

**As Passed by the House**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Am. Sub. S. B. No. 5**

**SENATORS Wachtmann, Harris, Robert Gardner, Carnes, Blessing**

**REPRESENTATIVES Roman, Driehaus, Coates, Distel, Carano, Sferra,**

**Schmidt, Flowers, Hagan, Willamowski, Niehaus, Metzger, Seaver, Faber,**

**Peterson, Aslanides, Krupinski, Rhine, Latell, Cates, Grendell, Seitz, Buehrer,**

**Brinkman, Latta, Clancy, Hollister, Kearns, Collier, Webster,**

**Womer Benjamin, Widowfield**

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**A B I L L**

To amend sections 505.62, 709.02, 709.03, 709.032, 1  
709.033, 709.04, 709.13, 709.14, 709.15, 709.19, 2  
709.21, 929.02, and 5705.31; to enact new sections 3  
709.031, 709.07, 709.11, and 709.16 and sections 4  
709.013, 709.014, 709.015, 709.021, 709.022, 5  
709.023, 709.024, 709.192, and 5705.315; and to 6  
repeal sections 709.031, 709.07, 709.08, 709.09, 7  
709.11, 709.16, 709.17, and 709.18 of the Revised 8  
Code to revise the laws governing municipal 9  
annexations. 10

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

**Section 1.** That sections 505.62, 709.02, 709.03, 709.032, 11  
709.033, 709.04, 709.13, 709.14, 709.15, 709.19, 709.21, 929.02, 12  
and 5705.31 be amended and new sections 709.031, 709.07, 709.11, 13  
and 709.16 and sections 709.013, 709.014, 709.015, 709.021, 14  
709.022, 709.023, 709.024, 709.192, and 5705.315 of the Revised 15  
Code be enacted to read as follows: 16

~~Sec. 505.62. A board of township trustees may enter into a contract with, and may appropriate township general revenue fund moneys for the services of, an attorney to represent the township at annexation hearings before the board of county commissioners and upon any appeal of the board's decision pursuant to section 709.07 or Chapter 2506. of the Revised Code.~~

~~The board of township trustees of a township that includes territory that is proposed to be annexed has standing in any appeal of the board of county commissioners' decision on the annexation of township territory that is taken pursuant to section 709.07 or Chapter 2506. of the Revised Code, if the board of township trustees was represented at the annexation hearing before the board of county commissioners, expert witnesses, and other consultants as the board determines are necessary for any potential or pending annexation action, including proceedings before a board of county commissioners or any court. The board also may appropriate general revenue fund moneys for any other expenses it considers necessary that are related to any potential or pending annexation actions.~~

Sec. 709.013. (A) If, after a petition for annexation is filed with the board of county commissioners, one or more other petitions are filed containing all or a part of the territory contained in the first petition, the board shall hear and decide the petitions in the order in which they were filed.

(B) The effect of granting any petition under division (A) of this section shall be to delete from any subsequently filed petition any territory contained in the petition that was granted.

(C) If two or more petitions for annexation are filed seeking to annex part or all of the same territory and appeals are subsequently filed under section 709.07 of the Revised Code, each

court shall decide the appeal on the first-filed petition before  
considering the appeal in any subsequently filed petition.

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**Sec. 709.014.** (A) The board of county commissioners may  
establish a reasonable fee or schedule of fees to cover its costs  
incurred in any annexation proceedings that take place under this  
chapter. The board also may require an initial deposit to be paid  
at the time a petition for annexation is filed under sections  
709.02 to 709.21 of the Revised Code or promptly after that time.  
The clerk of the board shall maintain an accurate and detailed  
accounting of all funds received and expended in the processing of  
a petition for annexation filed under sections 709.02 to 709.21 of  
the Revised Code.

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(B) Notwithstanding anything to the contrary in division (E)  
of section 709.024 and division (A) of section 709.03 of the  
Revised Code, the board of county commissioners, by resolution,  
may appoint the clerk of the board or the county administrator to  
set the date, time, and place for hearings, and to provide  
associated notices to the agent for the petitioners, required  
under those divisions instead of the board.

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**Sec. 709.015.** The procedural requirements set forth in  
sections 709.02 to 709.21 of the Revised Code are directory in  
nature. Substantial compliance with the procedural requirements of  
those sections is sufficient to grant the board of county  
commissioners jurisdiction to hear and render its decision on a  
petition for annexation filed under those sections. The board  
shall cure a procedural defect and shall not deny a petition for  
annexation solely upon the basis of procedural defects.

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**Sec. 709.02.** (A) The owners of real estate adjacent  
contiguous to a municipal corporation may, ~~at their option, cause~~  
such territory to be annexed thereto, ~~petition for annexation to a~~

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municipal corporation in the manner provided by sections ~~709.03~~ 77  
709.02 to 709.11 of the Revised Code. ~~Application~~ 78

(B) Application for ~~such~~ annexation shall be made by a 79  
petition, ~~addressed to~~ filed with the clerk of the board of county 80  
commissioners of the county in which the territory is located, ~~and~~ 81  
~~signed by a majority of the owners of real estate in such~~ 82  
~~territory.~~ Such 83

(C) The petition required by this section shall contain the 84  
following: 85

~~(A) A full~~ (1) The signatures of a majority of the owners of 86  
real estate in the territory proposed for annexation. The person 87  
who signs or the circulator of the petition also shall write the 88  
date the signature was made next to the owner's name. No signature 89  
obtained more than one hundred eighty days before the date on 90  
which the petition is filed shall be counted in determining the 91  
number of signers of the petition. Any owner who signed the 92  
petition may have the signature removed before the document is 93  
filed by delivering a signed statement to the agent for the 94  
petitioners expressing the owner's wish to have the signature 95  
removed. Upon receiving a signed statement, the agent for the 96  
petitioners shall strike through the signature, causing the 97  
signature to be deleted from the petition. 98

(2) An accurate legal description of the perimeter and an 99  
accurate map or plat of the territory ~~sought to be annexed~~ 100  
proposed for annexation; 101

~~(B) A statement of the number of owners of real estate in the~~ 102  
~~territory sought to be annexed;~~ 103

~~(C)~~ (3) The name of a person or persons to act as agent for 104  
the petitioners. The agent for the petitioners may be an official, 105  
employee, or agent of the municipal corporation to which 106  
annexation is proposed. 107

(D) At the time of filing the petition for annexation, the agent for the petitioners also shall file with the clerk of the board a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, including the name and mailing address of the owner of each tract, lot, or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system established under section 319.28 of the Revised Code for each tract, lot, or parcel. This list shall not be considered to be a part of the petition for annexation, and any error on the list shall not affect the validity of the petition.

(E) As used in sections 709.02 to 709.21 and, 709.38, and 709.39 of the Revised Code, "owner" or "owners" means any adult individual ~~seized of a freehold estate in land~~ who is legally competent, the state or any political subdivision as defined in section 5713.081 of the Revised Code, and any firm, trustee, or private corporation ~~that, any of which~~ is seized of a freehold estate in land; except that ~~individuals, firms, and corporations holding easements and any railroad, utility, street, and highway rights-of-way held in fee, by easement, or by dedication and acceptance~~ are not included within ~~such those~~ meanings; and no person, firm, trustee, or private corporation, the state, or any ~~political subdivision~~, that has become an owner of real estate by a conveyance, the primary purpose of which is to affect the number of owners required to sign ~~an annexation~~ a petition for annexation, is included within ~~such those~~ meanings. For purposes of sections 709.02 to 709.21, 709.38, and 709.39 of the Revised Code, the state or any political subdivision shall not be considered an owner and shall not be included in determining the number of owners needed to sign a petition unless an authorized agent of the state or the political subdivision signs the

petition. The authorized agent for the state shall be the director 140  
of administrative services. 141

An owner is determined as of the date the petition is filed 142  
with the board of county commissioners. If the owner is a 143  
corporation, partnership, business trust, estate, trust, 144  
organization, association, group, institution, society, state, or 145  
political subdivision, the petition shall be signed by a person 146  
who is authorized to sign for that entity. A person who owns more 147  
than one parcel of real estate, either individually or as a tenant 148  
in common or by survivorship tenancy, shall be counted as one 149  
owner for purposes of this chapter. 150

**Sec. 709.021.** (A) When a petition signed by all of the owners 151  
of real estate in the unincorporated territory of a township 152  
proposed for annexation requests the annexation of that territory 153  
to a municipal corporation contiguous to that territory under one 154  
of the special procedures provided for annexation in sections 155  
709.022, 709.023, and 709.024 of the Revised Code, the annexation 156  
proceedings shall be conducted under those sections to the 157  
exclusion of any other provisions of this chapter unless otherwise 158  
provided in this section or the special procedure section chosen. 159

(B) Application for annexation shall be made by a petition 161  
filed with the clerk of the board of county commissioners of the 162  
county in which the territory is located, and the procedures 163  
contained in divisions (C), (D), and (E) of section 709.02 of the 164  
Revised Code shall be followed, except that all owners, not just a 165  
majority of owners, shall sign the petition. To be valid, each 166  
petition circulated for the special procedure in section 709.022 167  
or 709.023 of the Revised Code shall contain the notice provided 168  
for in division (B) of section 709.022 or division (A) of section 169  
709.023 of the Revised Code, whichever is applicable. 170

(C) Except as otherwise provided in this section, only this section and sections 709.014, 709.015, 709.04, 709.10, 709.11, 709.12, 709.192, 709.20, and 709.21 of the Revised Code apply to the granting of an annexation described in this section.

(D) As used in sections 709.022 and 709.024 of the Revised Code, "party" or "parties" means the municipal corporation to which annexation is proposed, each township any portion of which is included within the territory proposed for annexation, and the agent for the petitioners.

**Sec. 709.022.** (A) A petition filed under section 709.021 of the Revised Code that requests to follow this section is for the special procedure of annexing land with the consent of all parties. The petition shall be accompanied by a certified copy of an annexation agreement provided for in section 709.192 of the Revised Code or of a cooperative economic development agreement provided for in section 701.07 of the Revised Code, that is entered into by the municipal corporation and each township any portion of which is included within the territory proposed for annexation. Upon the receipt of the petition and the applicable agreement, the board of county commissioners, at the board's next regular session, shall enter upon its journal a resolution granting the annexation, without holding a hearing.

(B) Owners who sign a petition requesting that the special procedure in this section be followed expressly waive their right to appeal any action taken by the board of county commissioners under this section. There is no appeal from the board's decision under this section in law or in equity.

The petition circulated to collect signatures for the special procedure in this section shall contain in boldface capital letters immediately above the heading of the place for signatures on each part of the petition the following: "WHOEVER SIGNS THIS

PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE  
PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS  
NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN  
EQUITY."

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(C) After the board of county commissioners grants the  
petition for annexation, the clerk of the board shall deliver a  
certified copy of the entire record of the annexation proceedings,  
including all resolutions of the board, signed by a majority of  
the members of the board, the petition, map, and all other papers  
on file, and the recording of the proceedings, if a copy is  
available, to the auditor or clerk of the municipal corporation to  
which annexation is proposed.

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**Sec. 709.023.** (A) A petition filed under section 709.021 of  
the Revised Code that requests to follow this section is for the  
special procedure of annexing land into a municipal corporation  
when, subject to division (H) of this section, the land also is  
not to be excluded from the township under section 503.07 of the  
Revised Code. The owners who sign this petition by their signature  
expressly waive their right to appeal in law or equity from the  
board of county commissioners' entry of any resolution under this  
section, waive any rights they may have to sue on any issue  
relating to a municipal corporation requiring a buffer as provided  
in this section, and waive any rights to seek a variance that  
would relieve or exempt them from that buffer requirement.

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The petition circulated to collect signatures for the special  
procedure in this section shall contain in boldface capital  
letters immediately above the heading of the place for signatures  
on each part of the petition the following: "WHOEVER SIGNS THIS  
PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN LAW OR EQUITY  
FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF ANY RESOLUTION

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PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, ALTHOUGH A WRIT 233  
OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO PERFORM ITS 234  
DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION PROCEDURE." 235

(B) Upon the filing of the petition in the office of the 236  
clerk of the board of county commissioners, the clerk shall cause 237  
the petition to be entered upon the board's journal at its next 238  
regular session. This entry shall be the first official act of the 239  
board on the petition. Within five days after the filing of the 240  
petition, the agent for the petitioners shall notify in the manner 241  
and form specified in this division the clerk of the legislative 242  
authority of the municipal corporation to which annexation is 243  
proposed, the clerk of each township any portion of which is 244  
included within the territory proposed for annexation, the clerk 245  
of the board of county commissioners of each county in which the 246  
territory proposed for annexation is located other than the county 247  
in which the petition is filed, and the owners of property 248  
adjacent to the territory proposed for annexation or adjacent to a 249  
road that is adjacent to that territory and located directly 250  
across that road from that territory. The notice shall be given by 251  
certified mail, return receipt requested, or by causing the notice 252  
to be personally served on the appropriate governmental officer or 253  
property owner, with proof of service being by affidavit of the 254  
person who delivered the notice. The notice shall refer to the 255  
time and date when the petition was filed and the county in which 256  
it was filed and shall have attached or shall be accompanied by a 257  
copy of the petition and any attachments or documents accompanying 258  
the petition as filed. The proof of service of the notice shall be 259  
filed with the board of county commissioners with which the 260  
petition was filed. 261

(C) Within twenty days after the date that the petition is 262  
filed, the legislative authority of the municipal corporation to 263  
which annexation is proposed shall adopt an ordinance or 264

resolution stating what services the municipal corporation will provide, and an approximate date by which it will provide them, to the territory proposed for annexation, upon annexation. The municipal corporation is entitled in its sole discretion to provide to the territory proposed for annexation, upon annexation, services in addition to the services described in that ordinance or resolution.

If the territory proposed for annexation is subject to zoning regulations adopted under either Chapter 303. or 519. of the Revised Code at the time the petition is filed, the legislative authority of the municipal corporation also shall adopt an ordinance or resolution stating that, if the territory is annexed and becomes subject to zoning by the municipal corporation and that municipal zoning permits uses in the annexed territory that the municipal corporation determines are clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township from which the territory was annexed, the legislative authority of the municipal corporation will require, in the zoning ordinance permitting the incompatible uses, the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

The clerk of the legislative authority of the municipal corporation to which annexation is proposed shall file the ordinances or resolutions adopted under this division with the board of county commissioners within twenty days following the date that the petition is filed. The board shall make these ordinances or resolutions available for public inspection.

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(D) Within twenty-five days after the date that the petition is filed, the legislative authority of the municipal corporation to which annexation is proposed and each township any portion of which is included within the territory proposed for annexation may adopt and file with the board of county commissioners an ordinance or resolution consenting or objecting to the proposed annexation. An objection to the proposed annexation shall be based solely upon the petition's failure to meet the conditions specified in division (E) of this section. 297  
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If the municipal corporation and each of those townships timely files an ordinance or resolution consenting to the proposed annexation, the board at its next regular session shall enter upon its journal a resolution granting the proposed annexation. If, instead, the municipal corporation or any of those townships files an ordinance or resolution that objects to the proposed annexation, the board of county commissioners shall proceed as provided in division (E) of this section. Failure of the municipal corporation or any of those townships to timely file an ordinance or resolution consenting or objecting to the proposed annexation shall be deemed to constitute consent by that municipal corporation or township to the proposed annexation. 306  
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(E) Unless the petition is granted under division (D) of this section, not less than thirty or more than forty-five days after the date that the petition is filed, the board of county commissioners shall review it to determine if each of the following conditions has been met: 318  
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(1) The petition meets all the requirements set forth in, and was filed in the manner provided in, section 709.021 of the Revised Code. 323  
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(2) The persons who signed the petition are owners of the real estate located in the territory proposed for annexation and constitute all of the owners of real estate in that territory. 326  
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(3) The territory proposed for annexation does not exceed 329  
five hundred acres. 330

(4) The territory proposed for annexation shares a contiguous 331  
boundary with the municipal corporation to which annexation is 332  
proposed for a continuous length of at least five per cent of the 333  
perimeter of the territory proposed for annexation. 334

(5) The annexation will not create an unincorporated area of 335  
the township that is completely surrounded by the territory 336  
proposed for annexation. 337

(6) The municipal corporation to which annexation is proposed 338  
has agreed to provide to the territory proposed for annexation the 339  
services specified in the relevant ordinance or resolution adopted 340  
under division (C) of this section. 341

(7) If a street or highway will be divided or segmented by 342  
the boundary line between the township and the municipal 343  
corporation as to create a road maintenance problem, the municipal 344  
corporation to which annexation is proposed has agreed as a 345  
condition of the annexation to assume the maintenance of that 346  
street or highway or to otherwise correct the problem. As used in 347  
this section, "street" or "highway" has the same meaning as in 348  
section 4511.01 of the Revised Code. 349

(F) Not less than thirty or more than forty-five days after 350  
the date that the petition is filed, if the petition is not 351  
granted under division (D) of this section, the board of county 352  
commissioners, if it finds that each of the conditions specified 353  
in division (E) of this section has been met, shall enter upon its 354  
journal a resolution granting the annexation. If the board of 355  
county commissioners finds that one or more of the conditions 356  
specified in division (E) of this section have not been met, it 357  
shall enter upon its journal a resolution that states which of 358  
those conditions the board finds have not been met and that denies 359

the petition. 360

(G) If a petition is granted under division (D) or (F) of 361  
this section, the clerk of the board of county commissioners shall 362  
proceed as provided in division (C)(1) of section 709.033 of the 363  
Revised Code, except that no recording or hearing exhibits would 364  
be involved. There is no appeal in law or equity from the board's 365  
entry of any resolution under this section, but any party may seek 366  
a writ of mandamus to compel the board of county commissioners to 367  
perform its duties under this section. 368

(H) Notwithstanding anything to the contrary in section 369  
503.07 of the Revised Code, unless otherwise provided in an 370  
annexation agreement entered into pursuant to section 709.192 of 371  
the Revised Code or in a cooperative economic development 372  
agreement entered into pursuant to section 701.07 of the Revised 373  
Code, territory annexed into a municipal corporation pursuant to 374  
this section shall not at any time be excluded from the township 375  
under section 503.07 of the Revised Code and, thus, remains 376  
subject to the township's real property taxes. 377

(I) Any owner of land that remains within a township and that 378  
is adjacent to territory annexed pursuant to this section who is 379  
directly affected by the failure of the annexing municipal 380  
corporation to enforce compliance with any zoning ordinance it 381  
adopts under division (C) of this section requiring the owner of 382  
the annexed territory to provide a buffer zone, may commence in 383  
the court of common pleas a civil action against that owner to 384  
enforce compliance with that buffer requirement whenever the 385  
required buffer is not in place before any development of the 386  
annexed territory begins. 387

**Sec. 709.024.** (A) A petition filed under section 709.021 of 388  
the Revised Code that requests to follow this section is for the 389  
special procedure of annexing land into a municipal corporation 390

for the purpose of undertaking a significant economic development 391  
project. As used in this section, "significant economic 392  
development project" means one or more economic development 393  
projects that can be classified as industrial, distribution, high 394  
technology, research and development, or commercial, which 395  
projects may include ancillary residential and retail uses and 396  
which projects shall satisfy all of the following: 397

(1) Total private real and personal property investment in a 398  
project shall be in excess of ten million dollars through land and 399  
infrastructure, new construction, reconstruction, installation of 400  
fixtures and equipment, or the addition of inventory, excluding 401  
investment solely related to the ancillary residential and retail 402  
elements, if any, of the project. As used in this division, 403  
"private real and personal property investment" does not include 404  
payments in lieu of taxes, however characterized, under Chapter 405  
725. or 1728. or sections 5709.40 to 5709.43, 5709.73 to 5709.75, 406  
or 5709.78 to 5709.81 of the Revised Code. 407

(2) There shall be created by the project an additional 408  
annual payroll in excess of one million dollars, excluding payroll 409  
arising solely out of the retail elements, if any, of the project. 410

(3) The project has been certified by the state director of 411  
development as meeting the requirements of divisions (A)(1) and 412  
(2) of this section. 413

(B) Upon the filing of the petition under section 709.021 of 414  
the Revised Code in the office of the clerk of the board of county 415  
commissioners, the clerk shall cause the petition to be entered 416  
upon the journal of the board at its next regular session. This 417  
entry shall be the first official act of the board on the 418  
petition. Within five days after the filing of the petition, the 419  
agent for the petitioners shall notify in the manner and form 420  
specified in this division the clerk of the legislative authority 421

of the municipal corporation to which annexation is proposed, the 422  
clerk of each township any portion of which is included within the 423  
territory proposed for annexation, the clerk of the board of 424  
county commissioners of each county in which the territory 425  
proposed for annexation is located other than the county in which 426  
the petition is filed, and the owners of property adjacent to the 427  
territory proposed for annexation or adjacent to a road that is 428  
adjacent to that territory and located directly across that road 429  
from that territory. The notice shall be given by certified mail, 430  
return receipt requested, or by causing the notice to be 431  
personally served on the appropriate governmental officer or 432  
property owner, with proof of service being by affidavit of the 433  
person who delivered the notice. The notice shall refer to the 434  
time and date when the petition was filed and the county in which 435  
it was filed and shall have attached or shall be accompanied by a 436  
copy of the petition and any attachments or documents accompanying 437  
the petition as filed. The proof of service of the notice shall be 438  
filed with the board of county commissioners with which the 439  
petition was filed. 440

(C)(1) Within thirty days after the petition is filed, the 441  
legislative authority of the municipal corporation to which 442  
annexation is proposed and each township any portion of which is 443  
included within the territory proposed for annexation may adopt 444  
and file with the board of county commissioners an ordinance or 445  
resolution consenting or objecting to the proposed annexation. An 446  
objection to the proposed annexation shall be based solely upon 447  
the petition's failure to meet the conditions specified in 448  
division (F) of this section. Failure of the municipal corporation 449  
or any of those townships to timely file an ordinance or 450  
resolution consenting or objecting to the proposed annexation 451  
shall be deemed to constitute consent by that municipal 452  
corporation or township to the proposed annexation. 453

(2) Within twenty days after receiving the notice required by 454  
division (B) of this section, the legislative authority of the 455  
municipal corporation shall adopt, by ordinance or resolution, a 456  
statement indicating what services the municipal corporation will 457  
provide or cause to be provided, and an approximate date by which 458  
it will provide or cause them to be provided, to the territory 459  
proposed for annexation, upon annexation. If a hearing is to be 460  
conducted under division (E) of this section, the legislative 461  
authority shall file the statement with the clerk of the board of 462  
county commissioners at least twenty days before the date of the 463  
hearing. 464

(D) If all parties to the annexation proceedings consent to 465  
the proposed annexation, a hearing shall not be held, and the 466  
board, at its next regular session, shall enter upon its journal a 467  
resolution granting the annexation. There is no appeal in law or 468  
in equity from the board's entry of a resolution under this 469  
division. The clerk of the board shall proceed as provided in 470  
division (C)(1) of section 709.033 of the Revised Code. 471

(E) Unless the petition is granted under division (D) of this 472  
section, a hearing shall be held on the petition. The board of 473  
county commissioners shall hear the petition at its next regular 474  
session and shall notify the agent for the petitioners of the 475  
hearing's date, time, and place. The agent for the petitioners 476  
shall give notice to the parties entitled to notice under division 477  
(B) of this section of the date, time, and place of the hearing. 478  
At the hearing, those parties and any owner of real estate within 479  
the territory proposed to be annexed are entitled to appear for 480  
the purposes described in division (C) of section 709.032 of the 481  
Revised Code. 482

(F) Within thirty days after a hearing under division (E) of 483  
this section, the board of county commissioners shall enter upon 484  
its journal a resolution granting or denying the proposed 485



annexation. The resolution shall include specific findings of fact  
as to whether or not each of the conditions listed in this  
division has been met. If the board grants the annexation, the  
clerk of the board shall proceed as provided in division (C)(1) of  
section 709.033 of the Revised Code.

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The board shall enter a resolution granting the annexation if  
it finds, based upon a preponderance of the substantial, reliable,  
and probative evidence on the whole record, that each of the  
following conditions has been met:

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(1) The petition meets all the requirements set forth in, and  
was filed in the manner provided in, section 709.021 of the  
Revised Code.

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(2) The persons who signed the petition are owners of real  
estate located in the territory proposed to be annexed in the  
petition and constitute all of the owners of real estate in that  
territory.

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(3) No street or highway will be divided or segmented by the  
boundary line between a township and the municipal corporation as  
to create a road maintenance problem, or if the street or highway  
will be so divided or segmented, the municipal corporation has  
agreed, as a condition of the annexation, that it will assume the  
maintenance of that street or highway. For the purposes of this  
division, "street" or "highway" has the same meaning as in section  
4511.01 of the Revised Code.

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(4) The municipal corporation to which the territory is  
proposed to be annexed has adopted an ordinance or resolution as  
required by division (C)(2) of this section.

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(5) The state director of development has certified that the  
project meets the requirements of divisions (A)(1) and (2) of this  
section and thereby qualifies as a significant economic  
development project. The director's certification is binding on

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the board of county commissioners.

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(G) An owner who signed the petition may appeal a decision of the board of county commissioners denying the proposed annexation under section 709.07 of the Revised Code. No other person has standing to appeal the board's decision in law or in equity. If the board grants the annexation, there shall be no appeal in law or in equity.

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(H) Notwithstanding anything to the contrary in section 503.07 of the Revised Code, unless otherwise provided in an annexation agreement entered into pursuant to section 709.192 of the Revised Code or in a cooperative economic development agreement entered into pursuant to section 701.07 of the Revised Code, territory annexed into a municipal corporation pursuant to this section shall not at any time be excluded from the township under section 503.07 of the Revised Code and, thus, remains subject to the township's real property taxes.

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(I) A municipal corporation to which annexation is proposed is entitled in its sole discretion to provide to the territory proposed for annexation, upon annexation, services in addition to the services described in the ordinance or resolution adopted by the legislative authority of the municipal corporation under division (C)(2) of this section.

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**Sec. 709.03.** ~~The (A) Once a petition required by described in~~ section 709.02 of the Revised Code ~~shall be~~ is filed in, the office clerk of the board of county commissioners ~~and the clerk~~ shall cause the petition to be entered upon the ~~record of~~ proceedings journal of the board, ~~which at its next regular session. This entry shall be the first official act of the board on the annexation petition, and shall cause the petition to be filed in the office of the county auditor, where it shall be subject to the inspection of any interested person. The agent for~~

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~~the petitioners shall cause written notice of the filing of the~~ 548  
~~petition with the board of county commissioners and the date of~~ 549  
~~such filing to be delivered to the clerk of the legislative~~ 550  
~~authority of the municipal corporation to which annexation is~~ 551  
~~proposed and to the clerk of each township any portion of which is~~ 552  
~~included within the territory sought to be annexed. Any person.~~ 553  
Within five days after the filing of the petition, the board shall 554  
set the date, time, and place for the hearing on the petition and 555  
shall notify the agent for the petitioners. The date for the 556  
hearing shall be not less than sixty or more than ninety days 557  
after the petition is filed with the clerk of the board. 558

(B) Upon being notified of the date of the hearing, the agent 559  
for the petitioners shall do all of the following: 560

(1) Within five days cause written notice of the filing of 561  
the petition with the board of county commissioners, the date and 562  
time of the filing, and the date, time, and place of the hearing, 563  
to be delivered to the clerk of the legislative authority of the 564  
municipal corporation to which annexation is proposed, to the 565  
clerk of each township any portion of which is included within the 566  
territory proposed for annexation, and to the clerk of the board 567  
of county commissioners of each county in which the territory 568  
proposed for annexation is located other than the county in which 569  
the petition is filed. The notice shall state the date and time 570  
when the petition was filed and the county in which it was filed 571  
and shall have attached or shall be accompanied by a copy of the 572  
petition and any attachments or documents accompanying the 573  
petition as filed. The notice shall be given by certified mail, 574  
return receipt requested, or by causing the notice to be 575  
personally served on the appropriate governmental officer, with 576  
proof of service being by affidavit of the person who delivered 577  
the notice. Within ten days after the date of completion of 578  
service, the agent for the petitioners shall file proof of service 579

of the notice with the board of county commissioners with which 580  
the petition was filed. 581

(2) Within ten days send by regular mail a copy of the notice 582  
of the board of county commissioners of the hearing to all owners 583  
of property within the territory proposed to be annexed, and to 584  
all owners of property adjacent to the territory proposed to be 585  
annexed or adjacent to a road that is adjacent to that territory 586  
and located directly across that road from that territory, whose 587  
names were provided by the agent for the petitioners under 588  
division (D) of section 709.02 of the Revised Code, along with a 589  
map of the territory proposed to be annexed and a statement 590  
indicating where the full petition for annexation can be reviewed. 591  
The notice also shall include a statement that any owner who 592  
signed the petition may remove the owner's signature by filing 593  
with the clerk of the board of county commissioners a written 594  
notice of withdrawal of the owner's signature within twenty-one 595  
days after the date the agent mails the notice; the agent shall 596  
include with each mailed notice a certification of the date of its 597  
mailing for this purpose. Within ten days after the mailing of the 598  
notices, the agent shall file with the board of county 599  
commissioners with which the petition was filed, a notarized 600  
affidavit that a notice was sent by regular mail to these property 601  
owners. 602

(3) Cause a notice containing the substance of the petition, 603  
and the date, time, and place of the hearing, to be published at 604  
least once and at least seven days prior to the date fixed for the 605  
hearing, in a newspaper of general circulation in each county in 606  
which territory proposed for annexation is situated. Within ten 607  
days after the date of completion of the publication or at the 608  
hearing, whichever comes first, the agent for the petitioners 609  
shall file proof of publication of the notice with the board of 610  
county commissioners with which the petition was filed. 611

(C) Any owner who signed the petition for annexation may 612  
remove ~~his~~ that signature by filing with the clerk of the board of 613  
county commissioners a written notice of withdrawal of ~~his~~ the 614  
owner's signature within ~~twenty~~ twenty-one days after ~~such a~~ 615  
~~notice of filing is delivered to the clerk of the township in~~ 616  
~~which he resides~~ the date the agent for the petitioners mailed the 617  
notice of the hearing to the owner as provided in division (B)(2) 618  
of this section. Thereafter, signatures may be withdrawn or 619  
removed only in the manner authorized by section 709.032 of the 620  
Revised Code. 621

(D) Upon receiving the notice described in division (B)(1) of 622  
this section, the legislative authority of the municipal 623  
corporation shall adopt, by ordinance or resolution, a statement 624  
indicating what services the municipal corporation will provide, 625  
and an approximate date by which it will provide them, to the 626  
territory proposed for annexation, upon annexation. The statement 627  
shall be filed with the board of county commissioners at least 628  
twenty days before the date of the hearing. The municipal 629  
corporation is entitled in its sole discretion to provide to the 630  
territory proposed for annexation, upon annexation, services in 631  
addition to the services described in the ordinance or resolution 632  
it adopts under this division. 633

**Sec. 709.031.** (A) Within five days after the petition for 634  
annexation is filed with the board of county commissioners, the 635  
clerk of the board shall refer the legal description of the 636  
perimeter and the map or plat of the territory proposed to be 637  
annexed to the county engineer for a report upon the accuracy of 638  
the legal description of the perimeter, map, or plat. Upon 639  
receiving these items, the county engineer shall file, at least 640  
twenty-five days before the hearing, a written report with the 641  
board based on the engineer's findings, which shall not be 642  
conclusive upon the board. Failure of the engineer to make the 643

report shall not affect the jurisdiction or duty of the board to 644  
proceed. 645

(B) The petition may be amended without further notice by 646  
leave of the board of county commissioners and with the consent of 647  
the agent for the petitioners if the amendment does not add to the 648  
territory embraced in the original petition and is made at least 649  
fifteen days before the date of the hearing. The board may rerefer 650  
the legal description of the perimeter, map, or plat to the county 651  
engineer if revisions are made in them, for a report on their 652  
accuracy. Upon receiving these items, the county engineer shall 653  
file, on or before the date of the hearing, a written report with 654  
the board based on the engineer's findings, which shall not be 655  
conclusive upon the board. Failure of the engineer to make the 656  
report shall not affect the jurisdiction or duty of the board to 657  
proceed. 658

(C) The board of township trustees of any township containing 659  
any territory proposed for annexation and any owners of real 660  
estate in the territory proposed for annexation may request that 661  
reasonable proof be presented of the authority of a person signing 662  
the petition on behalf of any person other than a natural being, 663  
the state, or a political subdivision of the state. The request 664  
shall be in writing and be filed with the board of county 665  
commissioners and with the agent for the petitioners at least 666  
fifteen days prior to the hearing on the petition. When such a 667  
request is filed, the agent for the petitioners shall present to 668  
the board of county commissioners at the hearing held under 669  
section 709.032 of the Revised Code sufficient evidence by 670  
affidavit or testimony to establish that the owner is a person 671  
other than a natural being, the state, or a political subdivision 672  
of the state and that the owner authorized the person whose 673  
signature is on the petition to sign the petition on its behalf. 674  
If the board does not find the evidence sufficient to establish 675

this authority, it shall remove the signature from the petition.

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Sec. 709.032. (A) As used in this section, "necessary party" means the municipal corporation to which annexation is proposed, each township any portion of which is included within the territory proposed for annexation, and the agent for the petitioners.

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(B) The hearing provided for in section ~~709.031~~ 709.03 of the Revised Code shall be public. Any The board of county commissioners may, or at the request of any necessary party shall, issue subpoenas for witnesses or for books, papers, correspondence, memoranda, agreements, or other documents or records relevant or material to the petition, directed to the sheriff of each county where the witnesses or documents or records are found, which subpoenas shall be served and returned in the same manner as those allowed by the court of common pleas in criminal cases. The fees and mileage of sheriffs and witnesses shall be the same as those allowed by the court of common pleas in criminal cases. The fee and mileage expenses incurred at the request of a party shall be paid in advance by the party, and the remainder of the expenses shall be paid out of fees charged by the board for the annexation proceedings. In case of disobedience or neglect of any subpoena served on any person, or the refusal of any witness to testify to any matter regarding which the witness may be lawfully interrogated, the court of common pleas of the county in which the disobedience, neglect, or refusal occurs, or any judge of that court, on application of the board, any member of the board, or a necessary party, may compel obedience by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. An owner of a company, firm, partnership, association, or corporation that is subpoenaed may have an agent or attorney appear before the board on that owner's

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behalf in response to the subpoena. 708

The board of county commissioners shall make, by electronic 709  
means or some other suitable method, a record of the hearing. If a 710  
request, accompanied by a deposit to pay the costs, is filed with 711  
the board not later than seven days before the hearing, the board 712  
shall provide an official court reporter to record the hearing. 713  
The record of the hearing need not be transcribed unless a 714  
request, accompanied by an amount to cover the cost of 715  
transcribing the record, is filed with the board. 716

(C) Any person may appear, in person or by attorney, and, 717  
after being sworn, may support or contest the granting of the 718  
prayer of the petition provided for by section 709.02 of the 719  
Revised Code. Affidavits presented in support of or against the 720  
prayer of such petition shall be considered by the board, but only 721  
if the affidavits are filed with the board and served as provided 722  
in the Rules of Civil Procedure upon the necessary parties to the 723  
annexation proceedings at least fifteen days before the date of 724  
the hearing; provided that the board shall accept an affidavit 725  
after the fifteen-day period if the purpose of the affidavit is 726  
only to establish the affiant's authority to sign the petition on 727  
behalf of the entity for which the affiant signed. Necessary 728  
parties or their representatives are entitled to present evidence, 729  
examine and cross-examine witnesses, and comment on all evidence, 730  
including any affidavits presented to the board under this 731  
division. 732

(D) At the hearing, any owner who signed the petition for 733  
annexation may appear, and, after being sworn as provided by 734  
section 305.21 of the Revised Code, testify orally that his ~~his~~ the 735  
owner's signature was obtained by fraud, duress, 736  
misrepresentation, including any misrepresentation relating to the 737  
provision of municipal services to the territory proposed to be 738  
annexed, or undue influence. Any person may testify orally after 739



being so sworn in support of of or rebuttal to ~~such the~~ prior 740  
testimony by the owner. ~~The commissioners, the agent for the~~ 741  
~~petitioners or his attorney, and such owner or his attorney may~~ 742  
~~examine such witnesses, including the owner~~ Any witnesses and 743  
owners who testify shall be subject to cross-examination by the 744  
necessary parties to the annexation proceedings. If a majority of 745  
the county commissioners find that ~~such the~~ owner's signature was 746  
obtained under circumstances that did constitute fraud, duress, 747  
misrepresentation, or undue influence, they shall find the 748  
signature to be void, and shall order it removed from the petition 749  
as of the time the petition was filed. 750

~~The petition may be amended without further notice by leave~~ 751  
~~of the county commissioners with the consent of the agent for the~~ 752  
~~petitioners where such amendment does not add to the territory~~ 753  
~~embraced in the original petition. If any amendment is permitted,~~ 754  
~~whereby territory not before embraced is added, the board shall~~ 755  
~~appoint another time for the hearing, of which notice shall be~~ 756  
~~given as specified in section 709.031 of the Revised Code.~~ 757

**Sec. 709.033.** (A) After the hearing on a petition to ~~annex~~ 758  
~~for annexation,~~ the board of county commissioners shall enter ~~an~~ 759  
~~order~~ upon its journal allowing a resolution granting the 760  
annexation if it finds, based upon a preponderance of the 761  
substantial, reliable, and probative evidence on the whole record, 762  
that each of the following conditions has been met: 763

~~(A)(1)~~ The petition contains all matter required in meets all 764  
the requirements set forth in, and was filed in the manner 765  
provided in, section 709.02 of the Revised Code. 766

~~(B)~~ Notice has been published as required by section 709.031 767  
of the Revised Code. 768

~~(C)(2)~~ The persons whose names are subscribed to who signed 769  
the petition are owners of real estate located in the territory 770

proposed to be annexed in the petition, and, as of the time the 771  
petition was filed with the board of county commissioners, the 772  
number of valid signatures on the petition constituted a majority 773  
of the owners of real estate in ~~the~~ that territory ~~proposed to be~~ 774  
annexed. 775

~~(D)~~(3) The municipal corporation to which the territory is 776  
proposed to be annexed has complied with division ~~(B)~~(D) of 777  
section ~~709.031~~ 709.03 of the Revised Code. 778

~~(E)~~(4) The territory ~~included in the annexation petition~~ 779  
proposed to be annexed is not unreasonably large; ~~the map or plat~~ 780  
~~is accurate; and.~~ 781

(5) On balance, the general good of the territory sought 782  
proposed to be annexed will be served, and the benefits to the 783  
territory proposed to be annexed and the surrounding area will 784  
outweigh the detriments to the territory proposed to be annexed 785  
and the surrounding area, if the annexation petition is granted. 786  
As used in division (A)(5) of this section, "surrounding area" 787  
means the territory within the unincorporated area of any township 788  
located one-half mile or less from any of the territory proposed 789  
to be annexed. 790

(6) No street or highway will be divided or segmented by the 791  
boundary line between a township and the municipal corporation as 792  
to create a road maintenance problem, or, if a street or highway 793  
will be so divided or segmented, the municipal corporation has 794  
agreed, as a condition of the annexation, that it will assume the 795  
maintenance of that street or highway. For the purposes of this 796  
division, "street" or "highway" has the same meaning as in section 797  
4511.01 of the Revised Code. 798

(B) The board of county commissioners shall ~~grant~~ enter upon 799  
its journal a resolution granting or ~~deny~~ denying the petition for 800  
annexation within ~~ninety~~ thirty days after the hearing ~~set~~ 801  
pursuant to ~~provided for in~~ section ~~709.031~~ 709.032 of the Revised 802

Code. The resolution shall include specific findings of fact as to 803  
whether each of the conditions listed in divisions (A)(1) to (6) 804  
of this section has been met. Upon journalization of the 805  
resolution, the clerk of the board shall send a certified copy of 806  
it to the agent for the petitioners, the clerk of the legislative 807  
authority of the municipal corporation to which annexation is 808  
proposed, the clerk of each township in which the territory 809  
proposed for annexation is located, and the clerk of the board of 810  
county commissioners of each county in which the territory 811  
proposed for annexation is located other than the county in which 812  
the petition is filed. The clerk of the board shall take no 813  
further action until the expiration of thirty days after the date 814  
of journalization. 815

(C) After the expiration of that thirty-day period, if no 816  
appeal has been timely filed under section 709.07 of the Revised 817  
Code, the clerk of the board of county commissioners shall take 818  
one of the following actions: 819

(1) If the board of county commissioners grants granted the 820  
petition for annexation it, the clerk shall enter on its journal 821  
all the orders of the board relating to the annexation and deliver 822  
a certified transcript of copy of the entire record of the 823  
annexation proceedings, including all orders resolutions of the 824  
board, signed by a majority of the members of the board, the 825  
petition, map, and all other papers on file, the recording of the 826  
proceedings, if a copy is available, and exhibits presented at the 827  
hearing relating to the annexation proceedings, to the auditor or 828  
clerk of the municipal corporation to which annexation is 829  
proposed. 830

(2) If the board of county commissioners denies denied the 831  
petition for annexation, it the clerk shall send a certified copy 832  
of its order resolution denying the annexation to the agent for 833  
the petitioners and to the clerk of the municipal corporation to 834

which the annexation was proposed. ~~If, on any appeal of any such~~ 835  
~~annexation denial, a court holds that the board's denial was~~ 836  
~~contrary to law, and if the court orders the clerk of the board of~~ 837  
~~county commissioners to enter on the journal of the board an order~~ 838  
~~approving the annexation, then the clerk shall enter the order.~~ 839

(D) If an appeal is filed in a timely manner under section 840  
709.07 of the Revised Code from the determination of the board of 841  
county commissioners granting or denying the petition for 842  
annexation, the clerk of the board shall take further action only 843  
in accordance with that section. 844

**Sec. 709.04.** At the next regular session of the legislative 845  
authority of the municipal corporation to which annexation is 846  
proposed, after the expiration of sixty days from the date of 847  
~~filing with him as~~ the delivery required by division (C) of 848  
section 709.022 or division (C)(1) of section 709.033 of the 849  
Revised Code, the auditor or clerk of ~~such that~~ municipal 850  
corporation shall lay the ~~transcript~~ resolution of the board 851  
granting the petition and the accompanying map or plat and 852  
petition ~~required by such section~~ before the legislative 853  
authority. ~~Thereupon the~~ The legislative authority, by resolution 854  
or ordinance, then shall accept or reject the ~~application~~ petition 855  
for annexation. If the legislative authority fails to pass an 856  
ordinance or resolution accepting the ~~application~~ petition for 857  
annexation within a period of one hundred twenty days after ~~the~~ 858  
~~transcript is~~ those documents are laid before it by the auditor or 859  
clerk, the ~~application~~ petition for annexation shall be ~~deemed~~ 860  
considered rejected by the legislative authority, ~~unless it has~~ 861  
~~been prevented from acting by a temporary restraining order, a~~ 862  
~~temporary injunction, or some other order of a court.~~ 863

**Sec. 709.07.** (A) The agent for the petitioners, any owner of 864  
real estate in the territory proposed for annexation, any township 865

in which territory proposed for annexation is located, and the  
municipal corporation to which the territory is proposed to be  
annexed may file an appeal under Chapter 2506. of the Revised Code  
from a resolution of the board of county commissioners granting or  
denying the petition. The agent for the petitioners, any township  
in which the territory proposed for annexation is located, and any  
municipal corporation to which the territory is proposed to be  
annexed are necessary parties in an appeal. The filing of a notice  
of appeal with the clerk of the board of county commissioners  
shall operate as a stay of execution upon that clerk and all  
parties to the appeal, which stay shall not be lifted until the  
court having jurisdiction over the proceedings enters a final  
order affirming or reversing the decision of the board of county  
commissioners and the time limits for an appeal of that final  
order have passed without a notice of appeal being filed.

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(B) Any party filing an appeal from the court of common pleas  
or court of appeals decision in an annexation matter shall serve  
on the clerk of the board of county commissioners a time-stamped  
copy of the notice of appeal. Upon issuance of a final order of  
any court regarding an annexation appeal, the clerk of the court  
shall forward a certified copy of the court's order to the clerk  
of the board of county commissioners that rendered the annexation  
decision that was appealed.

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(C) If, after all appeals have been exhausted, the final  
determination of the court is that the petition for annexation  
should be granted, the board of county commissioners shall enter  
on its journal a resolution granting the annexation, if such a  
resolution has not already been journalized, and the clerk of the  
board shall deliver a certified copy of that journal entry and of  
the entire record of the annexation proceedings, including all  
resolutions of the board, signed by a majority of the members of  
the board, the petition, map, and all other papers on file, the

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transcript of the proceedings, and exhibits presented at the  
hearing relating to the annexation proceedings, to the auditor or  
clerk of the municipal corporation to which annexation is  
proposed. The municipal auditor or clerk shall lay these certified  
papers, along with the copy of the court's order, before the  
legislative authority at its next regular meeting. The legislative  
authority then shall proceed to accept or reject the petition for  
annexation as provided under section 709.04 of the Revised Code.

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(D) If, after all appeals have been exhausted, the final  
determination of the court is that the petition for annexation  
should be denied, the board of county commissioners shall enter on  
its journal a resolution denying the annexation, if such a  
resolution has not already been journalized.

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Sec. 709.11. If the territory proposed for annexation under  
this chapter is situated in more than one county, the annexation  
proceedings shall be in the county in which the majority of  
acreage of the territory proposed for annexation is situated.

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Sec. 709.13. The inhabitants, generally, of a municipal  
corporation may enlarge the limits of ~~such~~ the municipal  
corporation by the annexation of contiguous territory in the  
manner provided by sections 709.14 to ~~709.21, inclusive,~~ 709.16 of  
the Revised Code.

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Sec. 709.14. The legislative authority of a municipal  
corporation ~~which~~ that proposes to annex contiguous territory  
shall pass, by a vote of not less than a majority of the members  
elected ~~thereto~~ to the legislative authority, ~~pass~~ an ordinance  
authorizing the annexation to be made, and directing the village  
solicitor or city director of law of the municipal corporation, or  
~~some one~~ someone to be named in the ordinance, to prosecute the

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proceedings necessary to effect it. 928

**Sec. 709.15.** The application of a municipal corporation to 929  
the board of county commissioners requesting the annexation of 930  
contiguous territory under section 709.16 of the Revised Code 931  
shall be by a petition, setting forth that, under an ordinance of 932  
the legislative authority of the municipal corporation, the 933  
territory described in the petition was authorized to be annexed 934  
to the municipal corporation. The petition shall contain an 935  
accurate legal description of the territory perimeter and shall be 936  
accompanied by an accurate map or plat thereof of the territory 937  
proposed for annexation. 938

**Sec. 709.16.** (A) A municipal corporation may petition the 939  
board of county commissioners to annex contiguous territory owned 940  
only by the municipal corporation, a county, or the state. The 941  
clerk of the board shall cause the petition to be entered upon the 942  
board's journal at its next regular session. This entry shall be 943  
the first official act of the board upon the petition. Proceedings 944  
on the petition shall be conducted under this section to the 945  
exclusion of any other provisions of this chapter except for 946  
sections 709.014, 709.14, 709.15, 709.20, and 709.21 of the 947  
Revised Code. 948

(B) If the only territory to be annexed is contiguous 949  
territory owned by a municipal corporation, the board of county 950  
commissioners, by resolution, shall grant the annexation. The 951  
annexation shall be complete upon the entry upon the journal of 952  
the board of the resolution granting the annexation. 953

(C) If the only territory to be annexed is contiguous 954  
territory owned by a county, the board of county commissioners, by 955  
resolution, may grant or deny the annexation. The annexation shall 956  
be complete upon the entry upon the journal of the board of a 957

resolution granting the annexation. 958

(D) If the only territory to be annexed is contiguous 959  
territory owned by the state and the director of administrative 960  
services has filed a written consent to the granting of the 961  
annexation with the board of county commissioners, the board, by 962  
resolution, shall grant the annexation. The annexation shall be 963  
complete upon the entry upon the journal of the board of a 964  
resolution granting the annexation. 965

(E) The board of county commissioners shall act upon a 966  
petition for annexation filed under this section within thirty 967  
days after receipt of the petition. 968

(F) No appeal in law or in equity shall be allowed from the 969  
granting of an annexation under this section. 970

(G) When a municipal corporation purchases real property 971  
below an appraised fair market value and sells or agrees to sell 972  
the property back to the person that sold it to the municipal 973  
corporation, an annexation of that property completed under this 974  
section shall be void, and the annexed property shall become part 975  
of the township from which it was annexed, if it still exists. If 976  
the township no longer exists, the board of county commissioners 977  
shall attach the annexed territory to another township. 978

(H) Territory annexed under this section shall not be 979  
excluded from the township under section 503.07 of the Revised 980  
Code. 981

**Sec. 709.19.** (A) As used in this section: 982

~~(1) "Annexation period" means a period of one, two, or three~~ 983  
~~consecutive twelve-month periods, whichever is less, during which~~ 984  
~~one or more municipal corporations annex territory of a township~~ 985  
~~that includes at least fifteen per cent but less than one hundred~~ 986  
~~per cent of the total taxable value of the real, public utility,~~ 987



~~and tangible personal property subject to taxation in that 988  
township in the base year. No annexation period shall include a 989  
month that is part of another annexation period. 990~~

~~(2) "Base year" means the calendar year immediately preceding 991  
an annexation period. 992~~

~~(3) "Taxes" means the real and public utility property taxes 993  
charged by a township in the base year or, in an annexation under 994  
division (F) of this section, the real, public utility, and 995  
tangible personal property taxes that would have been charged by 996  
the township, if no annexation had occurred, in the year 997  
immediately preceding the year in which the payment is made, and 998  
payable after the reduction required by section 319.301 of the 999  
Revised Code but prior to the reduction required by section 1000  
319.302 of the Revised Code, and the taxes levied for such year by 1001  
the township against tangible personal property. "Taxes" excludes 1002  
taxes for the payment of debt charges. 1003~~

~~(4) "Township taxes in the annexed territory" means the taxes 1004  
against the real, public utility, and tangible personal property 1005  
subject to taxation in the base year in territory annexed from the 1006  
township to a municipal corporation during an annexation period 1007  
or, in an annexation under division (F) of this section, the taxes 1008  
against the real, public utility, and tangible personal property 1009  
that would have been subject to taxation in the annexed territory 1010  
in the year immediately preceding the year in which the payment is 1011  
to be made, if no annexation had occurred. 1012~~

~~(5) "International airport" means any airport that is: 1013~~

~~(a) Designated as an international airport or a landing 1014  
rights airport by the United States secretary of the treasury; 1015~~

~~(b) Owned and operated by a municipal corporation; 1016~~

~~(c) An unincorporated area not contiguous to the municipal 1017  
corporation that owns it. 1018~~

(2) "Commercial," "industrial," "residential," and "retail," 1019  
in relation to property, mean property classified as such by the 1020  
tax commissioner for the purposes of valuing property for 1021  
taxation, except that "commercial," in relation to property, does 1022  
not include any property classified as "retail." 1023

~~(B) If the annexation of territory of any township by one or~~ 1024  
~~more municipal corporations under this chapter constitutes an~~ 1025  
~~annexation period of twelve consecutive months, except as provided~~ 1026  
~~in division (G) of this section, each municipal corporation that~~ 1027  
~~annexed territory of that township during that annexation period~~ 1028  
~~shall pay the township during each of the seven years following~~ 1029  
~~the annexation period:~~ 1030

~~(1) In each of the first three years, one hundred per cent of~~ 1031  
~~the township taxes in the annexed territory;~~ 1032

~~(2) In the fourth year, eighty per cent of the township taxes~~ 1033  
~~in the annexed territory;~~ 1034

~~(3) In the fifth year, sixty per cent of the township taxes~~ 1035  
~~in the annexed territory;~~ 1036

~~(4) In the sixth year, forty per cent of the township taxes~~ 1037  
~~in the annexed territory;~~ 1038

~~(5) In the seventh year, twenty per cent of the township~~ 1039  
~~taxes in the annexed territory.~~ 1040

~~(C) If the annexation of territory of any township by one or~~ 1041  
~~more municipal corporations under this chapter constitutes an~~ 1042  
~~annexation period of thirteen to twenty four consecutive months,~~ 1043  
~~except as provided in division (G) of this section, each municipal~~ 1044  
~~corporation that annexed territory of that township during that~~ 1045  
~~annexation period shall pay the township during each of the six~~ 1046  
~~years following the annexation period:~~ 1047

~~(1) In each of the first two years, one hundred per cent of~~ 1048

<del>the township taxes in the annexed territory;</del>	1049
<del>(2) In the third year, eighty per cent of the township taxes</del>	1050
<del>in the annexed territory;</del>	1051
<del>(3) In the fourth year, sixty per cent of the township taxes</del>	1052
<del>in the annexed territory;</del>	1053
<del>(4) In the fifth year, forty per cent of the township taxes</del>	1054
<del>in the annexed territory;</del>	1055
<del>(5) In the sixth year, twenty per cent of the township taxes</del>	1056
<del>in the annexed territory.</del>	1057
<del>(D) If the annexation of territory of any township by one or</del>	1058
<del>more municipal corporations under this chapter constitutes an</del>	1059
<del>annexation period of twenty five to thirty six consecutive months,</del>	1060
<del>except as provided in division (G) of this section, each municipal</del>	1061
<del>corporation that annexed territory of that township during that</del>	1062
<del>annexation period shall pay the township during each of the five</del>	1063
<del>years following the annexation period:</del>	1064
<del>(1) In the first year, one hundred per cent of the township</del>	1065
<del>taxes in the annexed territory;</del>	1066
<del>(2) In the second year, eighty per cent of the township taxes</del>	1067
<del>in the annexed territory;</del>	1068
<del>(3) In the third year, sixty per cent of the township taxes</del>	1069
<del>in the annexed territory;</del>	1070
<del>(4) In the fourth year, forty per cent of the township taxes</del>	1071
<del>in the annexed territory;</del>	1072
<del>(5) In the fifth year, twenty per cent of the township taxes</del>	1073
<del>in the annexed territory <u>unincorporated territory is annexed to a</u></del>	1074
<del><u>municipal corporation and excluded from a township under section</u></del>	1075
<del><u>503.07 of the Revised Code, upon exclusion of that territory, the</u></del>	1076
<del><u>municipal corporation that annexed the territory shall make</u></del>	1077
<del><u>payments to the township from which the territory was annexed only</u></del>	1078

as provided in this section, except that, if the legislative 1079  
authority of the municipal corporation enters into an agreement 1080  
under section 701.07, 709.191, or 709.192 of the Revised Code with 1081  
the township from which the territory was annexed that makes 1082  
alternate provisions regarding payments by the municipal 1083  
corporation, then the payment provisions in that agreement shall 1084  
apply in lieu of the provisions of this section. 1085

(C)(1) Except as provided in division (C)(2) of this section, 1086  
the municipal corporation that annexed the territory shall make 1087  
the following payments to the township from which the territory 1088  
was annexed with respect to commercial and industrial real, 1089  
personal, and public utility property taxes using the property 1090  
valuation for the year that the payment is due: 1091

(a) In the first through third years following the annexation 1092  
and exclusion of the territory from the township, eighty per cent 1093  
of the township taxes in the annexed territory that would have 1094  
been due the township for commercial and industrial real, 1095  
personal, and public utility property taxes if no annexation had 1096  
occurred; 1097

(b) In the fourth and fifth years following the annexation 1098  
and the exclusion of the territory from the township, sixty-seven 1099  
and one-half per cent of the township taxes in the annexed 1100  
territory that would have been due the township for commercial and 1101  
industrial real, personal, and public utility property taxes if no 1102  
annexation had occurred; 1103

(c) In the sixth and seventh years following the annexation 1104  
and exclusion of the territory from the township, sixty-two and 1105  
one-half per cent of the township taxes in the annexed territory 1106  
that would have been due the township for commercial and 1107  
industrial real, personal, and public utility property taxes if no 1108  
annexation had occurred; 1109

(d) In the eighth and ninth years following the annexation 1110

and exclusion of the territory from the township, fifty-seven and  
one-half per cent of the township taxes in the annexed territory  
that would have been due the township for commercial and  
industrial real, personal, and public utility property taxes if no  
annexation had occurred;

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(e) In the tenth through twelfth years following the  
annexation and exclusion of the territory from the township,  
forty-two and one-half per cent of the township taxes in the  
annexed territory that would have been due the township for  
commercial and industrial real, personal, and public utility  
property taxes if no annexation had occurred.

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(2) If there has been an exemption by the municipal  
corporation of commercial and industrial real, personal, or public  
utility property taxes pursuant to section 725.02, 1728.10,  
3735.67, 5709.40, 5709.41, 5709.62, or 5709.88 of the Revised  
Code, there shall be no reduction in the payments owed to the  
township due to that exemption. The municipal corporation shall  
make payments to the township under division (C)(1) of this  
section, calculated as if the exemption had not occurred.

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(D) The municipal corporation that annexed the territory  
shall make the following payments to the township from which the  
territory was annexed with respect to residential and retail real  
property taxes using the property valuation for the year that the  
payment is due:

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(1) In the first through third years following the annexation  
and exclusion of the territory from the township, eighty per cent  
of the township taxes in the annexed territory that would have  
been due the township for residential and retail real property  
taxes if no annexation had occurred;

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(2) In the fourth and fifth years following the annexation  
and exclusion of the territory from the township, fifty-two and

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one-half per cent of the township taxes in the annexed territory 1142  
that would have been due the township for residential and retail 1143  
real property taxes if no annexation had occurred; 1144

(3) In the sixth through tenth years following the annexation 1145  
and exclusion of the territory from the township, forty per cent 1146  
of the township taxes in the annexed territory that would have 1147  
been due the township for residential and retail real property 1148  
taxes if no annexation had occurred; 1149

(4) In the eleventh and twelfth years following the 1150  
annexation and exclusion of the territory from the township, 1151  
twenty-seven and one-half per cent of the township taxes in the 1152  
annexed territory that would have been due the township for 1153  
residential and retail real property taxes if no annexation had 1154  
occurred. 1155

(E) If, pursuant to division (F) of this section, a municipal 1156  
corporation annexes an international airport that it owns, the 1157  
municipal corporation shall pay the township one hundred per cent 1158  
of the township taxes in the annexed territory that would have 1159  
been due the township, if no annexation had occurred, for each of 1160  
the twenty-five years following the annexation. 1161

(F)(1) Notwithstanding any other provision of this chapter, a 1162  
board of county commissioners may authorize a municipal 1163  
corporation to annex an international airport that the municipal 1164  
corporation owns. Unless a contract is entered into pursuant to 1165  
division (F)(2) of this section, any municipal corporation that 1166  
annexes an international airport under this division shall make 1167  
payments to the township from which the international airport is 1168  
annexed, in the manner provided in division (E) of this section. 1169  
No territory annexed pursuant to this division shall be considered 1170  
part of the municipal corporation for the purposes of subsequent 1171  
annexation, except that the board of county commissioners may 1172  
authorize subsequent annexation under this division if the board 1173

determines that ~~such~~ subsequent annexation is necessary to the 1174  
continued operation of the international airport. 1175

(2) The chief executive of a municipal corporation that 1176  
annexes territory pursuant to this division may enter into a 1177  
contract with the board of township trustees of the township that 1178  
loses the territory whereby the township agrees to provide the 1179  
annexed territory with police, fire, or other services it is 1180  
authorized to provide in exchange for specified consideration as 1181  
agreed upon by the board of township trustees and the chief 1182  
executive. In no instance shall the consideration received by the 1183  
township be less than the payments that would be required under 1184  
division (F)(1) of this section if no contract were entered into. 1185

~~(G) If after an annexation period for which payments are 1186  
being made or are to be made to a township by one or more 1187  
municipal corporations under division (B), (C), or (D) of this 1188  
section, the remainder of the unincorporated territory of the 1189  
township is annexed to another municipal corporation or 1190  
incorporates as a municipal corporation, the balance of the 1191  
payments due the township under division (B), (C), or (D) of this 1192  
section shall be made to the municipal corporation to which the 1193  
remainder of the township territory was annexed or to the 1194  
municipal corporation incorporated from the remainder of the 1195  
township territory. 1196~~

~~No payment shall be made to a municipal corporation pursuant 1197  
to this division unless the remainder of the unincorporated 1198  
territory of the township referred to in this division constitutes 1199  
at least fifty per cent of the area of the unincorporated area of 1200  
the township prior to the annexation period. 1201~~

~~(H) After consultation with the chief executive officer of 1202  
the municipal corporation and the board of township trustees, the 1203  
county auditor shall determine by which of the following methods 1204  
the municipal corporations that annexed township territory shall 1205~~

~~pay the township the amounts prescribed in divisions (B) to (F) of  
this section, except that if the payments are made pursuant to  
division (G) of this section, they shall be made by the first  
method listed below:~~

~~(1) The county auditor shall issue a warrant semiannually  
against the taxes charged and payable against real and public  
utility property located in the municipal corporation and the  
taxes levied against tangible personal property located in the  
municipal corporation, and the county treasurer shall distribute  
such amount to the township or, pursuant to division (G) of this  
section, to the municipal corporation to which the remainder of  
the township territory was annexed or to the municipal corporation  
incorporated from the remainder of the township territory; or~~

~~(2) The county budget commission shall pay such amounts to  
the township from the amount apportioned to the municipal  
corporations from the undivided local government fund. The payment  
shall be over and above the amount apportioned to the township  
pursuant to section 5747.51 or 5747.53 of the Revised Code, and  
the apportionment of the municipal corporations shall be reduced  
by like amounts.~~

~~(I) Upon written notification to the county auditor and the  
chief executive officer of each municipal corporation that annexes  
township territory during an annexation period, a board of  
township trustees may decline to accept the payments required  
under divisions (B), (C), (D), and (F) of this section, and a  
municipal corporation may decline to accept the payments required  
under division (G) of this section.~~

~~A municipal corporation need not make any payment required by  
this section if its legislative authority enters into an agreement  
under section 709.191 of the Revised Code.~~

**Sec. 709.192.** (A) The legislative authority of one municipal



corporation, by ordinance or resolution, and the board of township trustees of one or more townships, by resolution, may enter into annexation agreements under this section. 1237  
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(B) An annexation agreement may be entered into for any period of time and may be amended at any time in the same manner as it was initially authorized. 1240  
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(C) Annexation agreements may provide for any of the following: 1243  
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(1) The territory to be annexed; 1245

(2) Any periods of time during which no annexations will be made and any areas that will not be annexed; 1246  
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(3) Land use planning matters; 1248

(4) The provision of joint services and permanent improvements within incorporated or unincorporated areas; 1249  
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(5) The provision of services and improvements by a municipal corporation in the unincorporated areas; 1251  
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(6) The provision of services and improvements by a township within the territory of a municipal corporation; 1253  
1254

(7) The payment of service fees to a municipal corporation by a township; 1255  
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(8) The payment of service fees to a township by a municipal corporation; 1257  
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(9) The reallocation of the minimum mandated levies established pursuant to section 5705.31 of the Revised Code between a municipal corporation and a township in areas annexed after the effective date of this section; 1259  
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1261  
1262

(10) The issuance of notes and bonds and other debt obligations by a municipal corporation or township for public 1263  
1264

purposes authorized by or under an annexation agreement and 1265  
provision for the allocation of the payment of the principal of, 1266  
interest on, and other charges and costs of issuing and servicing 1267  
the repayment of the debt; 1268

(11) Agreements by a municipal corporation and township, with 1269  
owners or developers of land to be annexed, or with both those 1270  
landowners and land developers, concerning the provision of public 1271  
services, facilities, and permanent improvements; 1272

(12) The application of tax abatement statutes within the 1273  
territory covered by the annexation agreement subsequent to its 1274  
execution; 1275

(13) Changing township boundaries under Chapter 503. of the 1276  
Revised Code to exclude newly annexed territory from the original 1277  
township and providing services to that territory; 1278

(14) Payments in lieu of taxes, if any, to be paid to a 1279  
township by a municipal corporation, which payments may be in 1280  
addition to or in lieu of other payments required by law to be 1281  
made to the township by that municipal corporation; 1282

(15) Any other matter pertaining to the annexation or 1283  
development of publicly or privately owned territory. 1284

(D) Annexation agreements shall not be in derogation of the 1285  
powers granted to municipal corporations by Article XVIII, Ohio 1286  
Constitution, by any other provisions of the Ohio Constitution, or 1287  
by the provisions of a municipal charter, nor shall municipal 1288  
corporations and townships agree to share proceeds of any tax 1289  
levy, although those proceeds may be used to make payments 1290  
authorized in an annexation agreement. 1291

(E) If any party to an annexation agreement believes another 1292  
party has failed to perform its part of any provision of that 1293  
agreement, including the failure to make any payment of moneys due 1294  
under the agreement, that party shall give notice to the other 1295

party clearly stating what breach has occurred. The party 1296  
receiving the notice has ninety days from the receipt of that 1297  
notice to cure the breach. If the breach has not been cured within 1298  
that ninety-day period, the party that sent the notice may sue for 1299  
recovery of the money due under the agreement, sue for specific 1300  
enforcement of the agreement, or terminate the agreement upon 1301  
giving notice of termination to all the other parties. 1302

(F) In order to promote economic development or to provide 1303  
appropriate state functions and services to any part of the state, 1304  
the state may become a party to an annexation agreement upon the 1305  
approval of the director of development and with the written 1306  
consent of the legislative authority of the municipal corporation 1307  
and each of the boards of township trustees that are parties to 1308  
the agreement. 1309

(G) The board of county commissioners, by resolution, or any 1310  
person, upon request, may become a party to an annexation 1311  
agreement, but only upon the approval of the legislative authority 1312  
of the municipal corporation and each of the boards of township 1313  
trustees that are parties to the agreement, except that, if the 1314  
state is a party to the agreement, the director of development is 1315  
responsible for giving the approval. 1316

(H) The powers granted by this section and any annexation 1317  
agreement entered into under this section shall be liberally 1318  
construed to allow parties to these agreements to carry out the 1319  
agreements' provisions relevant to government improvements, 1320  
facilities, and services, and to promote and support economic 1321  
development and the creation and preservation of economic 1322  
opportunities. 1323

**Sec. 709.21.** No error, irregularity, or defect in the 1324  
proceedings under sections 709.01 to 709.20, ~~inclusive,~~ of the 1325  
Revised Code, shall render them invalid, ~~if once annexation has~~ 1326

become final and the annexed territory has been recognized as a 1327  
part of the annexing municipal corporation, ~~and~~ taxes levied upon 1328  
it as such have been paid, and it has been subjected to the 1329  
authority of the legislative authority of such the annexing 1330  
municipal corporation, ~~without objection from the inhabitants of~~ 1331  
~~such territory.~~ 1332

**Sec. 929.02.** (A) Any person who owns agricultural land may 1333  
file an application with the county auditor to place the land in 1334  
an agricultural district for five years if, during the three 1335  
calendar years prior to the year in which that person files the 1336  
application, the land has been devoted exclusively to agricultural 1337  
production or devoted to and qualified for payments or other 1338  
compensation under a land retirement or conservation program under 1339  
an agreement with an agency of the federal government and if: 1340

(1) The land is composed of tracts, lots, or parcels that 1341  
total not less than ten acres; or 1342

(2) The activities conducted on the land produced an average 1343  
yearly gross income of at least twenty-five hundred dollars during 1344  
that three-year period or the owner has evidence of an anticipated 1345  
gross income of that amount from those activities. The owner shall 1346  
submit with the application proof that the owner's land meets the 1347  
requirements established under this division. If the county 1348  
auditor determines that the application does not meet the 1349  
requirements of this section, the county auditor shall deny the 1350  
application and notify the applicant by certified mail, return 1351  
receipt requested, within thirty days of the filing of the 1352  
application. The applicant may appeal the denial of the 1353  
application to the court of common pleas of the county in which 1354  
the application was filed within thirty days of the receipt of the 1355  
notice. If the county auditor determines that the application 1356  
meets the requirements of this section, the county auditor shall 1357

approve the application and notify the applicant within thirty 1358  
days of the filing of the application. An application that is not 1359  
denied shall be deemed to be approved. The county auditor shall 1360  
provide an applicant with a copy of an approved application within 1361  
thirty days of the filing of the application. An application that 1362  
is approved is effective upon the date of the filing of the 1363  
application. 1364

The county auditor shall keep a record of all land in the 1365  
county that is within an agricultural district, including a copy 1366  
of the final action taken by a legislative body regarding 1367  
applications modified by a legislative body pursuant to division 1368  
(B) of this section. 1369

(B) If the land of a person who files an application under 1370  
division (A) of this section is within a municipal corporation or 1371  
if an annexation petition that includes the land has been filed 1372  
with the board of county commissioners under section ~~709.03~~ 709.02 1373  
of the Revised Code at the time of the filing, the owner also 1374  
shall file a copy of the application for inclusion in an 1375  
agricultural district with the clerk of the legislative body of 1376  
the municipal corporation. No later than thirty days after the 1377  
filing of an application, or, in the case of an annexation 1378  
petition filed pursuant to section ~~709.03~~ 709.02 of the Revised 1379  
Code, no later than thirty days after the petition has been 1380  
granted, the legislative body shall conduct a public hearing on 1381  
the application. The clerk of the legislative body shall cause a 1382  
notice containing the substance of the application and the time 1383  
and place where it will be heard to be published in a newspaper of 1384  
general circulation in the county in which the application or 1385  
annexation petition is filed no later than seven days prior to the 1386  
time fixed for the hearing. The clerk of the legislative body also 1387  
shall notify the applicant of the time and place of the hearing by 1388  
certified mail sent no later than ten days prior to the hearing. 1389

Any interested person or representative of an interested person 1390  
may appear in support of or to contest the granting of the 1391  
application. Affidavits presented in support of or against the 1392  
application shall be considered by the legislative body. Within 1393  
thirty days of the hearing, the legislative body may approve the 1394  
application, modify the application and approve the application as 1395  
modified, or reject the application. An application that is not 1396  
modified or rejected by a majority vote of the members of the 1397  
legislative body shall be deemed to be approved. Prior to 1398  
rejecting an application, the legislative body shall make every 1399  
effort to modify the application. Modifications may include the 1400  
length of time during which land is considered to be within an 1401  
agricultural district, size of the agricultural district ~~as well~~ 1402  
as, and any provisions of sections 929.03 to 929.05 of the Revised 1403  
Code. If the applicant disapproves of the modifications made by 1404  
the legislative body, the applicant may withdraw the application 1405  
to place the land in an agricultural district. In rejecting or 1406  
modifying an application to place land in an agricultural 1407  
district, the legislative body shall demonstrate that the 1408  
rejection or modification is necessary to prevent a substantial, 1409  
adverse effect on the provision of municipal services within the 1410  
municipal corporation, efficient use of land within the municipal 1411  
corporation, the orderly growth and development of the municipal 1412  
corporation, or the public health, safety, or welfare. 1413

If an annexation petition is denied under section ~~709.03~~ 1414  
709.033 of the Revised Code, ~~or~~ if a legislative body fails to 1415  
conduct a hearing in the time prescribed by this section, or if an 1416  
application is approved, the application shall be deemed to have 1417  
been approved and shall become effective as of the date the 1418  
application was filed. An application approved with modifications 1419  
shall become effective as of the date the application was filed 1420  
unless the modification provides otherwise. 1421

The clerk of the legislative body shall notify the applicant 1422  
by certified mail, return receipt requested, sent within five days 1423  
of the decision to approve, modify, or reject an application for 1424  
inclusion of land in an agricultural district. The clerk of the 1425  
legislative body shall also transmit a copy of the decision to 1426  
approve, modify, or reject an application to the county auditor. 1427  
An applicant may appeal a decision to modify or reject an 1428  
application to the court of common pleas of the county in which 1429  
the application was filed within thirty days of the receipt of the 1430  
notice of modification or rejection. 1431

(C) At any time after the first Monday in January and prior 1432  
to the first Monday in March of the year during which an 1433  
agricultural district terminates, the owner of land in the 1434  
agricultural district may file a renewal application to continue 1435  
the inclusion of all or part of the owner's land in an 1436  
agricultural district for a period of time ending on the first 1437  
Monday in April of the fifth year following the renewal 1438  
application. The requirements for continued inclusion in the 1439  
agricultural district and the renewal application procedure shall 1440  
be the same as those required for the original application for 1441  
placing land in an agricultural district. The county auditor shall 1442  
notify owners of land in agricultural districts eligible to file a 1443  
renewal application for continued inclusion in an agricultural 1444  
district on or prior to the first Monday in February or the date 1445  
upon which the county auditor notifies owners of land valued at 1446  
agricultural use value for real property tax purposes of the 1447  
necessity of filing a renewal application to continue valuing the 1448  
land at agricultural use value. On or before the second Tuesday 1449  
after the first Monday in March, the county auditor shall 1450  
determine whether the owner of any land in an agricultural 1451  
district eligible to file a renewal application failed to file a 1452  
renewal application with respect to ~~such~~ that land and shall 1453

forthwith notify each ~~such~~ owner of the land by certified mail 1454  
that unless a renewal application is filed prior to the first 1455  
Monday in April, the land will be removed from the agricultural 1456  
district upon its termination date. An approved renewal 1457  
application is effective on the termination date of the preceding 1458  
agricultural district. Failure of an owner to file a renewal 1459  
application prior to the first Monday in April of the year during 1460  
which the owner's agricultural district terminates shall not 1461  
prevent the owner from filing an application to include the 1462  
owner's land in an agricultural district. 1463

Land that is transferred to a new owner during the period in 1464  
which the land is an agricultural district shall continue in the 1465  
agricultural district under the terms of the existing district 1466  
unless the new owner elects to discontinue inclusion in the 1467  
agricultural district and files the election with the county 1468  
auditor within sixty days after the transfer. Failure of the new 1469  
owner to continue inclusion in the agricultural district for the 1470  
duration of the period in which the land is in the agricultural 1471  
district is withdrawal from an agricultural district subject to 1472  
penalty. 1473

(D) If, at any time during which land is in an agricultural 1474  
district, the owner withdraws the land from the district, the 1475  
owner shall notify the county auditor of the withdrawal and shall 1476  
pay to the county auditor a withdrawal penalty calculated as 1477  
follows: 1478

(1) If the owner's action also disqualifies the owner's land 1479  
for any tax savings that it had been receiving under sections 1480  
5713.30 to 5713.38 of the Revised Code, the owner shall pay a 1481  
percentage of the amount charged under section 5713.34 of the 1482  
Revised Code that is equal to the average bank prime rate at the 1483  
time the amount charged under that section is required to be paid. 1484  
The withdrawal penalty shall be in addition to the amount charged 1485



under that section.

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(2) If the land had not been receiving any tax savings under those sections, or if the owner's action does not disqualify the land for tax savings under them, the owner shall pay a percentage of the amount that would have been charged under section 5713.34 of the Revised Code if the owner's land had been receiving tax savings and became disqualified for them in an amount that is equal to the average bank prime rate at the time the amount that would have been charged under that section would have been required to be paid.

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For the purposes of divisions (D)(1) and (2) of this section, the county auditor shall determine the average bank prime rate using statistical release H.15, "selected interest rates," a weekly publication of the federal reserve board, or any successor publication. If the statistical release H.15, or its successor, ceases to contain the bank prime rate information or ceases to be published, the county auditor shall request a written statement of the average bank prime rate from the federal reserve bank of Cleveland or the federal reserve board.

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The county auditor shall calculate the amount of the withdrawal penalty that is due and shall notify the owner of it. The auditor also shall note the withdrawal in the auditor's records.

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The county auditor shall distribute the moneys collected under division (D) of this section in the manner provided in section 5713.35 of the Revised Code for moneys that the county auditor collects under that section.

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(E) Land that is included in an agricultural district under this section and that is subsequently annexed by a municipal corporation shall not be subject to division (B) of this section either at the time of annexation or at the time of any subsequent

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application or renewal application for inclusion in the district 1517  
if, at the time of annexation, its owner did not sign a petition 1518  
favoring annexation under section 709.02 of the Revised Code ~~or~~ 1519  
~~vote for annexation in an election held in accordance with section~~ 1520  
~~709.17 of the Revised Code.~~ If its owner did sign a petition 1521  
favoring annexation ~~or vote for annexation~~, as provided in those 1522  
~~sections~~ that section, or if the owner who opposed annexation has 1523  
sold or transferred the land to another person who is keeping the 1524  
land in the agricultural district, the land shall be subject to 1525  
division (B) of this section at the time of any subsequent 1526  
application or renewal application for inclusion in the district. 1527

(F) The director of agriculture shall prescribe the 1528  
application and renewal forms required under this section and 1529  
shall furnish them to county auditors. In prescribing the forms, 1530  
the director shall consult with the tax commissioner to determine 1531  
if a single form can be developed for the purposes of this section 1532  
and section 5713.31 of the Revised Code. 1533

**Sec. 5705.31.** The county auditor shall present to the county 1534  
budget commission the annual tax budgets submitted ~~to him~~ under 1535  
sections 5705.01 to 5705.47 of the Revised Code, together with an 1536  
estimate prepared by ~~such~~ the auditor of the amount of any state 1537  
levy, the rate of any school tax levy as previously determined, 1538  
the tax commissioner's estimate of the amount to be received in 1539  
the county library and local government support fund, and such 1540  
other information as the commission requests or the tax 1541  
commissioner prescribes. The budget commission shall examine such 1542  
budget and ascertain the total amount proposed to be raised in the 1543  
county for the purposes of each subdivision and other taxing units 1544  
therein in the county. 1545

The commission shall ascertain that the following levies have 1546  
been properly authorized and, if so authorized, shall approve them 1547

without modification: 1548

(A) All levies in excess of the ten-mill limitation; 1549

(B) All levies for debt charges not provided for by levies in 1550  
excess of the ten-mill limitation, including levies necessary to 1551  
pay notes issued for emergency purposes; 1552

(C) The levies prescribed by division (B) of sections 742.33 1553  
and 742.34 of the Revised Code; 1554

(D) A Except as otherwise provided in this division, a 1555  
minimum levy within the ten-mill limitation for the current 1556  
expense and debt service of each subdivision or taxing unit, which 1557  
shall equal two-thirds of the average levy for current expenses 1558  
and debt service allotted within the fifteen-mill limitation to 1559  
such subdivision or taxing unit during the last five years the 1560  
fifteen-mill limitation was in effect unless such subdivision or 1561  
taxing unit requests an amount requiring a lower rate. Except as 1562  
provided in section 5705.312 of the Revised Code, if the levies 1563  
required in divisions (B) and (C) of this section for the 1564  
subdivision or taxing unit equal or exceed the entire minimum levy 1565  
of the subdivision as fixed, the minimum levies of the other 1566  
subdivisions or taxing units shall be reduced by the commission to 1567  
provide for the levies and an operating levy for the subdivision. 1568  
Such additional levy shall be deducted from the minimum levies of 1569  
each of the other subdivisions or taxing units, but the operating 1570  
levy for a school district shall not be reduced below a figure 1571  
equivalent to forty-five per cent of the millage available within 1572  
the ten-mill limitation after all the levies in divisions (B) and 1573  
(C) of this section have been provided for. 1574

If a municipal corporation and a township have entered into 1575  
an annexation agreement under section 709.192 of the Revised Code 1576  
in which they agree to reallocate their shares of the minimum 1577  
levies established under this division and if that annexation 1578

agreement is submitted along with the annual tax budget of both 1579  
the township and the municipal corporation, then, when determining 1580  
the minimum levy under this division, the auditor shall allocate, 1581  
to the extent possible, the minimum levy for that municipal 1582  
corporation and township in accordance with their annexation 1583  
agreement. 1584

(E) The levies prescribed by section 3709.29 of the Revised 1585  
Code. 1586

Divisions (A) to (E) of this section are mandatory and 1587  
commissions shall be without discretion to reduce such minimum 1588  
levies except as provided in such divisions. 1589

If any debt charge is omitted from the budget, the commission 1590  
shall include it therein. 1591

Sec. 5705.315. With respect to annexations granted on or 1592  
after the effective date of this section and during any tax year 1593  
or years within which any territory annexed to a municipal 1594  
corporation is part of a township, the minimum levy for the 1595  
municipal corporation and township under section 5705.31 of the 1596  
Revised Code shall not be diminished, except that in the annexed 1597  
territory and only during those tax year or years, and in order to 1598  
preserve the minimum levies of overlapping subdivisions under 1599  
section 5705.31 of the Revised Code so that the full amount of 1600  
taxes within the ten-mill limitation may be levied to the extent 1601  
possible, the minimum levy of the municipal corporation or 1602  
township shall be the lowest of the following amounts: 1603

(A) An amount that when added to the minimum levies of the 1604  
other overlapping subdivisions equals ten mills; 1605

(B) An amount equal to the minimum levy of the municipal 1606  
corporation or township, provided the total minimum levy does not 1607  
exceed ten mills. 1608

The municipal corporation and the township may enter into an agreement to determine the municipal corporation's and the township's minimum levy under this section. If it cannot be determined what minimum levy is available to each and no agreement has been entered into by the municipal corporation and township, the municipal corporation and township shall each receive one-half of the millage available for use within the portion of the territory annexed to the municipal corporation that remains part of the township.

**Section 2.** That existing sections 505.62, 709.02, 709.03, 709.032, 709.033, 709.04, 709.13, 709.14, 709.15, 709.19, 709.21, 929.02, and 5705.31 and sections 709.031, 709.07, 709.08, 709.09, 709.11, 709.16, 709.17, and 709.18 of the Revised Code are hereby repealed.

**Section 3.** The provisions of Section 1 of this act shall apply only to annexation petitions filed on or after the effective date of this act. All annexation petitions filed before the effective date of this act shall be processed under the provisions of Chapter 709. of the Revised Code in effect at the time a particular petition was filed.