

RESOLUTION 062-2023

Ordering Removal of Drainage Obstruction or Elimination or Water Diversion

Cuyahoga County, Ohio

Be It Resolved by the Township Trustees of Olmsted Township

WHEREAS, this date, June 14th, 2023, Trustee
ZYUR moved the adoption of the following Resolution:

WHEREAS, Ohio R.C. 5589.06 provides that: "No person shall wrongfully obstruct any ditch, drain, or watercourse along, upon or across a public highway, or divert any water from adjacent lands to or upon a public highway," and;

WHEREAS, Ohio R.C. 5589.06 establishes a procedure for the removal of drainage obstructions in a timely and orderly manner, and;

WHEREAS, the Board of Trustees has received a report from the Township Service Department which identifies and details a drainage obstruction affecting a public highway (or the diversion of water from adjacent lands to or upon a public highway), namely:

Location: _____

Description: _____

_____, and;

WHEREAS, the Board of Trustees has determined that removal of the obstruction or other condition is necessary for purposes of maintaining the affected public highway.

NOW THEREFORE, it is hereby RESOLVED by the Board that:

Written notice shall be served on behalf of the Board directed to the owner, person, firm, or corporation, or upon any agent in charge of the property or such person, firm, or corporation causing such obstruction or diversion. The notice shall inform the owner, or other responsible person, of the identified condition, describe and locate the obstruction or diversion, and direct its immediate removal.

The notice called for under this Resolution shall be personally served by an officer with the Olmsted Township Police Department or _____, who is hereby deputized for purposes of such notice.

If the owner, agent, occupant or other responsible person, firm, or corporation does not within five (5) days from the receipt of the Board's notice proceed to remove the obstruction or condition, and complete such removal within a reasonable time, the Township Service Department shall have the condition removed. The expense incurred in that removal shall be shall be collected from the owner, person, company, or corporation by action of the Board of Trustees.

Trustee Kruss seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

BE IT FURTHER RESOLVED: that it is hereby found and determined that all formal actions of this Board of Township Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action, were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted the 14th day of June, 2023.

[Signature]
[Signature]

[Signature]
Township Trustees

Attest: [Signature]
Township Fiscal Officer

To: _____

Re: Notice to Remove Obstruction and/or
Cease and Desist Diversion of Water

Dear Property Owner (Responsible Party):

Ohio law expressly provides that “[n]o person shall wrongfully obstruct any ditch, drain, or watercourse along, upon or across a public highway, or divert any water from adjacent lands to or upon a public highway.” The Township Service Department has informed the Board of Trustees that conditions of the property located at _____ are obstructing the ditch, drain, or watercourse along _____ (or causing water to be diverted upon the adjacent roadway). As the party responsible for the condition of the property, you are hereby directed to immediately remove the obstruction to the flow of water, namely _____.

If you do not proceed within five (5) days from the delivery of this notice to correct these conditions, and then complete a remedy within a reasonable time thereafter, the Township Service Department will proceed to remedy the conditions. Any expenses incurred by the Township will then be subject to collection from you as the responsible party.

This notice shall be personally served to the property owner (or responsible party), at the address listed above, by the Olmsted Township Police Department, Township Director of Public Service, or other designee of the Board.

Sincerely yours,
FOR THE BOARD OF TRUSTEES

Township Trustee

