but the board shall have full power to require the use of the improvements constructed or acquired by the district for the purpose of water supply or the collection and disposal of sewage and other liquid wastes by the public corporations and persons within the district for which ~~such~~ the improvements were installed;

(D) Afforest lands owned by the district;

(E) Install improvements on lands owned or controlled by the district for the proper maintenance ~~thereof of the lands~~, or for the purpose of preventing or minimizing damage to the works and improvements of the district;

(F) Construct connections to the works of the district for the delivery of a water supply ~~therefrom~~ from the works or for the delivery of sewage and other liquid wastes ~~thereto~~ to the works;

(G) Construct or enlarge any bridges that may be needed in or out of ~~said~~ the district;

(H) Construct or elevate roadways and streets;

(I) Construct any of ~~said~~ the works and improvements across, through, or over any public highway, canal, railroad right of way, track, grade, fill, cut, or other public or private property located in or out of ~~said~~ the district;

(J) Remove or change the location of any fence, building, railroad, canal, or other structure or improvement located in or out of ~~said~~ the district, but if it is not feasible or economical to move any building, structure, or improvement situated in or upon lands required by the district and if the cost to the district is determined by the board to be less than that of purchase or condemnation, the board may acquire land and construct, acquire, or install; ~~therein or upon~~, buildings, structures, or improvements, similar in purpose, to be exchanged for the aforementioned buildings, structures, or improvements under contracts entered into between the owner ~~thereof~~ of them and the district;

(K) Hold, encumber, control, acquire by donation, purchase, or condemnation, construct, own, lease, use, and sell real and personal property, and any easement, riparian right, railroad right of way, canal, cemetery, sluice, reservoir, holding basin, milldam, water power, wharf, or franchise in or out of ~~said~~ the district for right of way, holding basin, location, or protection of works and improvements, relocation of communities and of buildings, structures, and improvements situated on lands required by the district, or ~~for~~ any other necessary purpose, or for

ining or storing material to be used in constructing and maintaining ~~said~~ the works and improvements;

(L) Replat or subdivide land, open new roads, streets, and alleys, or change the course of an existing one, and install ~~therein~~ improvements to replace those in the former roads, streets, or alleys;

(M) Procure insurance against loss to the district by reason of damage to its properties, works, or improvements resulting from fire, theft, accident, or other casualty or by reason of the liability of the district for any damages to persons or property occurring in the operation of the works and improvements of the district or the conduct of its activities;

(N) Conduct on its own or in combination with other entities, water quantity and quality studies and other water monitoring activities that do not conflict with similar studies or activities by other agencies. A written report of the findings of any ~~such~~ study or activity, or a copy ~~thereof~~ of it, shall be submitted to the director of environmental protection.

(O) Do all things necessary or incident to the fulfillment of the purposes for which the district is established.

Sec. 6101.16. When it is determined to let the work relating to the improvements for which a conservancy district was established by contract, contracts in amounts to exceed ~~fifteen~~ twenty-five thousand dollars shall be advertised after notice calling for bids has been published once a week for ~~three~~ two consecutive weeks ~~completed on date of last publication, with the last publication to occur at least eight days prior to the date on which bids will be accepted, in at least one~~ a newspaper of general circulation within the conservancy district where the work is to be done. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board of directors of the conservancy district may let the contract to the lowest ~~or best~~ responsive and most responsible bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a conservancy district was established, the board of directors of the district may let the contract to the lowest ~~or best~~ responsive and most responsible bidder who gives a good and approved bond, with ample security, conditioned on the carrying out of the contract. The contract shall be in writing and shall be accompanied by or refer to plans and specifications for the work to be done prepared by the chief engineer. The plans and specifications shall at all times be made and considered a part of the contract. The contract shall be approved by the board and signed by the president of the board and by the contractor and shall be executed in duplicate. In case of sudden emergency when it is necessary in order to

protect the district, the advertising of contracts may be waived upon the consent of the board, with the approval of the court or a judge of the court of common pleas of the county in which the office of the district is located.

Sec. 6101.17. The board of directors of a conservancy district, when it is necessary for the purposes of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, shall have a dominant right of eminent domain over the right of eminent domain of railroad, telegraph, telephone, gas, water power, and other companies and corporations, and over townships, counties, and municipal corporations.

In the exercise of this right, due care shall be taken to do no unnecessary damage to other public utilities, and, in case of failure to agree upon the mode and terms of interference, not to interfere with their operation or usefulness beyond the actual necessities of the case, due regard being paid to the other public interests involved.

Sec. 6101.19. (A) The board of directors of a conservancy district may make and enforce ~~such~~ rules and regulations ~~as it deems~~ considers necessary and advisable to do the following:

(1) To protect and preserve the works, improvements, and properties owned or controlled by the district, prescribe the manner of their use by public corporations and persons, and preserve order within and adjacent ~~thereto~~ to the works, improvements, and properties;

(2) To prescribe the manner of building bridges, roads, or fences or other works in, into, along, or across any channel, reservoir, or other construction of the district;

(3) To prescribe the manner in which ditches, sewers, pipe lines, or other works shall be adjusted to or connected with the works of the district or any watercourse ~~therein~~ in the district and the manner in which the watercourses of the district may be used for sewer outlets or for disposal of waste;

(4) To prescribe the permissible uses of the water supply provided by the district and the manner of its distribution, and to prevent the pollution or unnecessary waste of ~~such~~ the water supply;

(5) To prohibit or regulate the discharge into the sewers of the district of any liquid or solid wastes ~~deemed~~ considered detrimental to the works and improvements of the district.

~~Such~~ The rules and regulations shall not be inconsistent with the laws of the state or the rules ~~and regulations~~ or requirements of the director of environmental protection, and shall be published ~~in the manner provided by section 6101.01 of the Revised Code~~ before taking effect.

(B) No person shall violate any rule or regulation adopted in accordance

with this section.

(C) The board may enforce by mandamus or otherwise all necessary regulations made by it and authorized by ~~sections 6101.01 to 6101.84 of the Revised Code, and this chapter,~~ may remove any harmful or improper construction or obstruction or close any opening or connection made improperly or in violation of ~~such the~~ rules and regulations, and may bring ~~such~~ suits in mandamus in the court of appeals in the first instance, if it ~~deems~~ considers it advisable. Any person or public corporation ~~which that~~ willfully fails to comply with ~~such the~~ rules and regulations shall be liable for damage caused by ~~such the~~ failure; and for the cost of renewing any construction damaged or destroyed.

(D) No person or public corporation shall erect within the drainage area of the district any dam or reservoir upon any stream or watercourse ~~therein in it,~~ or any work or obstruction diminishing the cross section of any ~~such~~ stream or watercourse in it, until a copy of the plans ~~thereof for the dam, reservoir, work, or obstruction~~ has been filed with the secretary of the conservancy district for the board's examination.

Sec. 6101.23. The board of directors of a conservancy district may enter into contracts or other arrangements with the United States government or any department ~~thereof of it,~~ with persons, railroads, or other corporations, with public corporations, ~~and~~ with the state government of this or other states, and with drainage, conservation, conservancy, sewer, park, or other improvement districts; in this or other states, for co-operation or assistance, not in violation of Article VIII, Ohio Constitution, in constructing, maintaining, using, and operating the works of the district, the waters ~~thereof of it,~~ or the parks, parkways, forests, and recreational facilities ~~thereof of it,~~ or in minimizing or preventing damage to the properties, works, and improvements of the district from soil erosion, or for making surveys and investigations or reports thereon. The board may purchase, lease, or acquire land or other property in adjoining states to secure outlets or for other purposes of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ and may let contracts or spend money for securing ~~such the~~ outlets or other works in adjoining states.

Sec. 6101.25. The board of directors of a conservancy district may construct, improve, operate, maintain, and protect parks, parkways, forest preserves, bathing beaches, playgrounds, and other recreational facilities upon the lands owned or controlled by the district, or upon lands located within the district owned or controlled by the United States government or any department ~~thereof of it,~~ by ~~the this~~ state ~~of Ohio~~ or any department or division ~~thereof of it,~~ or by any political subdivision, if authorized by lease,

contract, or other arrangements with the appropriate agency of government having ~~such~~ ownership or control, ~~and~~. The board may acquire by lease, purchase, or appropriation property additional to that required for the purposes for which the district was incorporated, in order to provide for the protection, more adequate development, and fuller public use and enjoyment of ~~such~~ the improvements and facilities. The board may impose and collect charges for the use of the properties, improvements, and facilities maintained or operated by the district for recreational purposes. Moneys collected from these charges may be used to promote the district's recreational facilities.

In case the revenues derived or to be derived from the properties, improvements, and facilities maintained, operated, used, or acquired by the district for recreational purposes are not sufficient for the purposes of this section, the board, with the approval of the court, may provide for the payment of obligations incurred under this section by ~~either or both the following methods, as determined by the court:~~

~~(A) The levy of taxes upon all the taxable property of the district;~~

~~(B) The~~ The levy of special assessments upon public corporations having lands within the district.

In no case shall ~~such~~ the obligations incurred under this section be paid from the proceeds of special assessments levied under section 6101.48 or 6101.53 of the Revised Code, or of bonds or notes issued in anticipation thereof of them. ~~If the first such method is approved by the court, the board may levy in any year taxes of not to exceed one-tenth of one mill upon the taxable real and personal property of the district for the purposes of this section, and in anticipation of the collection thereof, the board may issue bonds and notes for the acquisition and construction of the properties and improvements authorized by this section. Such bonds and notes shall be issued in the manner and subject, so far as applicable, to the conditions provided by sections 6101.50, 6101.51, and 6101.52 of the Revised Code. In case the second method is~~ After special assessments against the public corporations are approved by the court, the board of appraisers of the conservancy district shall appraise the benefits to be conferred on each public corporation ~~containing lands within the district~~ by reason of the acquisition and construction of the properties and improvements authorized by the board of directors under this section, and shall appraise the damages accruing to persons and public corporations ~~therefrom~~ from the improvements. ~~Sections 6101.01 to 6101.84 of the Revised Code, with reference~~ The provisions of this chapter that refer to the determination of benefits and damages; apply to ~~such~~ the appraisals made under this section,

but they shall be separate from other appraisals of benefits and damages made under ~~such sections~~ this chapter, and separate records ~~thereof of them~~ shall be prepared. After the appraisal of benefits has been approved by the court, and within the amount of benefits so determined, the board of directors may levy assessments on the public corporations benefited to pay the cost of the properties and improvements acquired and constructed under this section, and may issue bonds and notes in anticipation of the collection of ~~such these~~ such the assessments. In addition, the board of directors may annually levy a maintenance assessment for the purposes of this section on ~~such the~~ such the public corporations upon the basis of total appraised benefits. ~~Sections 6101.01 to 6101.84, inclusive, of the Revised Code, relating~~ The provisions of this chapter that relate to assessments for district purposes and to bonds and notes issued in anticipation ~~thereof of the assessments~~ apply to the assessments authorized under this section and the bonds and notes issued in anticipation of ~~such the~~ such the assessments. Improvement, bond retirement, and maintenance funds shall be established for recreational purposes in conformity with section 6101.44 of the Revised Code, which shall be separate from one another and from other funds of the district, and no transfers shall be made ~~thereto to them~~ from the other funds of the district ~~unless the court, prior to June 1, 1965, determines that such transfer will not include proceeds of special assessments levied under section 6101.48 or 6101.53 of the Revised Code, or of bonds or notes issued in anticipation of the collection thereof, and approves the transfer as a transfer of surplus moneys as provided in section 6101.44 of the Revised Code.~~ The proceeds of all bonds, notes, ~~taxes,~~ and assessments authorized by this section and all receipts derived from the recreational properties, improvements, and facilities owned, controlled, operated, or maintained by the district shall be paid into ~~such those~~ such those funds, and all expenditures in accordance with this section shall be made ~~therefrom from them~~.

Sec. 6101.30. If the report of the board of appraisers of a conservancy district includes recommendations that other lands and public corporations be included in the district, or that certain lands and public corporations be excluded from the district, the clerk of the court before which the proceeding is pending shall give ~~notice~~ notice to the owners of ~~such that~~ such that property and to the public corporations by publication ~~to be made as provided in sections 6101.01 to 6101.84, inclusive, of the Revised Code, for notice of a hearing on the petition for the creation of the district.~~ ~~Such~~ The notice to those owners whose lands are or the public corporations to be added to the district may be substantially as shown in ~~the schedule in~~ section 6101.84 of the Revised Code. The time and place of the hearing may be the same as

those of a hearing on appraisals. To the owners of property and public corporations to be excluded from the district, it ~~will be~~ is sufficient to notify them of that fact.

Sec. 6101.31. The board of appraisers of a conservancy district shall prepare a report of its findings ~~which shall be arranged in tabular form and bound in loose-leaf book form, and which~~ that shall be known as the "conservancy appraisal record." ~~Such~~ The record shall contain the name of the owner of property appraised as it appears on the tax duplicate or the deed records if ascertainable ~~therefrom~~ from them, the tax mailing address or other known address of ~~such~~ the owner if ascertainable, a description of the property appraised, the amount of benefits appraised, the amount of damages appraised, and the appraised value of land or other property ~~which~~ that may be taken for the purposes of the district. In case benefits are appraised accruing to a public corporation as an entity, the name and, if ascertainable, address of ~~such~~ the public corporation and the amount of the benefit appraised shall be entered in ~~such~~ the record. The board shall also report any other benefits or damages or any other matter ~~which~~ that, in its opinion, should be brought to the attention of the court. No error in the names or addresses of the owners of real property or in the descriptions ~~thereof of the property~~ shall invalidate ~~said~~ the appraisal or the levy of assessments ~~or taxes based thereon on it~~, if sufficient description is given to identify ~~such~~ the real property.

When ~~such~~ the report is completed, it shall be signed by at least a majority of the board and deposited with the clerk of the court, who shall file it in the original case. At the same time, copies of that part of the report giving the appraisal of benefits and appraisals of land to be taken and of damages in any county shall be made, and certified to, and filed with the clerk of the court of common pleas of ~~such~~ that county.

Sec. 6101.32. Upon the filing of the report of the board of appraisers of a conservancy district under section 6101.31 of the Revised Code, the clerk of the court shall give notice ~~thereof of the filing~~ by publication, ~~as provided in sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ in each county in the district in which property included in the conservancy appraisal record is located. ~~Said~~ The notice shall be substantially as set forth in division (F) of section 6101.84 of the Revised Code. It is not necessary for ~~said~~ the clerk to name the parties interested, ~~except that such~~ and the notice shall be addressed "To All ~~Known and Unknown~~ Persons or Public Corporations Interested" ~~and in addition shall specifically designate the name of each known party whose tax mailing or other address cannot be ascertained as disclosed by the affidavit referred to in this section, but the~~

~~name of any such party need be designated only in the publication made in the county or counties wherein lands, or interests in lands, owned by the party and affected by the report are located." It~~

It is not necessary to describe separate lots or tracts of land in giving ~~said~~ the notice, but the heading of ~~such~~ the notice and the text ~~thereof~~ of it shall give, and it is sufficient if each gives, ~~such~~ descriptions ~~as~~ that will enable the owner of land or the owner of an interest of record ~~therein~~ in land to determine whether ~~or not his~~ the owner's land or interest is covered by ~~such~~ the descriptions. For instance, it is sufficient to state in the heading "NOTICE OF HEARING ON APPRAISALS ON LANDS LYING IN,, and TOWNSHIPS AND IN THE CITIES OR VILLAGES OF,, and in COUNTY," and it is sufficient to state in the text "All land lying in the ward of the city of", or "All land abutting on street in the city of", or "All land lying west of river and east of railroad in township," or any other general description pointing out the lands involved.

~~Where~~ If lands in different counties are mentioned in ~~said~~ the report, it is not necessary to publish a description of all the lands in the district in each county, but only of that part of ~~said~~ the lands located in the county in which publication is made.

The board of directors of ~~such~~ the conservancy district ~~shall~~, on or before the date of ~~first~~ the publication of the notice provided for in this section, ~~cause to be mailed~~ shall mail by first class mail to the applicable public corporations and to the owners of property whose names and ~~respective tax mailing or other known addresses are~~ all other known persons having an interest of record in property that is to be taken or is damaged and whose tax mailing or other known address is disclosed by the affidavit referred to in this section a notice ~~which in each case~~ that shall be directed to ~~such~~ respective the appropriate address ~~and which~~, shall advise the addressee ~~thereof~~ of the date of the filing; and place of filing; of the report of the board of appraisers, and shall state that the addressee has the right to file exceptions to the report on or before a specified date and to be heard ~~thereon~~ in the county where ~~his~~ the addressee's property is located at the time and place fixed by the court as provided by section 6101.33 of the Revised Code. ~~In addition the~~ The notice shall contain, ~~if the report includes an appraisal of benefits affecting the addressee, a statement that such benefits have been appraised and that assessments may be levied based upon, and not in excess of, such appraisal, and the dollar amount of the appraisal, shall contain, if the report includes an appraisal of property of the addressee to be~~

~~taken or damaged~~, a statement that ~~such~~ the property to be taken or the damage ~~thereto~~ has been appraised and shall give the dollar amount of ~~such~~ that appraisal, ~~and shall contain any volume designation and page number of the report at which any appraisal affecting the addressee appears and a brief description of the property appraised as referred to in section 6101.31 of the Revised Code. In the case of property to be taken or damaged the board of directors shall cause like notice to be mailed on the same date to all other known persons having an interest of record in such property whose tax mailing or other known address is disclosed by the affidavit referred to in this section. The~~

The secretary of the conservancy district, or ~~his~~ the secretary's deputy, as ex officio secretary of the board of appraisers, shall prepare and file with the clerk of the court on the date of the mailing of the notices provided for in this section an affidavit attesting in substance that, as of the date of the mailing of the notices, the affiant has determined that the names of all applicable public corporations, and the names of the owners of ~~all the~~ property ~~affected by the report of the board of appraisers that is to be taken or that is damaged~~, where ~~such~~ those names are ascertainable, together with their respective tax mailing or other known addresses where ascertainable, are listed in the report of the board of appraisers with the exception of ~~such~~ differing names or addresses ~~as may be~~ specifically set forth in the affidavit; that no names and no tax mailing or other known addresses are ascertainable except as may be disclosed by ~~such~~ the report as supplemented by the affidavit; and that notices have been mailed as provided for in this section to each public corporation and to ~~each owner of property having a tax mailing or other known address as shown by such report or affidavit and to~~ all other persons having an interest of record in property that is to be taken or that is damaged and whose interest is known or can be ascertained from ~~such~~ the record. ~~Such~~ The affidavit shall be given on the basis of available information and after the exercise of reasonable diligence, and ~~the affidavit it shall so state. Such~~ The affidavit shall be prima-facie evidence of the matters attested to ~~therein in it.~~

Sec. 6101.33. Any property owner or public corporation may accept the appraisals in its favor of benefits ~~and~~, of damages, and of lands to be taken made by the board of appraisers of a conservancy district, or may acquiesce in the board's failure to appraise damages in its favor, and shall be construed to have done so unless, within thirty days after the ~~last~~ publication provided for in section 6101.32 of the Revised Code, or such additional time as may be granted by the presiding judge of the court, ~~it~~ the property owner or public corporation files exceptions to ~~said~~ the report or to any appraisal of

~~either~~ benefits ~~of~~, damages, or ~~of~~ land to be taken ~~which~~ that may be appropriated. All exceptions shall be heard by the court beginning not less than forty ~~nor~~ or more than fifty days after the ~~last~~ publication provided for in ~~such~~ that section, and determined in advance of other business so as to carry out, liberally, the purposes and needs of the district. The court shall provide for the hearing on the exceptions in the county seat of each county ~~wherein~~ in which property is located with respect to which an exception or exceptions have been filed at a time and place fixed by the court. Notice of the time and place of the hearing of ~~his~~ an exception shall be given the exceptor in such manner as the court may direct. The hearing conducted in a particular county shall be limited to testimony presented by the district and by exceptors whose exceptions relate to property located within ~~said~~ that county. ~~The~~

The court may, if it ~~deems~~ considers it necessary, appoint one or more ~~special master commissioners~~ magistrates, each to be assigned by the court to conduct one or more of the hearings on ~~the~~ exceptions ~~as~~ required by this section ~~and~~, to ~~cause~~ make a record ~~to be made~~ of each of ~~such~~ the hearings, and to report ~~such~~ the record, together with findings and recommendations, back to the court. ~~Such special master commissioners~~ The magistrates shall have the usual powers possessed by ~~special master commissioners~~ as specified in section 2315.42 of the Revised Code magistrates, shall have the cooperation of the officials of the district in determining any facts relative to the conservancy appraisal report record, and may use any abstracts, title certificates, title reports, or other information that the district has relative to any of the properties included ~~on~~ in the appraisal ~~report~~ record. ~~The~~

The court may cancel the scheduled hearing in any county having few exceptors, ~~providing such~~ provided that the exceptors are given advance notice, in ~~such~~ a manner as the court may direct, of the time and place of hearing in a nearby county at which ~~they~~ the exceptors shall be heard ~~upon~~ their several objections. ~~The~~

The court may, if it ~~deems~~ considers it necessary, return the ~~report~~ conservancy appraisal record to the board for its further consideration and amendment, and enter its order to that effect. If the appraisal record as a whole is referred back to the board, the court shall not resume the hearing ~~thereof~~ on it without new notice, as for an original hearing ~~thereon~~ on it. The court may, without losing jurisdiction over the appraisal record, order the board to recast the appraisal record when the order of the court specifies the precise character of the changes ~~thereof~~.

Sec. 6101.36. No property shall be taken under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter until compensation has

been paid according to law. But ~~where~~ if a trial is had by jury, and a verdict ~~has been~~ is rendered ~~which has been~~ that is confirmed by the trial court, the board of directors of the conservancy district may pay the amount allowed into court in money with the costs, and ~~thereupon such~~, at that time, the court shall make an order admitting the district into possession of the property and confirming its title ~~thereto~~ to the property, although the owner may take steps to take the case to a higher court. ~~Thereupon~~ At that time, the board may enter into undisturbed possession of the property and rights involved.

Sec. 6101.38. After a certified copy of the entry of the court and of the appraisals as confirmed by the court, except those parts from which appeals have been perfected but not determined, is transmitted to the secretary of the conservancy district as provided by section 6101.37 of the Revised Code, the board of directors of the conservancy district may deposit with the court the amount of any ~~such~~ confirmed appraisal of compensation or damages, from the award of which no appeal has been taken, for any property or interest ~~therein~~ in property as included in the conservancy appraisal record and confirmed by the court. The court then shall ~~thereupon~~ enter an order admitting the district into possession of all ~~such~~ of the property for which payment has been deposited, and confirming its title ~~thereto~~ to that property. The clerk of ~~such~~ the court shall have so much of ~~such~~ the order recorded in the office of the county recorder of the county where the land is located as will show the transfer of title. The owners of ~~such~~ the property then shall ~~thereupon~~ have an interest in the fund so deposited to the extent of their respective interests in the property taken or damaged.

The court shall appoint a ~~master commissioner~~ magistrate who, upon giving bond in the amount and manner ordered by the court, shall receive all applications of owners, lienholders, and other persons claiming an interest in any of the property acquired by the district through the appraisal record, conduct necessary hearings, and report to the court from time to time as to the persons entitled to payment out of ~~said funds~~, the fund and the amount due each. The court, if satisfied that ~~such~~ the report is correct, shall ~~thereupon~~ order the ~~master commissioner~~ magistrate and the clerk to countersign vouchers for the payment of the money to the persons entitled ~~thereto~~ to it. In the event of conflicting claims to ~~said~~ the fund, ~~such~~ the claims may be submitted and determined in the court ~~and~~, proceedings shall be had as provided in section 163.18 of the Revised Code, ~~in so far~~ Insofar as ~~such~~ that section is applicable to this section, and the costs of ~~such~~ the proceedings shall be paid by the claimants. All interest income from ~~said~~ the fund shall be paid to the district, and all costs of administering and handling

the fund deposited with the court shall be paid by the district. The ~~master commissioner~~ magistrate shall have the usual powers possessed by ~~master commissioners~~ magistrates, shall have the cooperation of the district in determining the proper parties entitled to ~~said~~ the fund, and may use any abstracts, title certificates, title reports, or other information that the district has relative to any of the properties acquired by the district on the appraisal record.

If the district acquired any of the property or interests appearing on the appraisal record by contract without the intervention of ~~such master commissioner~~ the magistrate, the court shall order the return to the district of so much of ~~said~~ the fund as represents the property or interest so acquired.

Sec. 6101.39. The board of directors of a conservancy district may, at any time after the conservancy appraisal record is filed, when necessary to fulfill the objects for which the district was created, alter or add to the official plan by amendment ~~thereof~~. Such alterations or additions may be alterations in or additions to improvements previously provided for in the official plan or may consist of new works or improvements for the accomplishment of the purposes for which the district was created that were not previously provided for in the official plan. When such alterations or additions are formally approved by the board and by the court, and are filed with the secretary of the conservancy district, they shall become part of the official plan for all purposes of ~~sections 6101.01 to 6101.84 of the Revised Code this chapter. Where~~ If such alterations or additions in the judgment of the court neither materially modify the general character of the work, nor materially increase resulting damage for which the board is not able to make amicable settlement, ~~nor increase the cost more than ten per cent~~, no action other than a resolution of the board is necessary for the approval of such alterations or additions. Any alteration or addition to the official plan relating to the provision of water supply or the collection and disposal of sewage and liquid wastes requires the approval of the environmental protection agency. ~~In case~~ If the proposed alterations or additions materially modify the general character of the work, or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, ~~or increase the cost more than ten per cent~~, the court shall direct the board of appraisers of the conservancy district, which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise, to appraise the property to be taken, benefited, or damaged by the proposed alterations or additions.

Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on its report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury exists. When the only question at issue is additional damages or reduction of benefits to property due to modifications or additions to the plans, the board of directors may, if it finds it practicable, make settlements with the owners of the property damaged instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reductions in benefits, if any are made, the amount shall be paid to the party in cash. This section applies to all changes in appraisals under sections 6101.01 to 6101.84 of the Revised Code this chapter.

Sec. 6101.40. No appeal under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ shall be permitted to interrupt or delay any action or the prosecution of any work under ~~such sections this chapter~~, except where the party appealing is entitled to a jury under the constitution of the state, and ~~such the~~ jury trial has not been had, in which case only so much of the work shall be interrupted or delayed as would constitute a taking of or a damaging of the property of the appellant.

The board of directors of a conservancy district may appeal from any order of the court of common pleas made in any proceeding under ~~such sections this chapter~~ not requiring the intervention of a jury.

The failure to appeal from any order of the court in any proceedings under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ within the time specified in ~~such sections this chapter~~ constitutes a waiver of any irregularity in the proceedings, ~~and the~~. The remedies provided for in ~~such sections this chapter~~ exclude all other remedies except as provided in ~~such sections this chapter~~.

Sec. 6101.41. If any lands in any conservancy district are not liable for ~~taxation or~~ assessment at the time of the execution of the work, but afterwards, during the period when ~~such the~~ work is being paid for, become liable to ~~taxation or~~ assessment by reason of some change in condition or ownership, ~~such the~~ lands then shall ~~thereupon~~ be appraised and assessed as other lands in ~~said the~~ district receiving equal benefits.

Sec. 6101.42. ~~In case~~ If any real property or public corporation within or without any conservancy district is benefited ~~which and~~ for any reason ~~was the benefits were~~ not appraised in the original proceedings; or ~~was were~~ not appraised to the extent of the benefits received, or ~~in case if~~ any person or

public corporation makes use of or profit by the works of any district to a degree not compensated for in the original appraisal, or ~~in case~~ if the board of directors of the conservancy district finds it necessary, subsequent to the time when the first appraisals are made, to take or damage any additional property, the board of directors, at any time such a condition becomes evident, shall direct the board of appraisers of the conservancy district to appraise the benefits or the enhanced benefits received by ~~such~~ the property or public corporation, or ~~such~~ the damages or value of property taken. Proceedings outlined in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ for appraising lands not at first included within the boundaries of the district shall in all matters be conformed with including notice to the parties, or the board of directors may make any suitable settlement with ~~such~~ the person or public corporation for ~~such~~ the use, benefit, damage, or property taken.

Sec. 6101.43. No fault in any notice or other proceedings, whether by reason of noncompliance with the requirements of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ or with any applicable constitutional requirements, or otherwise, shall affect the validity of any proceeding under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code this chapter~~, except to the extent to which it can be shown that ~~such~~ the fault resulted in a material denial of justice to the property owner or public corporation complaining of ~~such~~ the fault.

If it is found upon a hearing that, by reason of some irregularity or defect in the proceedings, the appraisal has not been properly made, the court may nevertheless, on having proof that expense has been incurred which is a proper charge against the property of the person, or against the public corporation, complaining of ~~such~~ the irregularity or defect, render a finding as to the amount of benefits to ~~said~~ the property or public corporation, and appraise the proper benefits accordingly, subject to a claim for a jury as provided in section 6101.35 of the Revised Code, where the party is entitled ~~thereto to it. Thereupon said~~ At that time, the land or public corporation shall be assessed as other land or public corporations equally benefited. If, at any time either before or after the issuance of bonds or notes pursuant to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code this chapter~~, the appraisal of benefits, either as a whole or in part, is declared by any court of competent jurisdiction to be invalid by reason of any defect or irregularity in the proceedings ~~therefor~~, whether jurisdictional or by reason of noncompliance with any of the requirements of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ or with any applicable constitutional requirements, or otherwise, the court of common pleas, on the

application of the board of directors of the conservancy district or on the application of any holder of any bonds or notes ~~which that~~ have been issued pursuant to ~~such sections~~ this chapter, shall promptly and without delay remedy, or cause to be remedied, all defects or irregularities as the case requires and, for ~~such~~ the purpose, may direct the board of appraisers of the conservancy district to make, in the manner provided in section 6101.28 of the Revised Code, a new appraisal of the amount of benefits against the whole or any part of the lands or any public corporation in ~~said~~ the district as the case requires and may order a new hearing to be held after giving of notice ~~thereof~~ of the hearing in compliance with the requirements of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, or such other and further notice as the court shall prescribe to comply with any applicable constitutional requirements.

Sec. 6101.44. The moneys of every conservancy district shall be administered through the following funds:

(A) The "preliminary fund," consisting of the proceeds of the preliminary assessment levied under authority of section 6101.45 of the Revised Code, ~~and~~ any advances of assessments obtained or notes issued in accordance with section 6101.46 of the Revised Code, and any contribution or appropriation by the state ~~of Ohio~~ under authority of section 6101.45 of the Revised Code, which shall be used for the payment of expenses incurred for the purposes for which such preliminary assessments and contributions are authorized;

(B) The "improvement fund," consisting of the proceeds of all special assessments the collection of which has not been anticipated in the issuance of bonds or notes and the proceeds of all bonds and notes, other than bonds to retire notes, issued under section 6101.50 of the Revised Code, which shall be used for defraying expenditures incurred in the execution of the official plan and the acquisition or construction of properties, works, and improvements of the district, including the cost of preparing the official plan and the appraisal, the entire cost of construction and superintendence, with all charges incidental thereto, and the cost of administration during the period of construction and may also be used for defraying preliminary expenses in accordance with section 6101.46 of the Revised Code and repayment to the preliminary fund, in the manner and to the extent provided by this section, of expenditures ~~therefrom~~ from it;

(C) The "bond retirement fund," consisting of the proceeds of all special assessments the collection of which has been anticipated in the issuance of bonds or notes together with all other receipts pledged for the retirement of bonds or notes or the payment of interest ~~thereon~~ on the bonds or notes,

which shall be used only for ~~such~~ those purposes;

(D) The "maintenance fund," consisting of the proceeds of maintenance assessments levied annually in accordance with section 6101.53 of the Revised Code, earnings from the operation of the works of the district, and all receipts not otherwise assigned by law or by order of the board of directors of the conservancy district, which shall be used for the payment of operation, maintenance, and other current expense of the district.

Before levying any assessment to pay the cost of an improvement, the board of directors shall determine the amount expended and to be expended from the preliminary fund for surveys and plans, appraisals, hearings, administration, court costs, and other incidentals that equitably should be repaid to the preliminary fund. ~~Such~~ The amount may be all or any portion of the preliminary expenses for the improvement. When specified by resolution of the board of directors, ~~such~~ the amount shall be included in the costs to be paid from the assessments upon benefited property, and shall be transferred from the improvement fund to the preliminary fund.

The board may establish separate or special funds of each class for each or any designated purpose for which the district is incorporated. Any surplus moneys in any fund of the district may be transferred to any other such fund by the board with the approval of the court, but no transfer shall be made from the bond retirement fund prior to the final maturity of the bonds and notes payable ~~therefrom~~ from it, and no transfer shall thereafter be made which would reduce the balance in ~~such~~ the fund below the amount required for the payment of all obligations outstanding against ~~such~~ the fund.

No money shall be drawn from the treasury of the district, and no obligation for the expenditure of money shall be incurred, except in pursuance of an appropriation by the board. This prohibition does not apply to funds placed at the place of payment by the treasurer of the conservancy district for the payment of maturing bonds and notes and interest ~~thereon~~ on them in accordance with section 6101.51 of the Revised Code. At or before the opening of each fiscal year, which shall correspond to the calendar year unless a different year is authorized by the auditor of state, the board shall adopt a resolution making appropriations for the ensuing year. ~~Such~~ The appropriation resolution may be amended or supplemented by the board. The total amount appropriated from any fund for any year shall not exceed the sum of the unencumbered balance in the fund at the beginning of the year and the amounts to be received during ~~such~~ the year from bonds authorized, and ~~taxes and~~ special assessments imposed prior to their appropriation, together with all other moneys estimated to be received by the fund during the year. At the close of each fiscal year, all unencumbered

balances of appropriations shall revert to the funds from which they were made and shall be subject to reappropriation.

No contract shall be ~~let~~ entered into, and no order shall be issued, involving the expenditure of money unless the accounting officer of the district first certifies that the amount required to meet the expenditure or, in the case of a continuing contract to be performed in whole or in part in a subsequent fiscal year, the amount required to meet the contract in the year in which the contract is made, has been lawfully appropriated for ~~such~~ the purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from previous encumbrances. Accounts shall be kept in such form as to show at all times the true condition of each appropriation.

Sec. 6101.441. In the event of the dissolution or disorganization of any conservancy district organized pursuant to ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, the board of directors of ~~such~~ the district shall determine the amount of funds of the district not needed for the payment of the expenses and indebtedness of the district and shall, upon ~~such~~ the dissolution or disorganization, forthwith distribute ~~such~~ the funds among the various counties comprising ~~such~~ the district in the same proportion as the funds of the district were received from ~~such~~ the counties whether by donation, assessment, tax, or otherwise. The amount due each county shall be paid to the treasurer of ~~such~~ the county and shall be placed and held ~~by him~~ in a separate fund to be known as the "conservancy district fund."

If a petition for the establishment of a new political subdivision whose primary purpose is flood control, water conservation, water supply, or water management, that is authorized under ~~either sections 6101.01 to 6101.84 of the Revised Code, this chapter or under any~~ other sections of the Revised Code, and ~~which that~~ includes ~~such~~ the county or a part thereof, of it is pending at the time of, or is filed within one year after the receipt of ~~such~~ the moneys by ~~such~~ the treasurer, and ~~such~~ the new political subdivision is subsequently organized, or if ~~such~~ the new political subdivision has been organized at the time ~~such~~ the moneys are received by the treasurer, ~~such~~ the treasurer shall, upon the written request of the directors of ~~such~~ the new political subdivision, forthwith pay over all funds in ~~such~~ the conservancy district fund to ~~such~~ the new political subdivision, and ~~said~~ the subdivision may use and expend ~~said~~ the moneys for any purpose or purposes authorized by the sections of the Revised Code under which it has been organized. As used in this section, "new political subdivision" does not include the following: any sewer district organized under any provisions of the Revised Code; any sanitary district organized under ~~sections 6115.01 to 6115.79~~

Chapter 6115. of the Revised Code; or any joint county ditches or any interstate county ditches organized under any provisions of the Revised Code.

If no petition for the organization of ~~such~~ a new political subdivision is filed within one year after the receipt of ~~such the~~ money by the treasurer, ~~he the treasurer~~ shall, at the expiration of ~~such the~~ one-year period, transfer all moneys in the conservancy district fund to a special fund of the county to be held and used for drainage, flood control, water conservation, water supply, or water management purposes in the areas ~~therein of the county~~ from which ~~such funds the moneys~~ were originally derived. ~~In the event such~~ If the proposed political subdivision, for the establishment of which a petition has been filed within ~~such the~~ one-year period, is not established or organized, the treasurer shall make the same disposition of the moneys in the conservancy district fund ~~as in this paragraph provided.~~

Sec. 6101.45. After the filing of a petition for the organization of a conservancy district, and before the district is organized, the costs of publication and other official costs of the proceedings shall be paid out of the general funds of the county in which the petition is pending. ~~Such~~ The payment shall be made on the warrant of the county auditor or on the order of the court. If the district is organized, ~~such the~~ costs shall be repaid to the county out of the first funds received by the district through levying of assessments ~~or~~, selling of bonds, or ~~the~~ borrowing of money. If the district is not organized, the cost shall be collected from the petitioners or their ~~bondsmen~~ bondspersons. Upon the organization of the district, the court shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as estimated by ~~said the~~ court. The court shall issue an order to the auditor of each county to issue ~~his~~ A warrant upon the county treasurer of ~~his the~~ county to reimburse the county having paid the total cost.

As soon as any district has been organized, and a board of directors of the conservancy district has been appointed and qualified, ~~such the~~ board may levy upon the property within the district in each of not more than two years a preliminary assessment, based upon the benefit determined by the court as provided by section 6101.08 of the Revised Code, but not to exceed three-tenths of a mill on the assessed valuation ~~thereof of the property~~, to be used for the purpose of paying expenses of organization, for surveys and plans, appraisals, estimates of cost, and land options, and for other incidental expenses ~~which that~~ may be necessary up to the time money is received from the sale of bonds or otherwise. This assessment shall be certified to the

auditors of the various counties and by them to the respective treasurers of their counties. If ~~such the~~ items of expense have already been paid in whole or in part from other sources, they may be repaid from the receipts of ~~such the~~ levy, and ~~such the~~ levy may be made although the work proposed may have been found impracticable or for other reasons is abandoned. The collection of ~~such the~~ assessment shall conform in all matters to the sections of the Revised Code governing the collection of assessments levied by local political subdivisions, and the sections of the Revised Code concerning the nonpayment of assessments levied by local political subdivisions shall apply. The board may borrow money in any manner provided for in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter and may pledge the receipts from ~~such the~~ assessments for its repayment, the information collected by the necessary surveys, the appraisal of benefits and damages, and other information and data being of real value and constituting benefits for which ~~said the~~ assessment may be levied. In case a district is disbanded for any cause before the work is constructed, the data, plans, and estimates which have been secured shall be filed with the clerk of the court before which the district was organized and shall be matters of public record available to any person interested.

The board shall, upon levying the preliminary assessment, certify to the director of ~~the department of~~ natural resources an estimate of the amount of money the district will need to pay expenses of organization, for surveys and plans, appraisals, estimates of cost, and land options, and for other incidental expenses up to the time money is received by the district from the sale of bonds or otherwise. The director, within sixty days after the receipt of ~~such the~~ certification, shall, upon finding that the organization and operation of the district contribute to the general welfare of the state, determine an equitable percentage of the amount so certified to be paid by the state. The director shall certify ~~such the~~ determination to the board and shall cause to be paid to the district, out of any moneys appropriated to the department of natural resources for the purpose of assisting conservancy districts to pay expenses of organization, for surveys and plans, estimates of cost, and land options, and for other incidental expenses, the amount determined by ~~him~~ the director to be the equitable share of the state in meeting ~~such the~~ expenses. The director shall make available to the board all plans, data, surveys, or other information, which the department of natural resources or any division ~~thereof of it~~ may have, which will be beneficial to the board in furthering the purposes for which the district is organized.

Sec. 6101.48. After the conservancy appraisal record as approved by the court, or that part ~~thereof of it~~ from which no appeal is pending, has been

filed with the secretary of the conservancy district as provided in section 6101.37 of the Revised Code, ~~then~~ from time to time, as the affairs of the district demand it, the board of directors of the conservancy district shall levy on all real property and on all public corporations, upon which benefits have been appraised, an assessment of ~~such~~ the portion of ~~said~~ the benefits as that is found necessary by ~~said~~ the board to pay the cost of the execution of the official plan, including superintendence of construction and administration, plus one-ninth of ~~said~~ that total to be added for contingencies, but not to exceed in the total of principal the appraised benefits so adjudicated.

~~Such~~ The assessment shall be apportioned to and levied on each tract of land or other property and each public corporation in the district in proportion to the benefits appraised, and not in excess ~~thereof~~ of the benefits appraised. Interest at a rate not to exceed the rate provided in section 9.95 of the Revised Code, payable semiannually, shall be included in and added to the ~~said~~ assessment, but ~~such~~ the interest shall not be considered as a part of the cost in determining whether or not the expenses and costs of making the improvement are equal to or in excess of the benefits appraised.

After the assessment is levied, the board shall report it to the court for confirmation. Upon the entry of the order of the court confirming the assessment, the clerk of the court shall transmit a certified copy of the order to the governing or taxing body of each political subdivision assessed, and the governing or taxing body shall receive and file the order. Thereafter, the board may order the issuance of notes in an amount not exceeding ninety per cent of the assessment in anticipation of the collection of the assessment.

After the court has confirmed the assessment, the secretary of the conservancy district, at the expense of the district, shall prepare ~~in duplicate~~ an assessment record ~~of the district. It shall be in the well-bound book indorsed and~~ named "Conservancy Assessment Record of District." It shall contain ~~in tabular form~~ a notation of the items of property appraised and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation. ~~Where~~ If successive levies of assessment are made for the execution of the official plan and the acquisition or construction of improvements, the conservancy assessment record shall contain suitable notations to show the number of levies and the amount of each, to the end that the conservancy assessment record may disclose the aggregate of all such levies made up to that time.

Upon the completion of ~~such~~ the conservancy assessment record, it shall be signed and certified by the president of the board and by the secretary of

the conservancy district, ~~attested by the seal of the district,~~ and shall then be placed on file and shall become a permanent record in the office of ~~said the~~ district. After the expiration of the thirty-day period for the payment of assessments as provided by section 6101.49 of the Revised Code, a copy of that part of the conservancy assessment record affecting lands or public corporations in any county shall be filed with the county auditor of ~~such the~~ county.

If it is found at any time that the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan or of additional work done, the board may make an additional levy to provide funds to complete the work, provided the total of all levies of ~~such the~~ assessment exclusive of interest does not exceed the total of benefits appraised.

Sec. 6101.49. When the conservancy assessment record is placed on file in the office of the conservancy district, notice by publication shall be given to property owners and public corporations assessed that they may pay their assessments. Any owner of real property or public corporation assessed for the execution of the official plan under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter may pay ~~such the~~ assessment to the treasurer of the conservancy district within thirty days from the time ~~such the~~ assessment is placed on file in the office of the district, and the amount to be so paid shall be ninety per cent of the full principal amount of the assessment exclusive of any amount added ~~thereto to it~~ to meet interest. When ~~such the~~ assessment has been paid, the secretary of the conservancy district shall enter upon ~~said the~~ assessment record ~~and the duplicate thereof~~ opposite each item for which payment is made, the amount paid and the words "paid in full," and ~~such the~~ assessment shall be deemed satisfied. The payment of ~~such the~~ assessment does not relieve the landowner or public corporation from the necessity for the payment of a maintenance assessment ~~nor for or from~~ payment of any further assessment ~~which that~~ may be necessary as provided in ~~such sections~~ this chapter. Any property owner or public corporation failing to pay assessments in full as provided for in this section shall be deemed to have consented to the issuance of bonds as provided for under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter and to payment of interest ~~thereon on them~~. If any assessment is twenty-five dollars or less, or whenever the unpaid balance of any ~~such~~ assessment is twenty-five dollars or less, the ~~same~~ assessment or balance shall be paid in full, and not in installments, at the time the first or next installment would otherwise become due and payable.

After the expiration of the period of thirty days within which the

property owners and public corporations may pay their respective assessments, as limited in this section, the treasurer of the conservancy district shall certify to the board of directors of the conservancy district the aggregate of the amount so paid, and ~~thereupon~~ the board then shall pass and spread upon its records a resolution in which shall be stated the total amount of the assessment, and the amount ~~thereof~~ of it paid. ~~Thereupon the~~ The board shall, in the same resolution, apportion the total of the unpaid assessments into annual installments and provide for the collection of interest upon the unpaid installments. Thereafter, it may order the issuance of bonds in an amount not exceeding ninety per cent of the unpaid assessment in anticipation of the collection of ~~said~~ the installments. The residue of the assessment so levied, not less than ten per cent, shall constitute a contingent account to protect the bonds from casual default, and any part ~~thereof~~ of it in excess of the sum of the next two installments of semiannual interest and ten per cent of the next installment of maturing bond principal, if not needed for this purpose, may be used for the purchase and retirement of bonds of the district at not to exceed par and accrued interest or for the reduction of the rate of assessment in succeeding years.

Sec. 6101.50. (A) The board of directors of a conservancy district may, if in its judgment it seems best, issue bonds in an amount not to exceed ninety per cent of the total amount of the unpaid portion of an assessment, exclusive of interest, levied under ~~sections 6101.01 to 6101.84 of the Revised Code, in denominations of not less than one hundred dollars, bearing interest from date at a rate not to exceed the rate provided in section 9.95 of the Revised Code, payable semiannually~~ this chapter, to mature at annual or semiannual intervals within thirty years, ~~commencing not later than five years, to be determined by the board. Both principal and interest shall be payable at the office of the treasurer of state~~ Whenever the board determines to issue bonds in anticipation of the collection of the installments of an assessment, it shall adopt a resolution, to be known as the resolution of necessity, declaring the necessity of ~~such~~ the bond issue, ~~and~~ its purpose, and ~~its~~ amount. Thereafter ~~from time to time~~, prior to and in anticipation of the issuance and sale of ~~such~~ those bonds, the board may borrow money and issue notes ~~therefor in aggregate amount not in excess of the amount of such bond issue, bearing interest at a rate not in excess of the rate provided in section 9.95 of the Revised Code, payable semiannually or at maturity if less than six months, and maturing not~~ Whenever the board determines to issue notes, it shall adopt a resolution, to be known as the note resolution. The note resolution shall do all of the following:

- (1) State the principal amount or maximum principal amount of

anticipatory notes to be issued and outstanding, not to exceed the amount of the bond issue:

(2) Provide for, or provide the method for, establishing or determining from time to time the rate or rates of interest or the maximum rate or rates of interest to be paid on the anticipatory notes;

(3) State the date or dates of the anticipatory notes;

(4) Establish provisions, if any, for redemption or prepayment of the anticipatory notes, in whole or in part, before maturity;

(5) Provide the maturity date of the anticipatory notes, which shall not be later than five years from the date of the first issue of such the notes. All of such

(B) All anticipatory notes issued for less than five years may be renewed from time to time until the expiration of five years from the date of original issue. After the expiration of five years from the date of original issue, if any annual installments of the assessments have been collected or are in process of collection, the board may renew or continue to renew its anticipatory notes from time to time until the board by a bonding resolution declares the necessity of issuing bonds. ~~The notes shall be redeemable at any interest payment date. Such notes may be sold at private sale but in no event shall they be sold at less than par and accrued interest; but if the board determines to sell such notes at public sale the procedure shall be as provided in this section for the sale of bonds. Each determination of the board to borrow money and issue notes shall be evidenced by a resolution of the board. Whenever such~~

Whenever notes have been issued in anticipation of the issuance of bonds, the proceeds of the bonds when issued and sold and of the assessment pursuant to which the bonds are issued shall be applied to the payment of the notes and interest ~~thereon~~ on the notes until both are fully paid.

(C)(1) If the board determines not to issue ~~such~~ anticipatory notes, or if ~~such~~ anticipatory notes are issued, ~~when~~ and they are about to fall due, the board shall adopt a resolution, to be known as the bonding resolution; ~~declaring.~~ The bonding resolution shall do all of the following:

(a) Declare the necessity of the bonds presently to be issued, ~~and~~ their purpose, and their amount, in accordance with the prior resolution of necessity, ~~and fixing the date, rate of interest, and maturity of the bonds.~~ When;

(b) State or provide for the date of the bonds, and the dates and amounts or maximum amounts of maturities or principal payments on the bonds;

(c) State any provision for a mandatory sinking fund or mandatory

sinking fund redemption or for redemption prior to maturity:

(d) Provide for the rate or rates of interest or maximum rate or rates of interest to be paid on the bonds or, if otherwise authorized, the method for establishing or determining from time to time the rate or rates of interest to be paid on the bonds;

(e) State any provision for a designated officer of the district to determine any of the specific terms required by this division to be stated in the bonding resolution, subject to any limitations stated in the bonding resolution.

~~(2) When anticipatory notes are not issued, the resolution of necessity may be incorporated in and made a part of the bonding resolution. All bonds shall be sold to the highest bidder, after being advertised once a week for three consecutive weeks and on the same day of the week, the first advertisement being published at least twenty-one full days before the date of sale, in a newspaper having general circulation in the county wherein the office of the district is located. The advertisement shall state the amount of bonds to be sold, how long they are to run, the rate of interest to be paid thereon, the dates of payment of interest, the purpose of the issue, and the day, hour, and place where bids will be received. An advertisement may also be published in recognized financial journals. Anyone desiring to do so may present a bid for such bonds based upon their bearing a different rate of interest than specified in the advertisement. Where a fractional interest rate is bid, such fraction shall be one quarter of one per cent or a multiple thereof and uniform for all maturities. Every bidder shall file with his bid a bond or certified check in an amount specified in the advertisement but not less than one per cent of the amount of the bonds to be sold.~~

~~Bonds of the district may be issued subject to call or redemption prior to maturity at not more than par. When the district has issued bonds subject to call or redemption prior to maturity the board may refund such bonds at a lower rate of interest than is provided therein, provided that the bonds issued shall not exceed in amount the bonds refunded and the maturity of the bonds so issued shall not extend beyond the maturity of the bonds refunded.~~

~~No bonds shall be sold for less than the face value thereof with accrued interest. The board shall accept the highest bid, or if bids are received based upon a different rate of interest than specified in the advertisement, the board shall accept the highest bid resulting in the lowest net interest cost to the district, presented by a responsible bidder. The net interest cost shall be the difference between the interest cost over the life of the bonds and the premium offered. If a bid is accepted based upon a rate of interest other than that provided for in the bonding resolution of the board, such acceptance~~

~~before taking effect must be approved by a supplemental resolution of the board, and in such case bonds may be issued bearing the rate of interest provided for in such accepted bid without further amendment of the bonding resolution. When bonds have been once advertised and offered at public sale, as provided by law, and they or any part thereof remain unsold for want of bidders, those unsold may be sold at private sale at not less than their par value and accrued interest thereon bearing not to exceed the rate of interest provided in the bonding resolution of the board. All~~

(D)(1) Anticipatory notes and bonds may be sold by competitive bid or at private sale in a manner determined or authorized by the board, but they shall not be sold for less than ninety-seven per cent of their principal amount, plus accrued interest. As used in this division, "bid" has the same meaning as in division (C) of section 133.30 of the Revised Code.

(2) All moneys from premiums and accrued interest shall be paid into the bond retirement fund.

(3) Bonds and anticipatory notes shall be signed by the president of the board, and be attested by the seal of said district and by the signature of the secretary of the conservancy district, and bonds shall be registered by the treasurer of state. Interest coupons attached to such bonds shall bear the facsimile signatures of said president and secretary. In case If any of the officers whose signatures, countersignatures, or certificates appearing appear upon bonds, notes, or coupons issued pursuant to sections 6101.01 to 6101.84 of the Revised Code, this chapter ceases to be such that officer before the delivery of such the bonds or notes to the purchaser, such the signatures, countersignatures, or certificates shall nevertheless be valid and sufficient for all purposes, as if such the officer had remained in office until the delivery of the bonds or notes.

Bonds shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the bond retirement fund.

All

~~All assessments the collection of which has been anticipated by the issuance of bonds or notes shall, when collected, be paid into the bond retirement fund for the purpose of paying the principal and interest of bonds and notes and for no other purpose. All bonds and coupons not paid at maturity shall bear interest at the rate provided in section 9.95 of the Revised Code from maturity until paid or until sufficient funds have been deposited at the place of payment. The expenses incurred in paying said bonds and interest thereon and reasonable compensation to the treasurer of state together with the costs to the office of the treasurer of state for registering and paying same on bonds shall be paid out of the other funds in~~

the hands of the treasurer of the conservancy district and collected for the purpose of meeting the expenses of administration. ~~That portion of the funds paid to the treasurer of state that represents the costs to his office shall be paid into the state treasury to the credit of the general revenue fund. The~~

(E) The board may issue anticipatory notes or bonds to fund or refund previously issued notes or bonds. These anticipatory notes or bonds shall be issued pursuant to a note resolution or bonding resolution as described in division (A) or (C) of this section.

Moneys derived from the proceeds of anticipatory notes and bonds issued under this division and any moneys derived from other sources and required for the funding or refunding of the previously issued notes or bonds shall be placed, under an escrow agreement or otherwise and to the extent required by the resolution, in an escrow fund. The escrow fund may be an account in the bond retirement fund if the previously issued notes or bonds are payable within ninety days of the issuance of the anticipatory notes or bonds under this division. The moneys in the escrow fund shall be pledged and used for the purpose of funding or refunding the previously issued notes or bonds.

(E) Pending their use under division (E) of this section, the moneys in the escrow fund referred to in that division shall be invested in direct obligations of, or obligations guaranteed as to payment by, the United States that mature, or are subject to redemption by and at the option of the holder, not later than the date or dates when the moneys in the escrow fund, together with interest or other investment income accrued on those moneys, are required for the payment of debt charges on the previously issued notes or bonds under division (E) of this section. Any moneys in the escrow fund that are not needed for the payment of debt charges on the previously issued notes or bonds shall be transferred to the bond retirement fund. For purposes of this division, "direct obligations of, or obligations guaranteed as to payment by, the United States" includes rights to receive payment or portions of payments of the principal of, or interest or other investment income on, those obligations and other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

(G) When the moneys, including the interest or other investment income on the moneys, in the escrow fund referred to in division (E) of this section are determined by an independent public accounting firm to be sufficient for the payment of the debt charges on the previously issued notes or bonds under that division, the following conditions shall apply:

- (1) The previously issued notes or bonds shall no longer be considered

outstanding.

(2) The previously issued notes or bonds shall no longer be considered for purposes of determining any direct or indirect limitation on the indebtedness or net indebtedness of the district.

(3) The levy of special assessments or other charges for the payment of the debt charges on the previously issued notes or bonds under this chapter, Chapter 5705. of the Revised Code, or other provisions of the Revised Code is not required.

(H) The board in making the annual assessment levy shall take into account the maturing bonds and interest on all bonds, and shall make ample provision in advance for the payment thereof of those bonds and that interest.

In case the proceeds of the original assessments made under section 6101.48 of the Revised Code are not sufficient to pay the principal and interest of all bonds issued, ~~then~~ the board shall make ~~such~~ additional levies as ~~are~~ necessary for this purpose, and under no circumstances shall any assessment levies be made that will in any manner or to any extent impair the security of ~~said~~ the bonds or the fund available for the payment of the principal and interest of the ~~same~~ bonds.

Sec. 6101.501. A conservancy district or a subdistrict ~~thereof~~ of it may issue revenue bonds for the purpose of paying all or part of the cost of acquiring or constructing any improvement ~~which~~ that the district or subdistrict is authorized to acquire or construct, and ~~such~~ the improvement may include equipment, land or interests in land, and facilities necessary or appropriate to ~~such~~ the improvement. ~~Such~~ The bonds shall be secured only by a pledge of, and lien upon, ~~such~~ the portion as the board of directors of the conservancy district determines of the revenues derived from fees, rates, and charges for the use of any facilities or services of the district or subdistrict, after the payment of costs and expenses of operation and maintenance of ~~such~~ the facilities, and the covenant of the district or subdistrict to maintain sufficient fees, rates, and charges to produce adequate revenues to pay ~~such~~ the costs and expenses and for the payment of ~~such~~ the bonds. ~~Such~~ The bonds shall be negotiable instruments, but shall not constitute general obligations of the district or subdistrict.

~~Such~~ The bonds shall bear interest at not to exceed the rate provided in section 9.95 of the Revised Code, payable semiannually, shall mature in annual or semiannual installments within forty years from their date, and may be made callable and, if so issued, may be refunded. ~~Such~~ The bonds shall be signed by the president of the board and attested ~~by the seal of said district and~~ by the signature of the secretary of the ~~conservancy~~ district,

provided that one of ~~such the~~ signatures may be a facsimile ~~and a facsimile~~ of ~~such seal may be imprinted on said bonds.~~ ~~Interest~~ Any interest coupons attached to ~~such the~~ bonds shall bear the facsimile signatures of the president and secretary. In case any officer who has signed ~~such the~~ bonds or caused ~~his the officer's~~ facsimile signature to be affixed ~~thereto to the bonds~~ ceases to be ~~such that~~ officer before the bonds so signed have been actually delivered, ~~such the~~ bonds, nevertheless, may be issued and delivered as though the person who had signed ~~such the~~ bonds, or caused ~~his the person's~~ facsimile signature to be affixed ~~thereto to the bonds~~, had not ceased to be ~~such that~~ officer; any such bonds may be executed on behalf of the district by an officer who, at the actual date of execution of ~~such the~~ bonds, is the proper officer of the district, although at the date of ~~such the~~ bonds ~~such the~~ person was not ~~such an~~ officer. ~~Such~~ The bonds may be sold as provided in section 6101.50 of the Revised Code ~~or at private sale, at the option of the board,~~ and shall be registrable as provided in section 6101.52 of the Revised Code.

In the discretion of the board of directors, ~~such the~~ revenue bonds may be further secured by a trust agreement between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. ~~Such~~ The trust agreement may pledge or assign revenues to the payment of the principal of and interest on ~~such the~~ bonds and reserves ~~therefor for the bonds,~~ but shall not convey or mortgage any property of the district or subdistrict. Any such trust agreement may contain ~~such~~ provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including provisions for issue of additional revenue bonds to be secured ratably with any revenue bonds ~~theretofore or thereafter~~ previously or subsequently issued, covenants setting forth the duties of the board in relation to the acquisition, improvement, maintenance, operation, repair, and insurance of the facilities in connection with which ~~such the~~ bonds are authorized, the custody, safeguarding, and application of all revenues and moneys, the insurance of moneys on hand or on deposit, the rights and remedies of the trustee and the holders of the bonds, including ~~therein in them~~ provisions restricting the individual right of action of bondholders as is customary in trust agreements respecting bonds and debentures of corporations, the security to be given by those who contract to construct the project and by any bank or trust company in which the proceeds of bonds or revenues are deposited, and ~~such~~ other provisions as the board ~~deems~~ considers reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of any

such trust agreement may be treated as a part of the cost of maintenance, operation, and repair of the facilities for which the bonds were issued.

The board shall covenant and agree to maintain, so long as there are outstanding any such bonds payable from revenues, adequate fees and charges for the use of the facilities or services from which ~~such the~~ revenues are derived for the payment of the principal and interest on ~~such the~~ bonds and for the creation and maintenance of reserves ~~therefor~~ for that payment and reserves for operation, maintenance, replacement, and renewal.

If the revenues pledged to pay revenue bonds prove insufficient to pay maturing bonds, bonds ~~which that~~ have matured or are about to mature may be refunded, ~~providing~~ provided that the refunding bonds so issued shall mature in not more than fifteen years after issuance; or all of the outstanding bonds, both matured and unmatured, of any such issue may be refunded if ~~such the~~ outstanding bonds can be retired by call for redemption or with the consent of the holders, either from the proceeds of the sale of the refunding bonds or by exchange, ~~provided such~~ provided that the refunding bonds shall not exceed in amount the par value of the bonds to be refunded plus the redemption price in excess of par value, if any, required to be paid upon their call for redemption, and the maturity of ~~such the~~ refunding bonds shall not exceed forty years after their issuance.

The terms and provisions of any such refunding bonds, the method of their issue, and the documents to be executed for the security ~~thereof, of them~~ shall be as provided for an original issue of revenue bonds, except that they may mature in one or more installments and contain ~~such~~ provisions for sinking fund and for calls from sinking fund as the board of directors may determine, and except that they may be exchanged in whole or in part for the bonds to be refunded.

Sec. 6101.51. The treasurer of a conservancy district, at the time of taking office, shall execute to the district and deliver to the president of the board of directors of the ~~conservancy~~ district, a bond with good and sufficient sureties, to be approved by the board, conditioned that the treasurer shall account for and pay over as required by law, and as ordered by the board, all money received by ~~him~~ the treasurer on the sale of bonds and notes or from any other source, ~~and that he~~ the treasurer only shall deliver the bonds and notes to the purchasers ~~thereof~~ under and according to the terms prescribed in this section and section 6101.50 of the Revised Code, and that, when ordered by the board to do so, ~~he~~ the treasurer shall return to the board, duly canceled, any bonds and notes not sold, which bonds and notes shall remain in the custody of the board, which shall produce them for inspection or for use as evidence whenever and wherever

legally requested to do so. The cost of the bond of the treasurer ~~of the district~~ shall be paid by the board from the funds of the district. The board shall make appropriations at the proper time for the payment of the maturing bonds and notes of the district and the interest payments coming due on all bonds and notes sold, and the treasurer of the district shall place sufficient funds at the place of payment to pay them. If proper appropriations are not made by the board as provided in this section, the treasurer of the district of ~~his~~ the treasurer's own accord shall place funds at the place of payment and report that action to the next meeting of the board. The canceled bonds and coupons, receipted notes, and receipts of the treasurer ~~of state~~ shall be evidence of such payment.

~~All moneys of a district deposited with the treasurer of state to provide for the payment of bonds and interest shall be deposited by the treasurer of state in the name of the district in a national or state bank subject to the same conditions as are provided by law for the deposit of moneys of the state, and all interest received on the deposit shall be paid to the district.~~

The successor in office of any treasurer of a conservancy district is not entitled to take over the assets of the treasury until ~~he~~ the treasurer has complied with this section. Moneys derived from the sale of bonds and from all other sources shall be deposited by the treasurer ~~of the district with depositories designated by the board. At intervals of not greater than two years, the board shall invite proposals from banks and trust companies for the deposit of district funds. So long as such banks and trust companies are permitted by law to pay interest, the board shall select as depositories the bank or banks or trust company or companies that at competitive bidding offer the highest rate or rates of interest, but if no proposal offering depository interest is received, the board may designate depositories for the funds of the district without payment of interest. The selection of any depository shall be evidenced by a resolution of the board, which shall set forth the terms governing the selection. The funds so deposited shall be protected at all times by the hypothecation by the depository of securities of market value or par value, whichever is less, in an amount equal to one hundred per cent of the funds, and additional securities shall be hypothecated when necessary to maintain that percentage. The hypothecation of the securities by the depository does not require that the securities be placed in the possession of the treasurer of the district. The depository, by written notice to the board and to the treasurer, may designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the treasurer and the depository, as their respective rights to and interests in the securities under~~

~~this section may appear and be asserted by written notice to or demand upon the trustee. In that case, the treasurer shall accept the written receipt of the trustee, describing the securities, as and for a hypothecation of the described securities, and issue to the depository his written acknowledgment to that effect, keeping a copy thereof in his office. Thereupon, the securities described in the trustee's receipt shall be deemed to have been hypothecated with the treasurer and to have been deposited with him for all the purposes of this section. The amount so determined of the securities to be hypothecated shall be reduced by an amount equal to the insurance of deposits provided by the federal deposit insurance corporation pursuant to the act of congress known as the "Banking Act of 1933," 48 Stat. 162, 12 U.S.C.A. 1811, as amended. The securities shall be obligations of, or guaranteed as to principal and interest by, the United States or obligations of the state or of the conservancy district or, subject to acceptance by the board, obligations of any political subdivision lying wholly or partly within the boundaries of the district. From time to time as the amount on deposit is reduced, the amount of the hypothecated securities may be reduced, but the total protection of deposits shall be not less than the amount on deposit. The board may invest moneys of the district in United States savings bonds or other interest bearing obligations of the United States In accordance with sections 135.01 to 135.21 of the Revised Code. The funds derived from the sale of any of the bonds and notes shall be used only for paying the cost of the properties, works, and improvements and ~~such~~ costs, expenses, fees, and salaries ~~as are~~ authorized by law.~~

The district may secure the payment of loans from the United States government in the same manner as it may secure the payment of bonds, and the board may make any necessary regulations to provide for that payment.

A party who has not sought a remedy against any proceeding under this chapter, until ~~such~~ bonds or notes have been sold or the work constructed, cannot for any cause have an injunction against the collection of ~~taxes or~~ assessments for the payment of the bonds or notes.

~~Such bonds shall have all the qualities of negotiable paper under the law merchant, and when executed and sealed and registered in the office of the treasurer of state in conformity with this chapter, and when sold in the manner prescribed in this section and section 6101.50 of the Revised Code and the~~ When consideration ~~therefor~~ for bonds is received by the district, the bonds shall not be invalid for any irregularity or defect in the proceedings for ~~the issue~~ their issuance and sale ~~thereof~~, and shall be incontestable in the hands of bona fide purchasers or holders ~~thereof~~ of the bonds for value. No proceedings in respect to the issuance of any ~~such~~ bonds are necessary

except ~~such as are~~ required by this chapter.

Notwithstanding any other provision of this section governing the deposit or investment of moneys of a conservancy district, the board of directors of ~~such~~ a district, for the purpose of providing for the investment of the moneys on the district's behalf, may order the treasurer of the district to invest moneys of the district in the Ohio ~~subdivisions~~ subdivision's fund authorized to be created under section 135.45 of the Revised Code. Any such investments in the fund are subject to and governed by that section and rules adopted under it.

Sec. 6101.52. Whenever the owner of any coupon bond issued pursuant to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter presents ~~such the~~ bond to the treasurer of the conservancy district with a request for the conversion of ~~such the~~ bond into a bond registered as to principal and interest, ~~said the~~ treasurer shall cut off and cancel the coupons of ~~any such the~~ coupon bond so presented, and shall stamp, print, or write upon ~~such the~~ coupon bond, either upon the back or the face ~~thereof of it~~ or in blanks provided ~~therefor, as is convenient,~~ for the purpose a dated and signed statement to the effect that ~~said the~~ bond is registered as to principal and interest in the name of the owner and that thereafter the interest and principal of ~~said the~~ bond are payable to the registered owner. Upon request of an owner similarly made for registration of any coupon bond as to principal only, the treasurer of the district shall similarly record on ~~such the~~ bond a statement to the effect that ~~said the~~ bond is registered as to principal and that thereafter the principal of ~~said the~~ bond is payable to the registered owner. Thereafter, and from time to time, any bond so registered as to principal and interest or as to principal only may be transferred by ~~such the~~ registered owner in person or by attorney duly authorized on presentation of ~~such the~~ bond to the treasurer of the district and the bond again registered as before, a similar statement being stamped, printed, or written ~~thereon on it~~. If ~~such the~~ bond is so registered, the principal and interest of ~~such the~~ bond or the principal ~~thereof of it~~, if registered as to principal only, shall be payable to the registered owner. Upon request of the owner of any registered bond, ~~such the~~ bond may be discharged from registration by being in like manner transferred and made payable to bearer and, if ~~such the~~ bond has been registered as to interest, by attaching ~~thereto to it~~ reproductions of the original interest coupons thereafter payable; but the cost of reproducing and attaching ~~such the~~ coupons shall be paid by the owner of ~~such the~~ bond. The treasurer of the district shall enter in a register of such bonds to be kept by ~~him, or in a separate book,~~ the treasurer the fact of the registration of ~~such the~~ bond and the name of the registered owner ~~thereof of it~~ so that ~~said the~~

register ~~or book~~ at all times shows what bonds are registered, the kind of registration, and the name of the registered owner thereof. ~~Not more than thirty nor less than fifteen days prior to each payment date for payment of principal or interest the treasurer of the district shall certify the record of registered bonds to the treasurer of state.~~

Sec. 6101.53. To maintain, operate, and preserve the reservoirs, ditches, drains, dams, levies, canals, sewers, pumping stations, treatment and disposal works, or other properties or improvements acquired or made pursuant to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, and to strengthen, repair, and restore the same, when needed, and to defray the current expenses of the conservancy district, the board of directors of the ~~conservancy~~ district may, upon the substantial completion of ~~said~~ the improvements and on or before the first day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon each public corporation within the district, subject to assessments under ~~such sections~~ this chapter, to be known as a conservancy maintenance assessment. No ~~such~~ assessment shall be made with respect to works and improvements acquired or constructed for the purpose of providing a water supply for domestic, industrial, and public use within the district, when ~~such~~ the water supply can be metered or measured when furnished to persons or public corporations. If the district, for the benefit of one or more persons or political subdivisions, provides a water supply that recharges underground aquifers and thereby replenishes wells or provides a source of water for new wells, or increases the natural low flow of a stream used for water supply, or creates an impoundment, in such a way that the augmented use of water cannot be metered or measured for individual or public consumption, the board may make a maintenance assessment against benefited property and public corporations in the same manner provided ~~herein~~ in this section for maintenance of other properties or improvements.

~~Said~~ The maintenance assessment shall be apportioned upon the basis of the total appraisal of benefits accruing for original and subsequent construction, shall not exceed one per cent ~~thereof~~ of the total appraisal of benefits in any one year unless the court by its order authorizes an assessment of a larger percentage, shall not be less than two dollars, and shall be certified to the county auditor of each county in which lands of ~~said~~ the district are located in the conservancy assessment ~~book~~ record but in a separate column in like manner and at the same time as the annual installment of the assessment levied under section 6101.48 of the Revised Code is certified, under the heading "~~Maintenance~~ maintenance assessment." ~~Said~~ The auditor shall certify the same to the county treasurer

of the county at the same time that ~~he~~ the auditor certifies the annual installment of the assessments levied under ~~such that~~ section, and the sum of ~~such the~~ levies for any tract or public corporation may be certified as a single item. The treasurer shall demand and collect the maintenance assessment and make return ~~thereof of it~~, and shall be liable for the same penalties for failure to do so as are provided for the annual installment of the assessment levied under section 6101.48 of the Revised Code.

~~The board of directors of the conservancy district may adopt a resolution requiring that any annual maintenance assessments authorized by this section that are for ten dollars or less be collected biennially or triennially rather than annually. The resolution shall specify the maximum dollar amount, not to exceed ten dollars for each year for which the collection is being made, that may be accumulated and collected either biennially or triennially, whichever is indicated in the resolution. The board annually shall certify to the county auditor the amount of such assessments to be collected in that year, if any, and the county auditor shall proceed to collect those certified amounts in the same manner as provided for collection of all other maintenance assessments under this section.~~

The amount of the maintenance assessment paid by any parcel of land or public corporation shall not be credited against the benefits assessed against ~~such the~~ parcel of land or public corporation, but the maintenance assessment shall be in addition to any assessment that has been or can be levied under section 6101.48 of the Revised Code.

To maintain, operate, and preserve the works and improvements of the district acquired or constructed for the purpose of providing a water supply, to strengthen, repair, and restore the same, and to defray the current expenses of the district for this purpose, the board may impose rates for the sale of water to public corporations and persons ~~within~~ within the district. The rates to be charged for ~~such the~~ water shall be fixed and adjusted by the board at intervals of not less than one year, so that the income thus produced will be adequate to provide a maintenance fund for the purpose of water supply. Contracts for supplying water to public corporations and persons shall be entered into before ~~such the~~ service is rendered by the district. ~~Such contracts~~ Contracts shall specify the maximum quantity of water to be furnished to the public corporation or person, ~~which~~ and the quantity shall be fixed so as equitably to distribute the supply. Preference shall be given to water supply furnished to public corporations for domestic and public uses. Bills for water supplied to public corporations shall be rendered at regular intervals and shall be payable from the waterworks fund of the public corporation or, if it is not sufficient, from the general fund.

Sec. 6101.54. Whenever the owners or representatives of twenty-five per cent or more of the acreage or value of the lands in a conservancy district or the board of directors of a conservancy district file a petition with the clerk of the court having jurisdiction in the original case, stating that there has been a material change in the values of the property in the district or additional benefits are being derived from the works and the improvements of the district since the last previous appraisal of benefits, and praying for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment under section 6101.53 of the Revised Code, the clerk shall give notice of the filing and of a hearing of said the petition by publication ~~in the manner provided in division (A) of section 6101.01 of the Revised Code.~~

Upon hearing of ~~said the~~ petition, if ~~said the~~ court finds there has been a material change in the values of property in ~~said the~~ district, or that additional benefits are derived from the works and improvements of the district, or both, since the last previous appraisal of benefits, the court shall order that there be a readjustment of the appraisal of benefits for the purpose of providing a basis upon which to levy the maintenance assessment of ~~said the~~ district. ~~Thereupon the~~ The court then shall direct the board of appraisers of the conservancy district to make ~~such the~~ readjustment in the manner provided in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, and ~~said the~~ board shall make its report. The same proceedings shall be had ~~thereon on it~~, as nearly as may be, as are provided in ~~such sections this chapter~~ for the appraisal of benefits accruing for original construction. In making the readjustment of the appraisal of benefits, the readjusted appraisal shall not be limited to the aggregate amount of ~~not or~~ to the benefits or properties or persons listed in the original or any previous appraisal of benefits, and, after the making of ~~such the~~ readjustment, the limitation of the annual maintenance assessment to one per cent of the total appraised benefits, but not less than two dollars, shall apply to the amount of the benefits as readjusted. There shall be no ~~such~~ readjustment of benefits ~~often~~ more often than once in ~~eight~~ six years.

Sec. 6101.55. The board of directors of a conservancy district shall each year after the original assessment has been levied determine, order, and levy the annual levy, which shall include all assessments, or installments of assessments, together with interest, levied under ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, which become due in the ensuing year, ~~and such.~~ The annual levy shall be due and be collected at the same time that state and county taxes are due and collected. After bonds have been sold, in the determination of an annual levy, the rate of interest upon

the unpaid installments of an assessment shall be the rate borne by the bonds ~~which that~~ have been issued and sold pursuant to ~~such the~~ assessment. The annual levy as shall be recorded in the conservancy assessment ~~book record~~, shall be signed and certified by the president of the board and by the secretary of the conservancy district, ~~attested by the seal of the district~~, not later than the first day of ~~July~~ September each year, and ~~the levy~~ shall thereafter become a permanent record in the office of the district. ~~The~~

The certificate of the annual levy shall be substantially as set forth in section 6101.84 of the Revised Code. Then

~~Then~~ shall follow ~~a table or schedule showing in properly ruled columns both of the following:~~

~~(A) The names of the owners of the property and the names of the public corporations assessed, which may be as they appeared in the decree of the court confirming the appraisals; in the case of a county, municipal corporation, or township, the names of individual owners need not be given, but only the name of the county, municipal corporation, or township;~~

~~(B)~~ The descriptions of the property opposite the names of the owners;

~~(C)~~(B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up ~~such the~~ total;

~~(D) A blank column in which the county auditor shall record the several amounts as collected by him;~~

~~(E) A blank column in which the auditor shall record the date of payment of the different sums;~~

~~(F) A blank column in which the auditor shall report the names of the persons paying the several amounts.~~

The form of the annual levy portion of the conservancy assessment book record as prescribed in this section may be modified with the approval of the auditor of state. The

~~Such~~ certificate of the annual levy and ~~report~~ the annual levy portion of the conservancy assessment record shall be ~~prepared in duplicate in a well bound book which shall be endorsed and named "Conservancy Assessment Book Record of District, County, Ohio."~~ The endorsement shall also be printed at the top of each page in the book.

One copy of that part of ~~such duplicate~~ the assessment record affecting lands and public corporations in any county shall be forwarded to the county auditor of ~~such that~~ county. The auditor of each county shall ~~receive the copy as a tax book, shall~~ set up as a charge upon the county treasurer the total amount of assessments levied as shown by ~~such book~~ the assessment record, and shall certify ~~such book~~ the record as other tax records to the

ounty treasurer of ~~his~~ the county. The treasurer shall collect the amount according to law. ~~Such~~ The assessment ~~book record~~ shall be the treasurer's warrant and authority to demand and receive the assessments due in ~~his~~ the county as found in the ~~same~~ the record.

In the event of any failure of the board to determine and order an annual levy for the purpose of paying the interest and principal of any bonds pursuant to ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, the auditor of the county in which the lands and public corporations subject to ~~such~~ the assessments are situated shall make and complete a levy of the special assessments necessary for the purpose against the lands and public corporations in the district, and each piece of property ~~therein~~ in that county against which benefits have been appraised. Any assessment so made and completed by the auditor shall be made and completed by ~~him~~ the auditor in the manner provided for the making and completion of an assessment by the board, and shall have the same effect as a levy of assessments determined and ordered by the board.

Sec. 6101.57. Each county treasurer charged with collection of assessments shall make due report to the county auditor of the sums collected by ~~him~~ the treasurer, and the auditor shall issue ~~his~~ A warrant payable to the treasurer of the conservancy district for all sums of money in the hands of the county treasurer, according to ~~such~~ the report. ~~Said~~ The auditor, as soon as the ~~books records~~ for collection are closed by the county treasurer according to law, shall make report to the treasurer of ~~said~~ the district of the sums collected, and of the assessments not collected, as returned to ~~him~~ the auditor by the county treasurer by the first day of December of each year. ~~The secretary of the conservancy district shall thereupon provide a certified delinquent assessment list which shall be known as the "Delinquent Assessment Book of District, County," and forward the same in duplicate to the auditor of said county who shall add the penalty and interest fixed by law and transmit one copy to the county treasurer, who shall forthwith proceed to collect said assessment and penalty and interest, according to law.~~

Except as otherwise provided in section 6101.59 of the Revised Code, the laws with respect to delinquent assessments ~~and taxes~~ shall apply to all assessments ~~and taxes~~ provided for in ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, which remain unpaid when the county treasurer closes ~~his tax and~~ the treasurer's assessment ~~books records~~, and ~~such~~ the delinquent assessments ~~and taxes~~ are subject to the same rate of interest and penalty as provided by law for delinquent assessments ~~and taxes~~ of other political subdivisions.

Sec. 6101.58. Before receiving the assessment ~~book record~~ provided for by section 6101.55 of the Revised Code, the county treasurer of each county in which lands or other property of the conservancy district are located shall execute to the district and deliver to the board of directors of the ~~conservancy~~ district a bond with a surety company authorized to conduct a surety business in this state as surety, which bond shall be paid for by the district, in a sum prescribed by the board and approved by the court, conditioned that ~~said~~ the treasurer shall pay over and account for all assessments ~~so~~ collected by ~~him~~ the treasurer according to law. ~~Said~~ The bond after approval by ~~said~~ the board shall be deposited with the secretary of the ~~conservancy~~ district, who shall be custodian ~~thereof~~ of the bond. ~~Such~~ The secretary shall produce the bond for inspection and use as evidence whenever and wherever lawfully requested to do so.

Sec. 6101.59. All conservancy district assessments ~~and taxes~~ provided for in ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, together with all penalties and interest for default in payment of the ~~same~~ assessments, and all costs in collecting the ~~same~~ assessments, including a reasonable attorney's fee, to be fixed by the court and taxed as costs in the action brought to enforce payment, from the date of filing the certificate described in this section in the office of the county auditor for the county ~~wherein in which~~ the lands and properties or public corporations are located, until paid, shall constitute a lien, to which only the lien of the state for general state, county, municipal corporation, school, and road taxes shall be paramount, upon all the lands and other property or public corporation against which ~~such taxes~~ the assessments are levied as is provided in ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter. No lands or properties to which the lien of the conservancy district assessments ~~or taxes~~ has attached shall be forfeited to the state pursuant to its lien for taxes except pursuant to section 5723.01 of the Revised Code. ~~Such~~ The lien of the conservancy district assessments ~~and taxes~~ may be evidenced by a certificate substantially in the form ~~in the schedule~~ provided in section 6101.84 of the Revised Code. The certificate and tables shall be prepared in a ~~well-bound book~~ record by the secretary of the conservancy district at the expense of the district.

Unless expressly declared to the contrary, no warranty in any warranty deed or in any deed made pursuant to a judicial sale shall warrant against any portion of any assessment levied under ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, except past and current installments payable in the year which ~~such~~ the deed bears date.

Sec. 6101.60. The ~~"delinquent assessment book"~~ of a auditor's

conservancy ~~district~~ assessment record is prima-facie evidence in all courts of all matters ~~therein~~ in it. The liens established and declared in section 6101.59 of the Revised Code may be enforced at the option of the board of directors of the conservancy district by an action on delinquent ~~tax bills or~~ assessment bills, made and certified by the county auditor, which action shall be instituted in the court of common pleas, without regard to the amount of the claim, within six months after the thirty-first day of December of the year for which ~~said~~ the assessments were levied. The ~~suit~~ action shall be brought in the corporate name of the district by its attorney against the land, property, or public corporation on which ~~such tax or~~ the assessment has not been paid.

In the event of any default in the payment of the interest or principal of any bonds or notes issued pursuant to ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, and if the district or its proper officers fail to enforce the payment of any unpaid ~~tax or~~ assessment, the holder of ~~such~~ the bonds or notes may, for ~~himself~~ self and for the benefit of all others similarly situated, enforce ~~said~~ the liens by ~~suit or~~ action against the land, property, or public corporation on which ~~such tax or~~ the assessment has not been paid; and against the district. The court shall have full power, jurisdiction, and authority to apply ~~such tax or~~ the assessment when collected in the payment of the interest or principal upon ~~said~~ the bonds or notes as justice and equity require. The ~~suit~~ action shall be brought in the county in which the property or public corporation is located, except when the tract or property sued upon is in more than one county, in which ~~event~~ case the ~~suit~~ action may be brought on the whole tract, parcel, or property, in any county in which any portion ~~thereof~~ of it is located. The pleadings, process, proceedings, practice, and sales, in cases arising under ~~such sections~~ this chapter, except as provided in ~~such sections~~ this chapter, shall be the same as in an action for the enforcement of the state's lien for delinquent general taxes upon real estate.

All sales of lands made under this section shall be by the sheriff as provided by law. All sheriff's deeds executed and delivered pursuant to ~~sections 6101.01 to 6101.84 of the Revised Code~~, this chapter shall have the same probative force as other deeds executed by a sheriff. Abbreviations shall not defeat the action. The title acquired through any sale of lands or other property under such proceedings shall be subject to the lien of all subsequent annual installments of ~~conservation or drainage tax or an~~ assessment.

In all ~~suits~~ actions for the collection of delinquent ~~taxes or~~ assessments, the judgment for ~~said~~ the delinquent ~~taxes or~~ assessments and penalty and

interest shall also include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax and in the same ~~suit~~ action.

The proceeds of sales made under and by virtue of ~~such sections~~ this chapter shall be paid at once to the county treasurer and shall be properly credited and accounted for by ~~him~~ the treasurer the same as other ~~conservation taxes and~~ assessments.

If any assessment made pursuant to ~~such sections~~ this chapter is invalid, the board ~~shall~~, by subsequent or amended acts or proceedings, shall promptly remedy all defects or irregularities as the case requires by making and providing for the collection of new assessments or otherwise.

Sec. 6101.61. Whenever, under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, the board of directors of a conservancy district has determined, ordered, and levied an annual levy in accordance with section 6101.55 of the Revised Code, the board shall certify to the governing or taxing body of each political subdivision assessed, a notice and statement of ~~such the~~ the annual levy, setting forth the total amount payable by ~~such the~~ the political subdivision and included in ~~such the~~ the annual levy; and the items making up ~~such the~~ the total. ~~Said~~ The governing or taxing body shall receive and file ~~said the~~ the notice and shall promptly take all the legal and necessary steps to provide for the payment of ~~such the~~ the annual levy. ~~Said~~ The governing or taxing body shall include the amount of ~~such the~~ the annual levy in the tax budget for the ensuing year and shall levy and assess a tax at a uniform rate upon all the taxable property within the political subdivision so as to provide sufficient funds for the payment of ~~such the~~ the annual levy after deduction of any portion ~~thereof of the~~ levy paid from other sources, and certify ~~such the~~ the tax to the county auditor. The proceeds of ~~such the~~ the tax when received by ~~such the~~ the political subdivision shall be deemed to be appropriated for the payment of ~~such the~~ the annual levy. The auditor shall receive the certificate of ~~such the~~ the tax levy and certify the ~~same~~ levy for collection to the county treasurer, who shall collect the ~~same, all~~ levy. ~~All of said the officers being mentioned in this section are~~ authorized and directed to take all the necessary steps for the levying, collection, and distribution of ~~such the~~ the tax.

This section does not prevent the assessment of the real estate of other corporations or persons situated within ~~such the~~ the political subdivisions which may be subject to assessment for special benefits to be received.

In the event of any dissolution or disincorporation of any conservancy district organized ~~pursuant to sections 6101.01 to 6101.84, inclusive, of the Revised Code, such~~ under this chapter, the dissolution or disincorporation

shall not affect the lien of any assessment for the benefits imposed pursuant to ~~such sections this chapter~~, or the liability of any land or of any public corporation in ~~such the~~ district to the levy of any future assessments for the purpose of paying the principal and interest of any bonds issued under ~~such sections this chapter~~. In the event of any such dissolution or disincorporation, ~~or~~ in the event of any failure on the part of the officers of any district to qualify and act, or in the event of any resignations or vacancies in office, which prevent action by ~~said the~~ district or by its proper officers, the county auditor and all other officers charged in any manner with the duty of assessing, levying, and collecting taxes for public purposes in any county, municipal corporation, or political subdivision in which ~~such the~~ lands are situated shall perform all acts ~~which that~~ are necessary to the collection of any ~~such assessment which has~~ of the assessments that have been imposed and to the levying, imposing, and collecting of any assessment ~~which that~~ it is necessary to make for the purpose of paying the principal and interest of ~~such the~~ bonds. Any holder of any bonds issued pursuant to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ or any person or officer who is a an interested party ~~interest~~ may ~~either, by suit, action, or mandamus,~~ enforce and compel performance of the duties required by ~~such sections this chapter~~ of any of the officers or persons mentioned in ~~such sections this chapter~~.

Sec. 6101.65. If any county treasurer or other person entrusted with the collection of assessments fails to make prompt payment of the ~~tax assessments, or any part thereof of them, when collected under sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ to the treasurer of the conservancy district upon ~~his the~~ presentation of a proper demand, ~~he the county treasurer or other person~~ shall forfeit ten per cent on the amount of ~~his the~~ delinquency. ~~Such The~~ forfeiture shall at once become due and payable, and both ~~he the county treasurer or other person~~ and ~~his the~~ sureties ~~of the county treasurer or other person~~ shall be liable ~~therefor for the failure on his the~~ official bond ~~of the county treasurer or other person~~. The county treasurer shall retain for ~~his the treasurer's~~ services one per cent of the amount ~~he the treasurer~~ collects on delinquent ~~taxes assessments~~.

Sec. 6101.67. Each member of the board of directors of a conservancy district and each member of the board of appraisers of a conservancy district shall receive a sum established by the court, ~~but not to exceed fifty dollars a day,~~ and ~~his~~ necessary expenses for the time actually employed in performing ~~his official~~ duties. ~~Such the~~ compensation and expenses shall be paid only upon itemized statements ~~therefor~~ submitted and certified to by the individual member.

~~Before any duties devolve upon a county auditor or a county treasurer under sections 6101.01 to 6101.84, inclusive, of the Revised Code, the board of directors shall consult them and agree upon the salaries for the extra clerical force required in their respective offices to carry out the requirements of the law by reason of the establishment of said district. The board of directors shall provide for and pay said salaries to said clerks while engaged in the work of the district. Such clerks shall be selected and appointed by each of said county officers for their respective offices. In case of disagreement as to the compensation of such extra clerical force, the matter shall be referred to the court of common pleas of the county concerned for its determination.~~

Sec. 6101.68. The same land, if conducive to public health, safety, convenience, or welfare, may be included in more than one conservancy district and be subject to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter for each district in which it may be included. No district shall be organized under ~~such sections~~ this chapter in whole or in part within the territory of a district already organized under ~~such sections~~ this chapter until the court determines whether the public health, safety, convenience, or welfare demand the organization of an additional district, or whether it demands that the territory proposed to be organized into an additional district shall be added to the existing district. If the proceedings concerning two or more ~~such~~ districts are before the court of common pleas of two or more counties, ~~such that~~ that determination shall be as provided in section 6101.69 of the Revised Code.

Sec. 6101.69. ~~In case~~ If any conservancy district is being organized within, or partly within and partly without, the same territory in which some other district has been or is being organized, one judge of the court of common pleas of each county in which ~~such the~~ the districts have been or are being organized shall confer at the earliest convenient moment after they ascertain the possibility of a conflict in jurisdiction, the sitting to be had in the county having the largest assessed valuation in the proposed district.

At ~~such the~~ the conference, the several judges shall determine to what extent the several districts should be consolidated or to what extent the boundaries should be adjusted in order to most fully carry out the purposes of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter. ~~Such the~~ the judges shall by suitable orders make ~~such the~~ the determination effective. If notices have been issued or jurisdiction acquired in any proceeding concerning territory which is transferred to the court of common pleas of another county, ~~such notice~~ the notices shall not become void, and jurisdiction so acquired shall not be lost; but, in each case, the court

ng jurisdiction over ~~such the~~ transferred territory shall hold the same without further notice, as if originally embraced in ~~said the~~ district. At ~~such the~~ conference, the decision of the majority of the judges shall be necessary for the determination of any matter, and, from ~~such the~~ decision; or from a failure to decide, appeal may be taken.

This section and section 6101.68 of the Revised Code do not operate to delay or to interrupt any proceeding under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, until the question of jurisdiction has been finally determined by the courts.

Sec. 6101.70. (A) If two or more conservancy districts have been organized in a territory which, in the opinion of the board of directors of the conservancy district of any one of the districts, should constitute only one district, the board of any one of the districts may petition the court for an order uniting those districts into a single district. The petition shall be filed in the office of the clerk of the court of common pleas of that county that has the greatest valuation of real property within the districts sought to be included, as shown by the tax duplicates of the respective counties. The petition shall set forth the necessity for the union of the two or more districts and that the union of the districts would be conducive to the public health, convenience, safety, or welfare and to the economical execution of the purposes for which the districts were organized. Upon receipt of the petition, the clerk shall give notice by publication or by personal service to the boards of the districts ~~which that~~ it is desired to unite with the district of the petitioners. ~~Such~~ The notice shall contain the time and place where the hearing on the petition will be had and the purpose of the ~~same hearing~~. The hearing shall be had in accordance with ~~sections 6101.01 to 6101.84 of the Revised Code, this chapter~~ as for an original hearing. If, after the hearing, the court finds that the averments of the petition are true and that the districts, or any of them, should be united, it shall so order, and thereafter those districts shall be united into one and proceed as ~~such one~~. The court shall designate the corporate name of the united district, and ~~such~~ further proceedings shall be taken as ~~are~~ provided for in ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter. In accordance with division (A) or (B) of section 6101.10 of the Revised Code, as applicable, the court shall direct in the order who shall be the members of the board of the united district, who shall thereafter have ~~such the~~ powers and be subject to ~~such the~~ regulations as are provided for the board in districts created in the first instance.

(B) All legal proceedings already instituted by or against any of the constituent districts united into a single district under division (A) of this

section may be revived and continued against the united district by an order of court substituting the name of the united district for the constituent district, and ~~such those~~ proceedings shall then proceed as provided in ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter.

(C) Instead of organizing a new district from the constituent districts, the court may do one of the following:

(1) Direct that one or more of the districts described in the petition be included into another of the districts, which other district shall continue under its original corporate name and organization, unless the resulting district includes all or parts of more than sixteen counties, in which case the court shall appoint two additional members whose appointments and terms of office shall comply with the requirements established in division (C) of section 6101.10 of the Revised Code;

(2) Direct that the districts absorbed as described in division (C)(1) of this section shall be represented on the board of the original district, designating what members of the board of the original district shall be retired from the new board and what members representing the included districts shall take their places, except that, if the resulting district includes all or parts of more than sixteen counties, the court also shall appoint two additional members whose appointments and terms of office shall comply with the requirements established in division (C) of section 6101.10 of the Revised Code;

(3) Direct that the included districts shall become subdistricts of the main district.

(D) If the districts sought to be united were organized in different counties, ~~then~~ the court to determine the question involved shall consist of one judge from each of the counties in the court of which one of the districts was organized, and a majority shall be necessary to render a decision. From ~~such a~~ the decision; or from a failure to decide, any interested property owner may appeal. No action under this section shall interrupt or delay any proceeding under ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, until the questions involved are finally determined.

Sec. 6101.71. Whenever it is desired to construct improvements wholly within, or partly within and partly without, any conservancy district, which improvements will affect only a part of ~~said~~ the district, for the purpose of accomplishing such work, subdistricts may be organized upon petition of the owners of real property, or the governing body of any political subdivision or watershed district created under section 6105.02 of the Revised Code, within, or partly within and partly without, the district, or upon petition of the board of directors of the district. ~~Such~~ The petition shall fulfill the same

requirements concerning the subdistricts as the petition outlined in section 6101.05 of the Revised Code is required to fulfill concerning the organization of the main district, ~~and~~ shall be filed with the clerk of the same court of common pleas, and shall be accompanied by a bond as provided for in section 6101.06 of the Revised Code. All proceedings relating to the organization of ~~such the~~ subdistricts shall conform to ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, the provisions of this chapter~~ relating to the organization of districts, except that it shall not be necessary for the court to hold a preliminary meeting. The judge determining that a sufficient petition has been filed shall forthwith set a date for hearing, which shall be held not later than sixty days after the filing of the petition, and shall give notice ~~thereof~~ of the hearing to the court of common pleas of each county included in whole or in part in the main district. The clerk of the court shall give notice of ~~such the~~ hearing by publication in the counties included in whole or in part within the proposed ~~subdistrict~~ subdistricts. Whenever the court by its order entered of record decrees ~~such~~ subdistricts to be organized, the clerk of ~~said the~~ court then shall ~~thereupon~~ give notice of ~~such the~~ order to the board of directors of the conservancy district, which then shall ~~thereupon~~ act also as the board of directors of the ~~subdistrict~~ subdistricts. Thereafter, the proceedings in reference to the ~~subdistrict~~ subdistricts shall in all matters conform to ~~such section; this chapter~~, except that, in appraisal of benefits and damages for the purposes of ~~such the~~ subdistricts, in the issuance of bonds or notes, in the levying of assessments ~~or taxes~~, and in all other matters affecting only the ~~subdistrict, such sections~~ subdistricts this chapter shall apply to ~~this~~ each subdistrict as though it were an independent district, and it shall not, in these things, be amalgamated with the main district.

The board of directors, board of appraisers, chief engineer, attorney, secretary of the conservancy district, and other officers, agents, and employees of the district shall, so far as it is necessary, serve in the same capacities for ~~such each~~ subdistrict, and contracts and agreements between the main district and ~~the each~~ subdistrict may be made in the same manner as contracts and agreements between two districts. The distribution of administrative expense between the main district and each subdistrict shall be in proportion to the interests involved and the amount of service rendered. ~~Such~~ The division shall be made by the board of directors with an appeal to the court establishing the district. This section does not prevent the organization of independent districts for local improvements under other laws within the limits of a conservancy district organized under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, as provided

in sections 6101.68 and 6101.69 of the Revised Code.

Sec. 6101.73. Irrigation districts may be formed under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code,~~ this chapter by a substantial compliance as near as possible with ~~such sections~~ its provisions. No ~~such irrigation~~ district in its construction or operation shall, in any manner, interfere with works for the prevention of floods, or the drainage of lands, or materially diminish ~~their~~ the works' protective value. The court organizing ~~such~~ the irrigation district shall require a statement in the petition and proof to the effect that the organization and operation of the ~~same~~ irrigation district will not materially interfere with any works or plans for flood prevention or the drainage or protection of lands. No improvement under ~~such sections~~ this chapter shall deprive the owners of lands lying upon any stream of water of the ordinary flow in ~~said~~ the stream without compensation ~~therefor~~.

Subject to this section, the board of directors has the same powers as are conferred generally by ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, so far~~ this chapter insofar as applicable.

Taxes Assessments shall be levied and bonds issued as provided in ~~such sections~~ this chapter, using the words "Conservancy Taxes Assessments" or "Conservancy Bonds."

Sec. 6101.74. (A) If any person or public corporation, within or without any conservancy district, considers itself injuriously affected in any manner by any act performed by any official or agent of ~~such~~ the district, or by the execution, maintenance, or operation of the official plan, and if no other method of relief is offered under ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter, the remedy shall be as follows:

(1) The person or public corporation considering itself to be injuriously affected shall petition the court before which ~~said~~ the district was organized for an appraisal of damages sufficient to compensate for ~~such~~ the injuries. ~~The~~

(2) The court shall ~~thereupon~~ direct the board of appraisers of the conservancy district to appraise ~~said~~ the damages and injuries, and to make a report to the court on or before the time named in the order of the court. ~~Upon~~

(3) Upon the filing of ~~said~~ the report of the board of appraisers, the court shall ~~cause notice to be given to~~ notify the petitioner and ~~to~~ the board of directors of the conservancy district of a hearing on ~~said~~ the report. At the time of ~~such~~ the hearing, the court shall consider the report of the board of appraisers, and may ratify ~~said~~ the report or amend it as the court ~~deems~~ considers equitable, or may return it to the board of appraisers and require it

to prepare a new report. ~~Upon~~

(4) Upon the filing of an order of the court approving ~~said the~~ report of the board of appraisers, with such modifications as it has made, ~~said the~~ order constitutes a final adjudication of the matter unless it is appealed from within twenty days. Appeal to a jury from ~~said the~~ order may be had by the petitioner, by the board of directors, or by any person or public corporation ~~which that~~ has been assessed for the costs of the district. ~~No~~

(B) No damages shall be allowed under this section ~~which that~~ would not otherwise be allowed in law. Nothing in this section shall be construed as expressly imposing any liability upon a conservancy district.

Sec. 6101.77. The performance of all duties prescribed in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ concerning the organization and administration or operation of the conservancy district may be enforced against any officer ~~thereof of the district~~ by mandamus at the instance of the board of directors of the district or of any person or public corporation interested in any way in ~~such the~~ district. The board of directors ~~of the conservancy district~~ may institute court proceedings to enforce compliance by any person or public corporation with any order of the board ~~of directors of the conservancy district~~. The board may institute ~~such those~~ proceedings in the court of appeals in the first instance.

Sec. 6101.78. ~~In any case where~~ If a notice and hearing by the court are provided for in ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code this chapter~~, the court shall, prior to the conclusion of the hearing, examine the form of the notice and all evidence relating to the giving of ~~such the~~ notice and, if the court finds for any reason that due notice was not given in whole or in part, whether by reason of noncompliance with any of the requirements of ~~said sections this chapter~~ or with any applicable constitutional requirements, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the court shall in that case order notice to be given in compliance with the requirements of ~~said sections this chapter~~ to the parties to whom due notice was not given or the court shall order the giving of ~~such~~ other and further notice as the court shall prescribe to comply with any applicable constitutional requirements, and shall continue the hearing until ~~such the time as such when the~~ notice is properly given, and ~~thereupon then~~ shall proceed as though notice had been properly given in the first instance.

In case any appraisal, assessment, or levy is held void for want of legal notice, whether by reason of noncompliance with any of the requirements of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code, this chapter~~ or with any applicable constitutional requirements, or in case the board of

directors of the conservancy district determines that any notice with reference to any land or public corporation is faulty for one of the same reasons, ~~then~~ the board may file a motion in the original cause asking that the court order ~~such that the notice as may be required by said sections~~ this chapter or any applicable constitutional requirements ~~to~~ be given to the owner of ~~such the~~ land or to ~~such the~~ public corporation and set a time for hearing as provided in ~~such sections~~ this chapter, and, upon the granting of ~~such the~~ motion and the giving of ~~such the~~ notice, the court ~~thereupon then~~ shall proceed as though notice had been properly given in the first instance. If the original notice was faulty only with reference to certain public corporations or tracts, only ~~such the~~ public corporations or the owners of and persons interested in those particular tracts need be notified by ~~such the~~ subsequent notice. If the publication of any notice in any county was defective or not made in time, republication of the defective notice is necessary only in the county in which the defect occurred.

Sec. 6101.79. All cases in which there arises a question of the validity of the organization of conservancy districts shall be advanced as a matter of immediate public interest and concern, and heard in all courts at the earliest practicable moment.

The court shall be open at all times for the purposes of ~~sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ this chapter.

Sec. 6101.80. ~~Sections 6101.01 to 6101.84, inclusive, of the Revised Code~~ This chapter shall be liberally construed to effect the control, conservation, and drainage of the waters of this state.

Sec. 6101.84. The following forms illustrate the character of the procedure contemplated by ~~sections 6101.01 to 6101.84 of the Revised Code~~ this chapter, and, if substantially complied with, those things being changed which should be changed to meet the requirements of the particular case, such procedure shall be held to meet the requirements of ~~such sections~~ this chapter.

(A) Form of Notice of Hearing on the Petition:

To all Persons and Public Corporations Interested:

Public Notice is Hereby Given:

(1) That on the day of, ~~19~~....., pursuant to the Conservancy Law of Ohio, there was filed in the office of the Clerk of the Court of Common Pleas of County, Ohio, the petition of and others for the establishment of a Conservancy District to be known as Conservancy District.

(Here insert the purposes)

(2) That the lands sought to be included in said District comprise lands

in and Counties, Ohio, described substantially as follows:

Beginning on the north line of County at its point of intersection with the west bank of the River; thence west along the north line of County to the high bluffs facing said River on the west; thence following the base of the line of said bluffs to the north line of the right of way of the Railroad; thence west along the north right of way line of said Railroad to the center line of Avenue in the Village of; thence south along the center line of Avenue to the Pike; thence southeasterly along the Pike to the southeasterly line of the right of way of the Railroad; thence southeasterly along said right of way line to the corporate limits of the City of; thence with said corporation line southerly, easterly, and northerly to the southerly right of way line of the main track of the Railroad; thence easterly along said last named right of way line to the boundary line between Counties; thence north along said County line to the southerly line of County; thence easterly along the dividing line between Counties to the easterly line of the right of way of the Railroad; thence northerly along said right of way line to its intersection with the Pike; thence westerly along said Pike to the center line of the bridge over Creek; thence up said Creek and along the center line thereof to the north line of County; thence west to the place of beginning.

Or, if found more convenient, the lands sought to be included in the District may be described as follows:

All of Township in Range between the Railroad and the River; the following lands in Township and Range; Section and the half of Section; also all lands within the corporate limits of the City of etc.

(3) That a public hearing on said petition will be had in said Court on the day of, 19... at the hour of o'clockM. by the Court of Common Pleas of County, at the Courthouse in the City of County, Ohio.

All persons and public corporations interested will be given the opportunity to be heard at the time and place above specified.

.....
Clerk of the Court of Common Pleas
of County, Ohio.

Dated, Ohio,, 19...

(B) Form of Finding on Hearing:

"State of Ohio,)
) ss.

..... County)
In the Court of Common Pleas of County. In Matter of
Conservancy District:

FINDINGS AND DECREE ON HEARING

On this day of, 19...., this cause coming on for hearing upon
the petition of and others, for the organization of a Conservancy
District under the Conservancy Law of Ohio, the Court, after a full hearing
now here finds:

(1) That it has jurisdiction of the parties to and the subject matter of this
proceeding.

(2) That the purposes for which said District is established are:
(Insert the purposes)

And that it is a public necessity.

(3) That the public safety, health, convenience, and welfare will be
promoted by the organization of a Conservancy District substantially as
prayed in said petition (if additional lands are added by petition) except, that
the following additional lands at the petition of the owners thereof should be
and hereby are included in said District:

(Here insert additional lands)

(4) That the boundaries of said District as modified by the last finding
herein are as follows: (Here insert corrected boundaries of district)

(5) That the said territory last above described should be erected into
and created a Conservancy District under the Conservancy Law of Ohio
under the corporate name of Conservancy District.

Wherefore, it is by the Court ordered, adjudged, and decreed:

That the territory as above described be, and the same hereby is erected
into and created a Conservancy District under the Conservancy Law of Ohio
under the corporate name of Conservancy District, with its office or
principal place of business at, in County, Ohio. (If directors
are appointed at the same time) And the following persons are hereby
appointed directors of said Conservancy District:

....., for the term of three years,

....., for the term of four years (if the district includes all or parts
of more than sixteen counties),

....., for the term of five years,

....., for the term of six years (if the district includes all or parts of
more than sixteen counties),

....., for the term of seven years, who are hereby directed to
qualify and proceed according to law.

(6) For consideration of other matters herein, this cause is retained on

the docket.

.....

Judge"

(C) Form of Notice to Persons and Public Corporations to pay Assessment:

"To all Persons and Public Corporations Interested:

Public Notice is Hereby Given:

(1) That on the day of, 19...., the Board of Directors of The Conservancy District duly levied an assessment upon all the benefited property and public corporations in said District in the aggregate sum of \$....., has caused the same to be recorded upon the Assessment Record of said District, and that said Assessment Record is now on file in the office of the District at

(2) That the assessment against any parcel of land or any public corporation may be paid to the Treasurer of The Conservancy District at any time on or prior to, 19, without costs and without interest, and if so paid a discount of ten per cent of the assessment will be allowed according to law.

(3) That as soon after the day of, 19...., as conveniently may be, the Board of Directors of said District will divide the uncollected assessment into convenient installments, provide for the collection of interest on the unpaid installments, and will issue bonds bearing interest ~~not exceeding the rate provided in section 9.95 of the Revised Code~~ in anticipation of the collection of the several installments of said assessment pursuant to the Conservancy Law of Ohio.

.....

President

.....

Secretary"

(D) Form of Bond and of Coupon:

(Form of Bond)

"No. \$

.....

UNITED STATES OF AMERICA

State of Ohio

..... Conservancy District.

Conservancy Bond.

Know all ~~Men~~ Persons by These Presents that Conservancy District, a legally organized Conservancy District of the State of Ohio, acknowledges itself to owe and for value received hereby promises to pay to

bearer Dollars (\$.....) on the first day of, 19...., with interest thereon from the date hereof until paid at the rate of per cent per annum, payable, 19...., and semiannually thereafter on the first day of and of in each year on presentation and surrender of the annexed interest coupons as they severally become due. Both principal and interest of this bond are hereby made payable in lawful money of the United States of America, ~~at the office of the Treasurer of State, in the City of Columbus, Ohio.~~

This bond is one of a series of bonds issued by Conservancy District for the purpose of paying the cost of constructing a system of flood prevention (or for the other works) for said District and in anticipation of the collection of the several installments of an assessment duly levied upon lands and public corporations within said District and benefited by said improvement in strict compliance with the Conservancy Law of Ohio, and pursuant to an order of the Board of Directors of said District duly made and entered of record.

And it is hereby certified and recited that all acts, conditions, and things required to be done in locating and establishing said District and in equalizing appraisals of benefits and in levying assessments against lands and public corporations benefited thereby, and in authorizing, executing, and issuing this bond, have been legally had, done, and performed in due form of law; that the total amount of bonds issued by said District does not exceed ninety per cent of the assessments so levied and unpaid at the time said bonds are issued or any legal limitation thereof.

And for the performance of all the covenants and stipulations of this bond and of the duties imposed by law upon said District for the collection of the principal and interest of said assessments and the application thereof to the payment of this bond and the interest thereon, and for the levying of such other and further assessments as are authorized by law and as may be required for the prompt payment of this bond and the interest thereon, the full faith, credit, and resources of said Conservancy District are hereby irrevocably pledged.

In Testimony Whereof the Board of Directors of Conservancy District has caused this bond to be signed by its President ~~and sealed with the corporate seal of said District,~~ attested by its Secretary, and registered by the Treasurer of State, and the coupons hereto annexed to be executed by the facsimile signatures of said President and Secretary, as of the day of, 19....

.....
President

Attest:

.....
Secretary"
(Form of Coupon)

"\$.....

On the first day of (.....)
() 19.....
(.....)

..... Conservancy District promises to pay to bearer
Dollars (\$.....) lawful money of the United States of America, at the
office of the Treasurer of State, Columbus, Ohio, being semiannual interest
due on that date on its Conservancy Bond dated, 19.....

.....
President

No.

.....
Secretary"
(E) Form of Notice of Enlargement of District:

"State of Ohio,)
) ss.
County of)

In the Court of Common Pleas,
..... County, Ohio.

In the Matter of
..... Conservancy District

NOTICE OF ENLARGEMENT OF DISTRICT

To All Persons (and Public Corporations, if any) Interested:
Public Notice Is Hereby Given:

(1) That heretofore on the day of, 19....., the Court of
Common Pleas of County, Ohio, duly entered a final decree
erecting and creating Conservancy District and appointing a
Board of Directors therefor.

(2) That thereafter this Court duly appointed

.....
.....
.....

..... (if the district includes all or parts of more than sixteen
counties)

..... (if the district includes all or parts of more than sixteen
counties)

to be the Board of Appraisers for said District. That said Board of Appraisers on the day of, 19...., filed its report recommending that the following described lands, not originally included in the District, be added thereto:

(Here describe generally the lands which the Report of the Board of Appraisers recommends should be added to the District).

(3) That on, the day of, 19...., (or as soon thereafter as the convenience of the Court will permit), at the Courthouse in of, Ohio, the Court of Common Pleas of County, Ohio, will hear all persons and public corporations interested upon the question whether said lands should be added to and included in said Conservancy District.

.....
Clerk of the Court of Common Pleas
of
.....
County, Ohio"

(F) Form of Notice of Hearing on Appraisals:

"State of Ohio,)
) ss.
County of)
In the Court of Common Pleas, County, Ohio.
In the Matter of)
)
.....)
Conservancy District

NOTICE OF HEARING ON APPRAISALS

To all Persons and Public Corporations Interested:

Public Notice Is Hereby Given:

(1) That heretofore on the day of, 19...., the Court of Common Pleas of County, Ohio, duly entered a decree erecting and creating Conservancy District and appointing a Board of Directors therefor.

(2) That thereafter this Court duly appointed the Board of Appraisers for said District. That said Board of Appraisers on the day of, 19...., filed its Appraisals of Benefits and Damages and of land to be taken as follows: (Here insert general description of land appraised)

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

(3) All public corporations and all persons, owners of or interested in the property described in said Report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies within or without said District), desiring to contest the appraisals as made and returned by the Board of Appraisers, must file their objections in said court on or before the day of, 19...., (here insert a date thirty days after the ~~last~~ publication of the notice) and a hearing on said appraisal will be had on the day of, 19...., (here insert a date not less than forty, ~~not~~ or more than fifty, days after the date of the ~~last~~ publication of this notice, as fixed by the court) in the City of, Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

.....
Clerk of the Court of Common Pleas
of County, Ohio

Dated at the City of, Ohio, this day of, 19...."

(G) Form of Certificate of Assessment Record:

"This is to Certify:

(1) That on the day of, 19...., the Board of Directors of The Conservancy District duly levied an assessment upon all the benefited property and public corporations in said District in the aggregate sum of \$....., together with interest, and duly apportioned said assessment to and levied said assessment upon each tract of land or other property and each public corporation in said District in proportion to the benefits thereto.

(2) That the said assessment and the apportionment thereof upon the benefited lands and public corporations have been recorded in the Conservancy Assessment Record of The Conservancy District which contains ~~in tabular form~~ a notation of the items of property and the public corporations to which benefits have been appraised, the total amount of benefits appraised against each item or public corporation, and the total assessment levied against each item or public corporation.

(3) That the Conservancy Assessment Record of The Conservancy District contains a true and correct record of the benefits approved and confirmed by the Court and of the assessment levied by the Board of Directors thereof on day of, 19....

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of The Conservancy District have hereunto set their hands ~~and the corporate seal of the said District~~ this day of

....., 19.....

.....
President
.....
Secretary"

(H) Form of Certificate of Annual Levy:

"This is to Certify:

(1) That on the day of, 19....., the Board of Directors of The Conservancy District determined, ordered, and levied the Annual Levy of 19.... (year) upon all the benefited property and public corporations in said District in the aggregate sum of \$..... for the account of the Bond Retirement Fund of said District and pursuant to and being a part of assessments heretofore levied.

(2) That the said Board of Directors has duly apportioned said Annual Levy to all of the benefited properties and public corporations in said District and that the respective amounts of said Annual Levy imposed upon the benefited properties and public corporations have been recorded in the ~~Conservancy~~ Assessment ~~Book~~ record of The Conservancy District, which contains a schedule thereof.

(3) That on the day of, 19....., the Board of Directors of The Conservancy District duly levied a maintenance assessment for the year 19...., in the aggregate sum of \$..... for the account of the Maintenance Fund of said District. That said maintenance assessment has been duly apportioned to the benefited properties and public corporations in said District in proportion to benefits and that the amounts of said maintenance assessment imposed upon the properties and public corporations in said District have been recorded in the Conservancy Assessment ~~Book~~ record of The Conservancy District.

(4) That the Conservancy Assessment ~~Book~~ record contains a true and correct record of the Annual Levy of 19.... (year) and of the maintenance assessment for the year 19.... as determined, ordered, and levied by the Board of Directors of The Conservancy District on the day of, 19.....

(5) That the said amounts of said Annual Levy and of said maintenance assessment shall be collectible and payable in the year 19.... in the sums specified at the same time that the state and county taxes are due and ~~collectible~~ collectible.

IN WITNESS WHEREOF, the President and Secretary, respectively, of the Board of Directors of the Conservancy District have hereunto set their hands ~~and the corporate seal of this said District~~ this day of

Sub. H. B. No. 617

69

....., 19.....

.....

President

.....

Secretary_

SECTION 2. That existing sections 5511.04, 6101.01, 6101.02, 6101.03, 6101.04, 6101.07, 6101.08, 6101.11, 6101.12, 6101.13, 6101.15, 6101.16, 6101.17, 6101.19, 6101.23, 6101.25, 6101.30, 6101.31, 6101.32, 6101.33, 6101.36, 6101.38, 6101.39, 6101.40, 6101.41, 6101.42, 6101.43, 6101.44, 6101.441, 6101.45, 6101.48, 6101.49, 6101.50, 6101.501, 6101.51, 6101.52, 6101.53, 6101.54, 6101.55, 6101.57, 6101.58, 6101.59, 6101.60, 6101.61, 6101.65, 6101.67, 6101.68, 6101.69, 6101.70, 6101.71, 6101.73, 6101.74, 6101.77, 6101.78, 6101.79, 6101.80, and 6101.84 of the Revised Code are hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____