From: Eric Pottenger
Sent: Friday, September 27, 2019 3:07 PM
To: Bruce Henry - Hanover Township (administrator@hanovertownshipohio.org)
Cc: Scott Gardner; Adrienne Rice; Dale Schwieterman
Subject: 4004 Stahlheber Road Driveway
Attachments: Lawriter - ORC - 5589.06 Obstructing ditch, drain, or watercourse - duty of superintendent_.pdf
Lawriter - ORC - 5571.09 Suits by board of township trustees_.pdf

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Bruce,

A permit to widen an existing gravel driveway to 40-feet in width was issued by our office February 21, 2019. The existing 12" diameter driveway culvert was also extended 24-feet to accommodate this widening. Our inspector, Adrienne Rice, recently performed an inspection of driveway located at 4004 Stahlheber Road. The driveway is now approximately 37-feet in width and culvert pipe extended. Based on her observations, the permit conditions have been met.

As you know, during winter of 2018/2019 Hanover Township dealt with excess ice and excessive erosion along Stahlheber Road. The property owner mounded and/or regraded a portion of their property, thereby creating a diversion of water into the right-of-way. Knowing this diversion occurred outside of the right-of-way and on private property, our office requested guidance from Prosecutor's Office to assist in resolving this matter. Since Stahlheber is a township maintained road, it's their opinion Hanover Township consider enforcement of statute §5589.06 Obstructing ditch, drain, or watercourse – duty of superintendent. The statute clearly states a diversion of water from property outside a public right-of-way is a wrongful act. Correcting this situation is at the discretion of the Board of Township Trustees.

We recommend your road superintendent review the information provided and consider an appropriate course of action.

Sincerely,
Eric

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Development Services Manager
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