

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 232

Representatives Snitchler, Yates

**Cosponsors: Representatives Gardner, Boose, Huffman, McClain,
Domenick**

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A B I L L

To amend sections 305.15, 315.02, 315.08, 315.14, 1
315.15, 315.16, 315.17, 315.18, 315.22, 315.25, 2
315.28, 315.29, 315.31, 315.32, 315.33, 315.34, 3
and 315.39 of the Revised Code to eliminate the 4
requirement that a county engineer be a registered 5
surveyor and require that the county engineer have 6
a registered surveyor on the county engineer's 7
staff or contract for the services of a registered 8
surveyor. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 305.15, 315.02, 315.08, 315.14, 10
315.15, 315.16, 315.17, 315.18, 315.22, 315.25, 315.28, 315.29, 11
315.31, 315.32, 315.33, 315.34, and 315.39 of the Revised Code be 12
amended to read as follows: 13

Sec. 305.15. When the services of an engineer or surveyor are 14
required with respect to roads, turnpikes, ditches, bridges, or 15
any other matter or duty imposed on the office of county engineer, 16
and when, on account of the ~~amount~~ of work to be performed, the 17
board of county commissioners deems it necessary, upon the written 18

request of the county engineer, the board may employ a registered professional engineer or registered surveyor and as many assistant engineers, ~~rodmen~~ rodpersons, and inspectors as are needed, and may also enter into contracts with any person, firm, partnership, association, or corporation qualified to perform engineering or surveying services in the state for this purpose and fix the compensation therefor. In awarding such contracts the board shall not be required to comply with ~~sections 153.40 and~~ section 5555.61 of the Revised Code. If no such contract is entered into, the board shall furnish suitable offices, necessary books, stationery, instruments, and implements for the proper performance of the duties imposed on the engineer, surveyor, assistant engineers, ~~rodmen~~ rodpersons, and inspectors by such board.

Sec. 315.02. No person holding the office of clerk of the court of common pleas, sheriff, county treasurer, or county recorder is eligible to hold the office of county engineer. No person is eligible in any county as a candidate for ~~such the~~ office of county engineer or shall be elected or appointed ~~thereto~~ to that office unless ~~he~~ the person is a registered professional engineer ~~and a registered surveyor~~, licensed to practice in this state.

Sec. 315.08. The office of the county engineer shall contract for under section 305.15 of the Revised Code or perform for the county all duties authorized or declared by law to be done by a registered professional engineer or registered surveyor, except those duties described in sections 307.37 and 307.38 and Chapters 343., 6103., and 6117. of the Revised Code. The engineer shall prepare all plans, specifications, details, estimates of cost, and submit forms of contracts for the construction, maintenance, and repair of all bridges, culverts, roads, drains, ditches, roads on

county fairgrounds, and other public improvements, except 50
buildings, constructed under the authority of any board within and 51
for the county. The engineer shall not be required to prepare 52
plans, specifications, details, estimates of costs, or forms of 53
contracts for emergency repairs authorized under section 315.13 of 54
the Revised Code, unless the engineer determines them necessary. 55
The office of the county engineer shall have a registered surveyor 56
on its staff, who may be the county engineer or another individual 57
if the county engineer is not a registered surveyor, or shall 58
contract for surveying services in accordance with section 305.15 59
of the Revised Code. A registered surveyor acting under contract 60
pursuant to section 305.15 of the Revised Code shall be considered 61
to be acting on behalf of the office of the county engineer. 62

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Sec. 315.14. The county engineer shall be responsible for the 64
inspection of all public improvements made under authority of the 65
board of county commissioners. The engineer shall keep in suitable 66
books a complete record of all estimates and summaries of bids 67
received and contracts for the various improvements, together with 68
the record of all estimates made for payments on that work. The 69
office of the county engineer shall make or contract for all 70
surveys required by law, shall perform or contract for all 71
necessary services to be performed by a registered surveyor or 72
registered professional engineer in connection with the 73
construction, repair, or opening of all county roads or ditches 74
constructed under the authority of the board, and shall perform 75
other duties as the board requires, provided that the duties 76
described in sections 307.37 and 307.38 and Chapters 343., 6103., 77
and 6117. of the Revised Code shall be performed only pursuant to 78
an agreement between the county engineer and the board. An 79
agreement of that type may provide for the county engineer's 80
performance of duties described in one or more of those sections 81

or chapters, and may provide for the county engineer's performance 82
of all duties imposed upon a county sanitary engineer under 83
Chapters 6103. and 6117. of the Revised Code or only the duties 84
imposed upon a county sanitary engineer under Chapter 6117. of the 85
Revised Code in relation to drainage. The board shall determine 86
the compensation for performance of the relevant duties described 87
in sections 307.37 and 307.38 and Chapters 343., 6103., and 6117. 88
of the Revised Code and shall pay the county engineer from funds 89
available under the applicable section or chapter or from the 90
general fund of the county. The performance of the relevant duties 91
described in sections 307.37 and 307.38 and Chapters 343., 6103., 92
and 6117. of the Revised Code shall not constitute engaging in the 93
private practice of engineering or surveying. 94

Sec. 315.15. When a the office of the county engineer ~~or his~~ 95
~~deputy~~ is called upon to make a survey to be offered as evidence, 96
the adverse party having notice of the time of the making of ~~such~~ 97
the survey, the county engineer or deputy, upon application of 98
either party to the cause of action, shall administer an oath to 99
any witness brought to prove any corner or line of ~~such the~~ 100
survey, or the existence of any natural or artificial object or 101
mark ~~which that~~ that is necessary to identify any corner or line of 102
~~such the~~ survey. ~~Such The~~ testimony shall be reduced to writing, 103
subscribed by the witnesses, and ~~return thereof made~~ returned to 104
the court along with the ~~return of the~~ survey. 105

Sec. 315.16. When a survey or calculation is to be used as 106
evidence, all calculations, ~~by the county engineer or other~~ 107
~~person,~~ to ascertain the contents of a tract of land shall be made 108
by latitude and departure. On ~~such any~~ any plat, the person making 109
~~such the~~ survey or calculation shall note the variation of the 110
magnetic needle from the original course of ~~such the~~ survey. 111

Sec. 315.17. When a tract of land is situated in two or more 112
counties, or when the beginning of the entry or survey on which 113
~~such the~~ tract ~~of land~~ depends is in a different county ~~from that~~ 114
~~in which~~ than part of ~~such tracts of land are that tract~~, the 115
court of common pleas, in either of ~~such the~~ counties, may issue 116
an order of survey to the county engineer of either of ~~such the~~ 117
counties, ~~who~~ and the office of the county engineer shall survey 118
~~such the~~ tract of land and run and lay down the entry or survey 119
lines necessary to establish it. 120

Sec. 315.18. On the application of any person producing to 121
the county engineer a certificate from the proper officer, the 122
office of the county engineer ~~or the engineer's deputy~~ may survey 123
all lands that have been sold for taxes, which lie within the 124
engineer's county. When a portion of any land or lot has been sold 125
for taxes, and, after the sale and before a survey of the land or 126
lot, the land or lot is set off to another county by the erection 127
of a new county or change of county lines, the office of the 128
engineer of the county in which the sale was made may make the 129
survey, and the county auditor of the same county shall make the 130
deed. 131

Sec. 315.22. No survey made by or on behalf of the office of 132
the county engineer ~~or his deputy~~, unless made by an order of the 133
court of common pleas, or ~~made~~ in accordance with sections 315.15 134
to 315.18 of the Revised Code, shall be considered evidence. 135

Sec. 315.25. The county engineer shall make and keep, in a 136
book provided for that purpose, an accurate record of all surveys 137
made by ~~him or his deputies~~ or on behalf of the office of the 138
county engineer for the purpose of locating any land or road 139
lines, or fixing any corner or monument by which it may be 140
determined, whether official or otherwise. ~~Such surveys~~ Surveys 141

shall include corners, distances, azimuths, angles, calculations, 142
plats, and a description of the monuments set up, with ~~such~~ 143
references ~~thereto as will~~ that aid in finding the names of the 144
parties for whom the surveys are made, and the date of making ~~such~~ 145
the surveys. ~~Such~~ The book shall be kept as a public record by the 146
engineer at ~~his~~ the office of the county engineer, and ~~it~~ shall be 147
at all proper times open to inspection and examination by ~~all~~ 148
~~persons interested therein~~ any person. Any other surveys made in 149
the county by competent surveyors, certified ~~by such surveyor~~ to 150
be correct and deemed worthy of preservation, may, by order of the 151
board of county commissioners, be recorded by the engineer. 152

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Sec. 315.28. (A) Any person who owns or is interested in a 154
tract of land within this state, any corner or line of which has 155
become lost or uncertain, or is in danger of becoming lost or 156
uncertain by the removal, destruction, defacement, or perishing 157
condition of any corner, witness or line tree, monument, or other 158
cause, may ~~call on~~ request the office of the county engineer of 159
the county in which the land lies to ~~make a~~ survey ~~of such~~ that 160
land, and may ~~cause to be planted~~ plant at any corner, or at 161
proper places in any line ~~thereof~~, a stone or post, noting 162
particularly the situation and condition of the original corner 163
trees or monuments called for in the original survey, if found, 164
and of all other trees or monuments ~~which it~~ that may be important 165
or advisable to note, and of all the places of notoriety over or 166
by which the lines of ~~such~~ the survey pass. 167

(B) If ~~it is~~ a single tract is divided by a county line, ~~such~~ 168
an owner or interested person may ~~call on~~ request the office of 169
the engineer of any county in which a part of ~~such~~ the tract lies 170
to survey that land as described in division (A) of this section. 171
The office of the engineer shall make out a plat and certificate 172
of ~~such~~ the survey, under ~~his~~ the engineer's hand, noting the 173

names of the ~~chairmen~~ chain holders, markers, and other assistants 174
in ~~such the~~ survey, and of all other persons present at the 175
planting of any stone or post. The engineer shall also note the 176
variation of the compass from the original calls at the time of 177
making ~~such the~~ survey. 178

Sec. 315.29. (A) When the corners of a survey as provided in 179
section 315.28 of the Revised Code have been destroyed, the owner 180
of ~~such the~~ survey or of other lands, the title of which is 181
affected by the loss of ~~any such the~~ corner, may ~~call on request~~ 182
the office of the engineer of the county in which the land is 183
situated, ~~who shall attend on the ground where it is intended to~~ 184
establish ~~such the~~ corners, at ~~such the~~ time ~~as~~ the applicant 185
appoints. ~~The~~ 186

(B) ~~The~~ engineer shall issue a subpoena, directed to any 187
constable or other person fit to execute it, to cause ~~such~~ 188
witnesses, from outside as well as within ~~his the engineer's~~ 189
county, as the person demanding ~~such the~~ warrant or other 190
interested person requires, to come before ~~him the engineer~~. ~~The~~ 191

(C) ~~The~~ engineer shall examine ~~such the~~ witnesses on oath, 192
touching the existence and situation of ~~such the~~ corners, or any 193
other matter in relation to the entry or survey of ~~such the~~ land, 194
and ~~he the engineer~~ shall take the testimony in writing which 195
~~shall be signed by~~ the witnesses ~~and certified and signed by~~ shall 196
sign and the engineer shall sign or certify. ~~In~~ 197

(D) ~~In~~ making a survey of the land and planting stones or 198
posts at the corners, as provided in section 315.28 of the Revised 199
Code, the engineer shall have reference to and be governed by the 200
depositions ~~so~~ taken, and shall specify them in ~~his the engineer's~~ 201
certificate of survey, in which the engineer shall also ~~be~~ 202
~~mentioned~~ include the names of the persons present at the planting 203
of any cornerstone or post. ~~No~~ 204

(E) No person who resides outside the county where ~~such~~ 205
depositions are to be taken shall be bound to attend unless 206
traveling fees, both going and returning, and for one day's 207
attendance, have been tendered ~~him~~ the engineer. No witness 208
attending from outside the county shall be obliged to attend more 209
than one day unless additional fees for ~~such~~ attendance are 210
tendered. 211

Sec. 315.31. Any county engineer ~~making~~ whose office makes 212
surveys under sections 315.28 to 315.30, ~~inclusive,~~ of the Revised 213
Code, shall record the plat and certificate of ~~such~~ the surveys in 214
a book kept ~~by him~~ for that purpose, together with the 215
depositions, notices, advertisements, and the evidence in relation 216
to ~~such~~ the depositions, notices, and advertisements, and shall, 217
on demand, deliver the original plat and certificate of the survey 218
to the person at whose instance ~~such~~ the survey was made or 219
depositions taken. 220

Sec. 315.32. The plat and certificate made by the office of 221
any county engineer, or the depositions taken ~~by such engineer,~~ as 222
provided by sections 315.28 to 315.31, ~~inclusive,~~ of the Revised 223
Code, or a certified copy of ~~such~~ the plat, certificate, or 224
depositions from the engineer's office shall be evidence in any 225
court in any cause in which the title of any land to which they 226
apply is affected, but the recorded depositions of witnesses ~~so~~ 227
~~recorded~~ shall only be received when ~~such~~ those witnesses are dead 228
or outside the jurisdiction of the court. 229

Sec. 315.33. ~~County engineers, chainmen, and markers~~ The 230
office of the county engineer shall receive a fee for services 231
rendered under sections 315.28 to 315.32 of the Revised Code, but 232
the fee shall not exceed the actual cost incurred by the county 233
for labor, equipment, and materials. Witnesses shall receive the 234

same fees and mileage as allowed by section 2335.06 of the Revised Code. All ~~such~~ expenses shall be paid by the persons applying for a survey and depositions, who may recover, from the persons owning the adjoining lands that are benefited by the perpetuation of ~~such~~ the testimony, their equal proportion of the expense incurred in obtaining ~~such~~ the evidence.

Sec. 315.34. Within ~~his~~ a county engineer's own county, a ~~county~~ the office of the county engineer may call ~~before him~~ into attendance, examine on oath, and take in writing the testimony of any witnesses for the establishment of any surveyed or agreed corner of the lands of any person who applies to ~~him~~ the engineer, after notice has been given to the person holding adjoining lands, ~~as required in taking testimony for the establishment of old or decayed corners of land by~~ pursuant to the procedures described in section 315.30 of the Revised Code. ~~The taking of testimony~~ Testimony under this section shall be ~~under~~ taken pursuant to the same regulations and restrictions and in the same manner as provided by sections 315.28 to 315.33, ~~inclusive~~, of the Revised Code.

~~Testimony taken under this section~~ and shall have the same effect in law as evidence taken to perpetuate old or decayed corners under ~~such~~ those sections. The engineer, other officers, and witnesses are entitled to demand and receive from the persons interested in the surveys and establishment of corners, under this section, the same fees as are allowed by section 315.33 of the Revised Code for similar services.

Sec. 315.39. Any person violating section 2921.31 of the Revised Code shall be liable for all damages sustained by any other person by the hindrance of the county engineer or ~~his deputy~~ a person in the engineer's office in carrying out the duties of the engineer and the office of the engineer, and all expenses and

costs that accrue ~~in consequence of the attendance of~~ by having 266
the sheriff, ~~who,~~ upon the call of ~~such~~ the engineer or ~~deputy,~~ 267
~~shall~~ person from the engineer's office, accompany and protect ~~him~~ 268
the engineer or person from the engineer's office. 269

Section 2. That existing sections 305.15, 315.02, 315.08, 270
315.14, 315.15, 315.16, 315.17, 315.18, 315.22, 315.25, 315.28, 271
315.29, 315.31, 315.32, 315.33, 315.34, and 315.39 of the Revised 272
Code are hereby repealed. 273

Section 3. Section 315.02 of the Revised Code, as amended by 274
this act, applies only to county engineers whose initial election 275
or appointment to that office is after the effective date of this 276
act. 277