

**As Reported by the Senate State and Local Government and  
Veterans Affairs Committee**

**124th General Assembly  
Regular Session  
2001-2002**

**S. B. No. 5**

**SENATOR Wachtmann**

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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 17  
contract with, and may appropriate township general revenue fund 18  
moneys for the services of, an attorney to represent the township 19

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~~at annexation hearings before the board of county commissioners 20  
and upon any appeal of the board's decision pursuant to section 21  
709.07 or Chapter 2506. of the Revised Code. 22~~

~~The board of township trustees of a township that includes 23  
territory that is proposed to be annexed has standing in any 24  
appeal of the board of county commissioners' decision on the 25  
annexation of township territory that is taken pursuant to section 26  
709.07 or Chapter 2506. of the Revised Code, if the board of 27  
township trustees was represented at the annexation hearing before 28  
the board of county commissioners, expert witnesses, and other 29  
consultants as the board determines are necessary for any 30  
potential or pending annexation action, including proceedings 31  
before a board of county commissioners or any court. The board 32  
also may appropriate general revenue fund moneys for any other 33  
expenses it considers necessary that are related to any potential 34  
or pending annexation actions. 35~~

Sec. 709.013. (A) If, after a petition for annexation is 36  
filed with the board of county commissioners, one or more other 37  
petitions are filed containing all or a part of the territory 38  
contained in the first petition, the board shall hear and decide 39  
the petitions in the order in which they were filed. 40

(B) The effect of granting any petition under division (A) of 41  
this section shall be to delete from any subsequently filed 42  
petition any territory contained in the petition that was granted. 43

(C) If two or more petitions for annexation are filed seeking 44  
to annex part or all of the same territory and appeals are 45  
subsequently filed under section 709.07 of the Revised Code, each 46  
court shall decide the appeal on the first-filed petition before 47  
considering the appeal in any subsequently filed petition. 48

Sec. 709.014. (A) The board of county commissioners may 49

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establish a reasonable fee or schedule of fees to cover its costs 50  
incurred in any annexation proceedings that take place under this 51  
chapter. The board also may require an initial deposit to be paid 52  
at the time a petition for annexation is filed under sections 53  
709.02 to 709.21 of the Revised Code or promptly after that time. 54  
The clerk of the board shall maintain an accurate and detailed 55  
accounting of all funds received and expended in the processing of 56  
a petition for annexation filed under sections 709.02 to 709.21 of 57  
the Revised Code. 58

(B) Notwithstanding anything to the contrary in division (E) 59  
of section 709.024 and division (A) of section 709.03 of the 60  
Revised Code, the board of county commissioners, by resolution, 61  
may appoint the clerk of the board or the county administrator to 62  
set the date, time, and place for hearings, and to provide 63  
associated notices to the agent for the petitioners, required 64  
under those divisions instead of the board. 65

**Sec. 709.015.** The procedural requirements set forth in 66  
sections 709.02 to 709.21 of the Revised Code are directory in 67  
nature. Substantial compliance with the procedural requirements of 68  
those sections is sufficient to grant the board of county 69  
commissioners jurisdiction to hear and render its decision on a 70  
petition for annexation filed under those sections. The board 71  
shall cure a procedural defect and shall not deny a petition for 72  
annexation solely upon the basis of procedural defects. 73

**Sec. 709.02.** (A) The owners of real estate adjacent 74  
contiguous to a municipal corporation may, ~~at their option, cause~~ 75  
such territory to be annexed thereto, ~~petition for annexation to a~~ 76  
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

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~~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 108  
agent for the petitioners also shall file with the clerk of the 109  
board a list of all tracts, lots, or parcels in the territory 110

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proposed for annexation, including the name and mailing address of 111  
the owner of each tract, lot, or parcel, and the permanent parcel 112  
number from the county auditor's permanent parcel numbering system 113  
established under section 319.28 of the Revised Code for each 114  
tract, lot, or parcel. This list shall not be considered to be a 115  
part of the petition for annexation, and any error on the list 116  
shall not affect the validity of the petition. 117

(E) As used in sections 709.02 to 709.21 and, 709.38, and 118  
709.39 of the Revised Code, "owner" or "owners" means any adult 119  
individual ~~seized of a freehold estate in land~~ who is legally 120  
competent, the state or any political subdivision as defined in 121  
section 5713.081 of the Revised Code, and any firm, trustee, or 122  
private corporation ~~that, any of which~~ is seized of a freehold 123  
estate in land; except that ~~individuals, firms, and corporations~~ 124  
holding easements and any railroad, utility, street, and highway 125  
rights-of-way held in fee, by easement, or by dedication and 126  
acceptance are not included within ~~such those~~ meanings; and no 127  
person, firm, trustee, or private corporation, the state, or any 128  
political subdivision, that has become an owner of real estate by 129  
a conveyance, the primary purpose of which is to affect the number 130  
of owners required to sign ~~an annexation~~ a petition for 131  
annexation, is included within ~~such those~~ meanings. For purposes 132  
of sections 709.02 to 709.21, 709.38, and 709.39 of the Revised 133  
Code, the state or any political subdivision shall not be 134  
considered an owner and shall not be included in determining the 135  
number of owners needed to sign a petition unless an authorized 136  
agent of the state or the political subdivision signs the 137  
petition. The authorized agent for the state shall be the director 138  
of administrative services. 139

An owner is determined as of the date the petition is filed 140  
with the board of county commissioners. If the owner is a 141  
corporation, partnership, business trust, estate, trust, 142

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organization, association, group, institution, society, state, or 143  
political subdivision, the petition shall be signed by a person 144  
who is authorized to sign for that entity. A person who owns more 145  
than one parcel of real estate, either individually or as a tenant 146  
in common or by survivorship tenancy, shall be counted as one 147  
owner for purposes of this chapter. 148

**Sec. 709.021.** (A) When a petition signed by all of the owners 149  
of real estate in the unincorporated territory of a township 150  
proposed for annexation requests the annexation of that territory 151  
to a municipal corporation contiguous to that territory under one 152  
of the special procedures provided for annexation in sections 153  
709.022, 709.023, and 709.024 of the Revised Code, the annexation 154  
proceedings shall be conducted under those sections to the 155  
exclusion of any other provisions of this chapter unless otherwise 156  
provided in this section or the special procedure section chosen. 157

(B) Application for annexation shall be made by a petition 159  
filed with the clerk of the board of county commissioners of the 160  
county in which the territory is located, and the procedures 161  
contained in divisions (C), (D), and (E) of section 709.02 of the 162  
Revised Code shall be followed, except that all owners, not just a 163  
majority of owners, shall sign the petition. 164

(C) Except as otherwise provided in this section, only this 165  
section and sections 709.014, 709.015, 709.04, 709.11, 709.12, 166  
709.192, 709.20, and 709.21 of the Revised Code apply to the 167  
granting of an annexation described in this section. 168

(D) As used in sections 709.022 and 709.024 of the Revised 169  
Code, "party" or "parties" means the municipal corporation to 170  
which annexation is proposed, each township any portion of which 171  
is included within the territory proposed for annexation, and the 172  
agent for the petitioners. 173

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Sec. 709.022. (A) A petition filed under section 709.021 of 174  
the Revised Code that requests to follow this section is for the 175  
special procedure of annexing land with the consent of all 176  
parties. The petition shall be accompanied by a certified copy of 177  
an annexation agreement provided for in section 709.192 of the 178  
Revised Code or of a cooperative economic development agreement 179  
provided for in section 701.07 of the Revised Code, that is 180  
entered into by the municipal corporation and each township any 181  
portion of which is included within the territory proposed for 182  
annexation. Upon the receipt of the petition and the applicable 183  
agreement, the board of county commissioners, at the board's next 184  
regular session, shall enter upon its journal a resolution 185  
granting the annexation, without holding a hearing. 186

(B) Owners who sign a petition requesting that the special 187  
procedure in this section be followed expressly waive their right 188  
to appeal any action taken by the board of county commissioners 189  
under this section. There is no appeal from the board's decision 190  
under this section in law or in equity. 191

(C) After the board of county commissioners grants the 192  
petition for annexation, the clerk of the board shall deliver a 193  
certified copy of the entire record of the annexation proceedings, 194  
including all resolutions of the board, signed by a majority of 195  
the members of the board, the petition, map, and all other papers 196  
on file, and the recording of the proceedings, if a copy is 197  
available, to the auditor or clerk of the municipal corporation to 198  
which annexation is proposed. 199

Sec. 709.023. (A) A petition filed under section 709.021 of 200  
the Revised Code that requests to follow this section is for the 201  
special procedure of annexing land into a municipal corporation 202  
when, subject to division (H) of this section, the land also is 203  
not to be excluded from the township under section 503.07 of the 204

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Revised Code. The owners who sign this petition by their signature 205  
waive any rights they may have to sue on any issue relating to a 206  
municipal corporation requiring a buffer as provided in this 207  
section and waive any rights to seek a variance that would relieve 208  
or exempt them from that buffer requirement. 209

(B) Upon the filing of the petition in the office of the 210  
clerk of the board of county commissioners, the clerk shall cause 211  
the petition to be entered upon the board's journal at its next 212  
regular session. This entry shall be the first official act of the 213  
board on the petition. Within five days after the filing of the 214  
petition, the agent for the petitioners shall notify in the manner 215  
and form specified in this division the clerk of the legislative 216  
authority of the municipal corporation to which annexation is 217  
proposed, the clerk of each township any portion of which is 218  
included within the territory proposed for annexation, and the 219  
clerk of the board of county commissioners of each county in which 220  
the territory proposed for annexation is located other than the 221  
county in which the petition is filed. The notice shall be given 222  
by certified mail, return receipt requested, or by causing the 223  
notice to be personally served on the appropriate governmental 224  
officer, with proof of service being by affidavit of the person 225  
who delivered the notice. The notice shall refer to the time and 226  
date when the petition was filed and the county in which it was 227  
filed and shall have attached or shall be accompanied by a copy of 228  
the petition and any attachments or documents accompanying the 229  
petition as filed. The proof of service of the notice shall be 230  
filed with the board of county commissioners with which the 231  
petition was filed. 232

(C) Within twenty days after the date that the petition is 233  
filed, the legislative authority of the municipal corporation to 234  
which annexation is proposed shall adopt an ordinance or 235  
resolution stating what services the municipal corporation will 236



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provide, and an approximate date by which it will provide them, to 237  
the territory proposed for annexation, upon annexation. The 238  
municipal corporation is entitled in its sole discretion to 239  
provide to the territory proposed for annexation, upon annexation, 240  
services in addition to the services described in that ordinance 241  
or resolution. 242

If the territory proposed for annexation is subject to zoning 243  
regulations adopted under either Chapter 303. or 519. of the 244  
Revised Code at the time the petition is filed, the legislative 245  
authority of the municipal corporation also shall adopt an 246  
ordinance or resolution stating that, if the territory is annexed 247  
and becomes subject to zoning by the municipal corporation and 248  
that municipal zoning permits uses in the annexed territory that 249  
the municipal corporation determines are clearly incompatible with 250  
the uses permitted under current county or township zoning 251  
regulations in the adjacent land remaining within the township 252  
from which the territory was annexed, the legislative authority of 253  
the municipal corporation will require, in the zoning ordinance 254  
permitting the incompatible uses, the owner of the annexed 255  
territory to provide a buffer separating the use of the annexed 256  
territory and the adjacent land remaining within the township. For 257  
the purposes of this section, "buffer" includes open space, 258  
landscaping, fences, walls, and other structured elements; streets 259  
and street rights-of-way; and bicycle and pedestrian paths and 260  
sidewalks. 261

The clerk of the legislative authority of the municipal 262  
corporation to which annexation is proposed shall file the 263  
ordinances or resolutions adopted under this division with the 264  
board of county commissioners within twenty days following the 265  
date that the petition is filed. The board shall make these 266  
ordinances or resolutions available for public inspection. 267

(D) Within twenty-five days after the date that the petition 268

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is filed, the legislative authority of the municipal corporation 269  
to which annexation is proposed and each township any portion of 270  
which is included within the territory proposed for annexation may 271  
adopt and file with the board of county commissioners an ordinance 272  
or resolution consenting or objecting to the proposed annexation. 273  
An objection to the proposed annexation shall be based solely upon 274  
the petition's failure to meet the conditions specified in 275  
division (E) of this section. 276

If the municipal corporation and each of those townships 277  
timely files an ordinance or resolution consenting to the proposed 278  
annexation, the board at its next regular session shall enter upon 279  
its journal a resolution granting the proposed annexation. If, 280  
instead, the municipal corporation or any of those townships files 281  
an ordinance or resolution that objects to the proposed 282  
annexation, the board of county commissioners shall proceed as 283  
provided in division (E) of this section. Failure of the municipal 284  
corporation or any of those townships to timely file an ordinance 285  
or resolution consenting or objecting to the proposed annexation 286  
shall be deemed to constitute consent by that municipal 287  
corporation or township to the proposed annexation. 288

(E) Unless the petition is granted under division (D) of this 289  
section, not less than thirty or more than forty-five days after 290  
the date that the petition is filed, the board of county 291  
commissioners shall review it to determine if each of the 292  
following conditions has been met: 293

(1) The petition meets all the requirements set forth in, and 294  
was filed in the manner provided in, section 709.021 of the 295  
Revised Code. 296

(2) The persons who signed the petition are owners of the 297  
real estate located in the territory proposed for annexation and 298  
constitute all of the owners of real estate in that territory. 299

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(3) The territory proposed for annexation does not exceed 300  
three hundred and fifty acres. 301

(4) The territory proposed for annexation shares a contiguous 302  
boundary with the municipal corporation to which annexation is 303  
proposed for a continuous length of at least ten per cent of the 304  
perimeter of the territory proposed for annexation. 305

(5) The annexation will not create an unincorporated area of 306  
the township that is completely surrounded by the territory 307  
proposed for annexation. 308

(6) The municipal corporation to which annexation is proposed 309  
has agreed to provide to the territory proposed for annexation the 310  
services specified in the relevant ordinance or resolution adopted 311  
under division (C) of this section. 312

(7) If a street or highway will be divided or segmented by 313  
the boundary line between the township and the municipal 314  
corporation as to create a road maintenance problem, the municipal 315  
corporation to which annexation is proposed has agreed as a 316  
condition of the annexation to assume the maintenance of that 317  
street or highway or to otherwise correct the problem. As used in 318  
this section, "street" or "highway" has the same meaning as in 319  
section 4511.01 of the Revised Code. 320

(F) Not less than thirty or more than forty-five days after 321  
the date that the petition is filed, if the petition is not 322  
granted under division (D) of this section, the board of county 323  
commissioners, if it finds that each of the conditions specified 324  
in division (E) of this section has been met, shall enter upon its 325  
journal a resolution granting the annexation. If the board of 326  
county commissioners finds that one or more of the conditions 327  
specified in division (E) of this section has not been met, it 328  
shall enter upon its journal a resolution that converts the 329  
petition into a petition filed in accordance with section 709.02 330

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of the Revised Code that does not request the special procedure provided in this section. 331  
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If the petition is so converted, it shall be processed using the date that it was filed under division (B) of this section as its date of filing for purposes of section 709.03 and related sections of the Revised Code. The entry of the board's conversion resolution upon its journal under this division shall constitute the first official act of the board on the petition for purposes of section 709.03 of the Revised Code, and the board shall set the hearing required by that section within five days after the date of that journalization. Notifications required under division (B) of section 709.03 of the Revised Code shall be deemed to be waived. The legislative authority of the municipal corporation to which annexation is proposed may adopt and file a revised ordinance or resolution under division (D) of section 709.03 of the Revised Code or, if no such ordinance or resolution is adopted and filed, the municipal corporation's services-related ordinance or resolution filed under division (C) of this section shall be deemed to meet the requirements of division (D) of section 709.03 of the Revised Code. 333  
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(G) If a petition is granted under division (D) or (F) of this section, the clerk of the board of county commissioners shall proceed as provided in division (C)(1) of section 709.033 of the Revised Code, except that no recording or hearing exhibits would be involved. There is no appeal in law or equity from the board's entry of any resolution under this section, but any party may seek a writ of mandamus to compel the board of county commissioners to perform its duties under this section. 351  
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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 359  
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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. 363  
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(I) Any owner of land that remains within a township and that is adjacent to territory annexed pursuant to this section who is directly affected by the failure of the annexing municipal corporation to enforce compliance with any zoning ordinance it adopts under division (C) of this section requiring the owner of the annexed territory to provide a buffer zone, may commence in the court of common pleas a civil action against that owner to enforce compliance with that buffer requirement within sixty days after the date of the vote by the legislative authority of the annexing municipal corporation adopting that zoning ordinance. 368  
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**Sec. 709.024.** (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 for the purpose of undertaking a significant economic development project. As used in this section, "significant economic development project" means one or more economic development projects that can be classified as industrial, distribution, high technology, research and development, or commercial, which projects may include ancillary residential and retail uses and which projects shall satisfy all of the following: 378  
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(1) Total private real and personal property investment in a project shall be in excess of ten million dollars through land and infrastructure, new construction, reconstruction, installation of fixtures and equipment, or the addition of inventory, excluding investment solely related to the ancillary residential and retail elements, if any, of the project. As used in this division, 388  
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"private real and personal property investment" does not include 394  
payments in lieu of taxes, however characterized, under Chapter 395  
725. or 1728. or sections 5709.40 to 5709.43, 5709.73 to 5709.75, 396  
or 5709.78 to 5709.81 of the Revised Code. 397

(2) There shall be created by the project an additional 398  
annual payroll in excess of one million dollars, excluding payroll 399  
arising solely out of the retail elements, if any, of the project. 400

(3) The project has been certified by the state director of 401  
development as meeting the requirements of divisions (A)(1) and 402  
(2) of this section. 403

(B) Upon the filing of the petition under section 709.021 of 404  
the Revised Code in the office of the clerk of the board of county 405  
commissioners, the clerk shall cause the petition to be entered 406  
upon the journal of the board at its next regular session. This 407  
entry shall be the first official act of the board on the 408  
petition. Within five days after the filing of the petition, the 409  
agent for the petitioners shall notify in the manner and form 410  
specified in this division the clerk of the legislative authority 411  
of the municipal corporation to which annexation is proposed, the 412  
clerk of each township any portion of which is included within the 413  
territory proposed for annexation, and the clerk of the board of 414  
county commissioners of each county in which the territory 415  
proposed for annexation is located other than the county in which 416  
the petition is filed. The notice shall be given by certified 417  
mail, return receipt requested, or by causing the notice to be 418  
personally served on the appropriate governmental officer, with 419  
proof of service being by affidavit of the person who delivered 420  
the notice. The notice shall refer to the time and date when the 421  
petition was filed and the county in which it was filed and shall 422  
have attached or shall be accompanied by a copy of the petition 423  
and any attachments or documents accompanying the petition as 424  
filed. The proof of service of the notice shall be filed with the 425

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board of county commissioners with which the petition was filed.

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(C)(1) Within thirty days after 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 (F) 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.

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

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

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section 709.033 of the Revised Code.

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

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

(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.

(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 the board of county commissioners.

(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.

(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 520  
is entitled in its sole discretion to provide to the territory 521  
proposed for annexation, upon annexation, services in addition to 522  
the services described in the ordinance or resolution adopted by 523  
the legislative authority of the municipal corporation under 524  
division (C)(2) of this section. 525

**Sec. 709.03.** ~~The (A) Once a petition required by described in~~ 526  
 section 709.02 of the Revised Code ~~shall be~~ is filed in, the 527  
 office clerk of the board of county commissioners ~~and the clerk~~ 528  
 shall cause the petition to be entered upon the ~~record of~~ 529  
~~proceedings~~ journal of the board, ~~which at its next regular~~ 530  
session. This entry shall be the first official act of the board 531  
 on the ~~annexation petition, and shall cause the petition to be~~ 532  
~~filed in the office of the county auditor, where it shall be~~ 533  
~~subject to the inspection of any interested person. The agent for~~ 534  
~~the petitioners shall cause written notice of the filing of the~~ 535  
~~petition with the board of county commissioners and the date of~~ 536  
~~such filing to be delivered to the clerk of the legislative~~ 537  
~~authority of the municipal corporation to which annexation is~~ 538  
~~proposed and to the clerk of each township any portion of which is~~ 539  
~~included within the territory sought to be annexed. Any person.~~ 540  
Within five days after the filing of the petition, the board shall 541  
set the date, time, and place for the hearing on the petition and 542  
shall notify the agent for the petitioners. The date for the 543  
hearing shall be not less than sixty or more than ninety days 544  
after the petition is filed with the clerk of the board. 545

(B) Upon being notified of the date of the hearing, the agent 546  
for the petitioners shall do all of the following: 547

(1) Within five days cause written notice of the filing of 548  
the petition with the board of county commissioners, the date and 549  
time of the filing, and the date, time, and place of the hearing, 550

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to be delivered to the clerk of the legislative authority of the 551  
municipal corporation to which annexation is proposed, to the 552  
clerk of each township any portion of which is included within the 553  
territory proposed for annexation, and to the clerk of the board 554  
of county commissioners of each county in which the territory 555  
proposed for annexation is located other than the county in which 556  
the petition is filed. The notice shall state the date and time 557  
when the petition was filed and the county in which it was filed 558  
and shall have attached or shall be accompanied by a copy of the 559  
petition and any attachments or documents accompanying the 560  
petition as filed. The notice shall be given by certified mail, 561  
return receipt requested, or by causing the notice to be 562  
personally served on the appropriate governmental officer, with 563  
proof of service being by affidavit of the person who delivered 564  
the notice. Within ten days after the date of completion of 565  
service, the agent for the petitioners shall file proof of service 566  
of the notice with the board of county commissioners with which 567  
the petition was filed. 568

(2) Within ten days send by regular mail a copy of the notice 569  
of the board of county commissioners of the hearing to all owners 570  
of property within the territory proposed to be annexed whose 571  
names were provided by the agent for the petitioners under 572  
division (D) of section 709.02 of the Revised Code, along with a 573  
map of the territory proposed to be annexed and a statement 574  
indicating where the full petition for annexation can be reviewed. 575  
The notice also shall include a statement that any owner who 576  
signed the petition may remove the owner's signature by filing 577  
with the clerk of the board of county commissioners a written 578  
notice of withdrawal of the owner's signature within twenty-one 579  
days after the date the agent mails the notice; the agent shall 580  
include with each mailed notice a certification of the date of its 581  
mailing for this purpose. Within ten days after the mailing of the 582

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notices, the agent shall file with the board of county commissioners with which the petition was filed, a notarized affidavit that a notice was sent by regular mail to these property owners.

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

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

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(D) Upon receiving the notice described in division (B)(1) of this section, the legislative authority of the municipal corporation shall adopt, by ordinance or resolution, a statement indicating 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 statement shall be filed with the board of county commissioners at least twenty days before the date of the hearing. The municipal corporation is entitled in its sole discretion to provide to the

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territory proposed for annexation, upon annexation, services in addition to the services described in the ordinance or resolution it adopts under this division.

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

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

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(C) The board of township trustees of any township containing any territory proposed for annexation and any owners of real estate in the territory proposed for annexation may request that

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reasonable proof be presented of the authority of a person signing the petition on behalf of any person other than a natural being, the state, or a political subdivision of the state. The request shall be in writing and be filed with the board of county commissioners and with the agent for the petitioners at least fifteen days prior to the hearing on the petition. When such a request is filed, the agent for the petitioners shall present to the board of county commissioners at the hearing held under section 709.032 of the Revised Code sufficient evidence by affidavit or testimony to establish that the owner is a person other than a natural being, the state, or a political subdivision of the state and that the owner authorized the person whose signature is on the petition to sign the petition on its behalf. If the board does not find the evidence sufficient to establish this authority, it shall remove the signature from the petition.

**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.

(B) The hearing provided for in section ~~709.031~~ 709.03 of the Revised Code shall be public. ~~Any~~ The board of county commissioners shall make, by electronic means or some other suitable method, a record of the hearing. If a request, accompanied by a deposit to pay the costs, is filed with the board not later than seven days before the hearing, the board shall provide an official court reporter to record the hearing. The record of the hearing need not be transcribed unless a request, accompanied by an amount to cover the cost of transcribing the record, is filed with the board.

(C) Any person may appear, in person or by attorney, and,

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after being sworn, may support or contest the granting of the 677  
prayer of the petition provided for by section 709.02 of the 678  
Revised Code. Affidavits presented in support of or against the 679  
prayer of such petition shall be considered by the board, but only 680  
if the affidavits are filed with the board and served as provided 681  
in the Rules of Civil Procedure upon the necessary parties to the 682  
annexation proceedings at least fifteen days before the date of 683  
the hearing; provided that the board shall accept an affidavit 684  
after the fifteen-day period if the purpose of the affidavit is 685  
only to establish the affiant's authority to sign the petition on 686  
behalf of the entity for which the affiant signed. Necessary 687  
parties or their representatives are entitled to present evidence, 688  
examine and cross-examine witnesses, and comment on all evidence, 689  
including any affidavits presented to the board under this 690  
division. 691

(D) At the hearing, any owner who signed the petition for 692  
annexation may appear, and, after being sworn as provided by 693  
section 305.21 of the Revised Code, testify orally that ~~his~~ the 694  
owner's signature was obtained by fraud, duress, 695  
misrepresentation, including any misrepresentation relating to the 696  
provision of municipal services to the territory proposed to be 697  
annexed, or undue influence. Any person may testify orally after 698  
being so sworn in support of or rebuttal to ~~such~~ the prior 699  
testimony by the owner. ~~The commissioners, the agent for the~~ 700  
~~petitioners or his attorney, and such owner or his attorney may~~ 701  
~~examine such witnesses, including the owner~~ Any witnesses and 702  
owners who testify shall be subject to cross-examination by the 703  
necessary parties to the annexation proceedings. If a majority of 704  
the county commissioners find that ~~such~~ the owner's signature was 705  
obtained under circumstances that did constitute fraud, duress, 706  
misrepresentation, or undue influence, they shall find the 707  
signature to be void, and shall order it removed from the petition 708  
as of the time the petition was filed. 709

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

**Sec. 709.033.** (A) After the hearing on a petition to annex for annexation, the board of county commissioners shall enter an order upon its journal allowing 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:

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

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

~~(C)(2)~~ (2) The persons whose names are subscribed to who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in the that territory ~~proposed to be annexed~~.

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

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



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~~is accurate; and.~~ 740

(5) On balance, the general good of the territory sought 741  
proposed to be annexed will be served, and the benefits to the 742  
territory proposed to be annexed and the surrounding area will 743  
outweigh the detriments to the territory proposed to be annexed 744  
and the surrounding area, if the annexation petition is granted. 745  
As used in division (A)(5) of this section, "surrounding area" 746  
means the territory within the unincorporated area of any township 747  
located one-half mile or less from any of the territory proposed 748  
to be annexed. 749

(6) No street or highway will be divided or segmented by the 750  
boundary line between a township and the municipal corporation as 751  
to create a road maintenance problem, or, if a street or highway 752  
will be so divided or segmented, the municipal corporation has 753  
agreed, as a condition of the annexation, that it will assume the 754  
maintenance of that street or highway. For the purposes of this 755  
division, "street" or "highway" has the same meaning as in section 756  
4511.01 of the Revised Code. 757

(B) The board of county commissioners shall ~~grant~~ enter upon 758  
its journal a resolution granting or ~~deny~~ denying the petition for 759  
annexation within ~~ninety~~ thirty days after the hearing ~~set~~ 760  
~~pursuant to~~ provided for in section ~~709.031~~ 709.032 of the Revised 761  
Code. The resolution shall include specific findings of fact as to 762  
whether each of the conditions listed in divisions (A)(1) to (6) 763  
of this section has been met. Upon journalization of the 764  
resolution, the clerk of the board shall send a certified copy of 765  
it to the agent for the petitioners, the clerk of the legislative 766  
authority of the municipal corporation to which annexation is 767  
proposed, the clerk of each township in which the territory 768  
proposed for annexation is located, and the clerk of the board of 769  
county commissioners of each county in which the territory 770  
proposed for annexation is located other than the county in which 771

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the petition is filed. The clerk of the board shall take no 772  
further action until the expiration of thirty days after the date 773  
of journalization. 774

(C) After the expiration of that thirty-day period, if no 775  
appeal has been timely filed under section 709.07 of the Revised 776  
Code, the clerk of the board of county commissioners shall take 777  
one of the following actions: 778

(1) If the board of county commissioners grants granted the 779  
petition for annexation it, the clerk shall enter on its journal 780  
all the orders of the board relating to the annexation and deliver 781  
a certified transcript of copy of the entire record of the 782  
annexation proceedings, including all orders resolutions of the 783  
board, signed by a majority of the members of the board, the 784  
petition, map, and all other papers on file, the recording of the 785  
proceedings, if a copy is available, and exhibits presented at the 786  
hearing relating to the annexation proceedings, to the auditor or 787  
clerk of the municipal corporation to which annexation is 788  
proposed. 789

(2) If the board of county commissioners denies denied the 790  
petition for annexation, it the clerk shall send a certified copy 791  
of its order resolution denying the annexation to the agent for 792  
the petitioners and to the clerk of the municipal corporation to 793  
which the annexation was proposed. If, on any appeal of any such 794  
annexation denial, a court holds that the board's denial was 795  
contrary to law, and if the court orders the clerk of the board of 796  
county commissioners to enter on the journal of the board an order 797  
approving the annexation, then the clerk shall enter the order. 798

(D) If an appeal is filed in a timely manner under section 799  
709.07 of the Revised Code from the determination of the board of 800  
county commissioners granting or denying the petition for 801  
annexation, the clerk of the board shall take further action only 802  
in accordance with that section. 803

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**Sec. 709.04.** At the next regular session of the legislative 804  
authority of the municipal corporation to which annexation is 805  
proposed, after the expiration of sixty days from the date of 806  
~~filing with him as the delivery~~ required by division (C) of 807  
section 709.022 or division (C)(1) of section 709.033 of the 808  
Revised Code, the auditor or clerk of ~~such that~~ municipal 809  
corporation shall lay the ~~transcript~~ resolution of the board 810  
granting the petition and the accompanying map or plat and 811  
petition ~~required by such section~~ before the legislative 812  
authority. ~~Thereupon the~~ The legislative authority, by resolution 813  
or ordinance, then shall accept or reject the application petition 814  
for annexation. If the legislative authority fails to pass an 815  
ordinance or resolution accepting the application petition for 816  
annexation within a period of one hundred twenty days after ~~the~~ 817  
~~transcript is~~ those documents are laid before it by the auditor or 818  
clerk, the application petition for annexation shall be ~~deemed~~ 819  
considered rejected by the legislative authority, ~~unless it has~~ 820  
~~been prevented from acting by a temporary restraining order, a~~ 821  
~~temporary injunction, or some other order of a court.~~ 822

**Sec. 709.07.** (A) The agent for the petitioners, any owner of 823  
real estate in the territory proposed for annexation, any township 824  
in which territory proposed for annexation is located, and the 825  
municipal corporation to which the territory is proposed to be 826  
annexed may file an appeal under Chapter 2506. of the Revised Code 827  
from a resolution of the board of county commissioners granting or 828  
denying the petition. The agent for the petitioners, any township 829  
in which the territory proposed for annexation is located, and any 830  
municipal corporation to which the territory is proposed to be 831  
annexed are necessary parties in an appeal. The filing of a notice 832  
of appeal with the clerk of the board of county commissioners 833  
shall operate as a stay of execution upon that clerk and all 834

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parties to the appeal, which stay shall not be lifted until the 835  
court having jurisdiction over the proceedings enters a final 836  
order affirming or reversing the decision of the board of county 837  
commissioners and the time limits for an appeal of that final 838  
order have passed without a notice of appeal being filed. 839

(B) Any party filing an appeal from the court of common pleas 840  
or court of appeals decision in an annexation matter shall serve 841  
on the clerk of the board of county commissioners a time-stamped 842  
copy of the notice of appeal. Upon issuance of a final order of 843  
any court regarding an annexation appeal, the clerk of the court 844  
shall forward a certified copy of the court's order to the clerk 845  
of the board of county commissioners that rendered the annexation 846  
decision that was appealed. 847

(C) If, after all appeals have been exhausted, the final 848  
determination of the court is that the petition for annexation 849  
should be granted, the board of county commissioners shall enter 850  
on its journal a resolution granting the annexation, if such a 851  
resolution has not already been journalized, and the clerk of the 852  
board shall deliver a certified copy of that journal entry and of 853  
the entire record of the annexation proceedings, including all 854  
resolutions of the board, signed by a majority of the members of 855  
the board, the petition, map, and all other papers on file, the 856  
transcript of the proceedings, and exhibits presented at the 857  
hearing relating to the annexation proceedings, to the auditor or 858  
clerk of the municipal corporation to which annexation is 859  
proposed. The municipal auditor or clerk shall lay these certified 860  
papers, along with the copy of the court's order, before the 861  
legislative authority at its next regular meeting. The legislative 862  
authority then shall proceed to accept or reject the petition for 863  
annexation as provided under section 709.04 of the Revised Code. 864

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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. 866  
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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. 871  
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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. 875  
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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 proceedings necessary to effect it. 880  
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**Sec. 709.15.** The application of a municipal corporation to the board of county commissioners requesting the annexation of contiguous territory under section 709.16 of the Revised Code shall be by a petition, setting forth that, under an ordinance of the legislative authority of the municipal corporation, the territory described in the petition was authorized to be annexed to the municipal corporation. The petition shall contain an 888  
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accurate legal description of the territory perimeter and shall be 895  
 accompanied by an accurate map or plat thereof of the territory 896  
proposed for annexation. 897

Sec. 709.16. (A) A municipal corporation may petition the 898  
board of county commissioners to annex contiguous territory owned 899  
only by the municipal corporation, a county, or the state. The 900  
clerk of the board shall cause the petition to be entered upon the 901  
board's journal at its next regular session. This entry shall be 902  
the first official act of the board upon the petition. Proceedings 903  
on the petition shall be conducted under this section to the 904  
exclusion of any other provisions of this chapter except for 905  
sections 709.014, 709.14, 709.15, 709.20, and 709.21 of the 906  
Revised Code. 907

(B) If the only territory to be annexed is contiguous 908  
territory owned by a municipal corporation, the board of county 909  
commissioners, by resolution, shall grant the annexation. The 910  
annexation shall be complete upon the entry upon the journal of 911  
the board of the resolution granting the annexation. 912

(C) If the only territory to be annexed is contiguous 913  
territory owned by a county, the board of county commissioners, by 914  
resolution, may grant or deny the annexation. The annexation shall 915  
be complete upon the entry upon the journal of the board of a 916  
resolution granting the annexation. 917

(D) If the only territory to be annexed is contiguous 918  
territory owned by the state and the director of administrative 919  
services has filed a written consent to the granting of the 920  
annexation with the board of county commissioners, the board, by 921  
resolution, shall grant the annexation. The annexation shall be 922  
complete upon the entry upon the journal of the board of a 923  
resolution granting the annexation. 924

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(E) The board of county commissioners shall act upon a petition for annexation filed under this section within thirty days after receipt of the petition. 925  
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(F) No appeal in law or in equity shall be allowed from the granting of an annexation under this section. 928  
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(G) When a municipal corporation purchases real property below an appraised fair market value and sells or agrees to sell the property back to the person that sold it to the municipal corporation, an annexation of that property completed under this section shall be void, and the annexed property shall become part of the township from which it was annexed, if it still exists. If the township no longer exists, the board of county commissioners shall attach the annexed territory to another township. 930  
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(H) Territory annexed under this section shall not be excluded from the township under section 503.07 of the Revised Code. 938  
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**Sec. 709.19.** (A) As used in this section: 941

~~(1) "Annexation period" means a period of one, two, or three consecutive twelve-month periods, whichever is less, during which one or more municipal corporations annex territory of a township that includes at least fifteen per cent but less than one hundred per cent of the total taxable value of the real, public utility, and tangible personal property subject to taxation in that township in the base year. No annexation period shall include a month that is part of another annexation period.~~ 942  
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~~(2) "Base year" means the calendar year immediately preceding an annexation period.~~ 950  
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~~(3) "Taxes" means the real and public utility property taxes charged by a township in the base year or, in an annexation under division (F) of this section, the real, public utility, and~~ 952  
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~~tangible personal property taxes that would have been charged by the township, if no annexation had occurred, in the year immediately preceding the year in which the payment is made, and payable after the reduction required by section 319.301 of the Revised Code but prior to the reduction required by section 319.302 of the Revised Code, and the taxes levied for such year by the township against tangible personal property. "Taxes" excludes taxes for the payment of debt charges.~~

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

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

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

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

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

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

~~(B) If the annexation of territory of any township by one or more municipal corporations under this chapter constitutes an annexation period of twelve consecutive months, except as provided~~



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<del>in division (G) of this section, each municipal corporation that</del>	986
<del>annexed territory of that township during that annexation period</del>	987
<del>shall pay the township during each of the seven years following</del>	988
<del>the annexation period:</del>	989
<del>(1) In each of the first three years, one hundred per cent of</del>	990
<del>the township taxes in the annexed territory;</del>	991
<del>(2) In the fourth year, eighty per cent of the township taxes</del>	992
<del>in the annexed territory;</del>	993
<del>(3) In the fifth year, sixty per cent of the township taxes</del>	994
<del>in the annexed territory;</del>	995
<del>(4) In the sixth year, forty per cent of the township taxes</del>	996
<del>in the annexed territory;</del>	997
<del>(5) In the seventh year, twenty per cent of the township</del>	998
<del>taxes in the annexed territory.</del>	999
<del>(C) If the annexation of territory of any township by one or</del>	1000
<del>more municipal corporations under this chapter constitutes an</del>	1001
<del>annexation period of thirteen to twenty-four consecutive months,</del>	1002
<del>except as provided in division (G) of this section, each municipal</del>	1003
<del>corporation that annexed territory of that township during that</del>	1004
<del>annexation period shall pay the township during each of the six</del>	1005
<del>years following the annexation period:</del>	1006
<del>(1) In each of the first two years, one hundred per cent of</del>	1007
<del>the township taxes in the annexed territory;</del>	1008
<del>(2) In the third year, eighty per cent of the township taxes</del>	1009
<del>in the annexed territory;</del>	1010
<del>(3) In the fourth year, sixty per cent of the township taxes</del>	1011
<del>in the annexed territory;</del>	1012
<del>(4) In the fifth year, forty per cent of the township taxes</del>	1013
<del>in the annexed territory;</del>	1014
<del>(5) In the sixth year, twenty per cent of the township taxes</del>	1015

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~~in the annexed territory.~~ 1016

~~(D) If the annexation of territory of any township by one or more municipal corporations under this chapter constitutes an annexation period of twenty five to thirty six consecutive months, except as provided in division (G) of this section, each municipal corporation that annexed territory of that township during that annexation period shall pay the township during each of the five years following the annexation period:~~ 1017-1023

~~(1) In the first year, one hundred per cent of the township taxes in the annexed territory;~~ 1024-1025

~~(2) In the second year, eighty per cent of the township taxes in the annexed territory;~~ 1026-1027

~~(3) In the third year, sixty per cent of the township taxes in the annexed territory;~~ 1028-1029

~~(4) In the fourth year, forty per cent of the township taxes in the annexed territory;~~ 1030-1031

~~(5) In the fifth year, twenty per cent of the township taxes in the annexed territory unincorporated territory is annexed to a municipal corporation and excluded from a township under section 503.07 of the Revised Code, upon exclusion of that territory, the municipal corporation that annexed the territory shall make payments to the township from which the territory was annexed only as provided in this section, except that, if the legislative authority of the municipal corporation enters into an agreement under section 701.07, 709.191, or 709.192 of the Revised Code with the township from which the territory was annexed that makes alternate provisions regarding payments by the municipal corporation, then the payment provisions in that agreement shall apply in lieu of the provisions of this section.~~ 1032-1044

~~(C)(1) Except as provided in division (C)(2) of this section, the municipal corporation that annexed the territory shall make~~ 1045-1046

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the following payments to the township from which the territory was annexed with respect to commercial and industrial real, personal, and public utility property taxes using the property valuation for the year that the payment is due: 1047  
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(a) In the first through third years following the annexation and exclusion of the territory from the township, one hundred 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; 1051  
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(b) In the fourth and fifth years following the annexation and the 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 commercial and industrial real, personal, and public utility property taxes if no annexation had occurred; 1057  
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(c) In the sixth and seventh years following the annexation and exclusion of the territory from the township, sixty-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; 1063  
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(d) In the eighth year following the annexation and exclusion of the territory from the township, sixty-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; 1069  
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(e) In the ninth through eleventh years following the annexation and exclusion of the territory from the township, fifty-seven and one-half per cent of the township taxes in the 1075  
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1077

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annexed territory that would have been due the township for 1078  
commercial and industrial real, personal, and public utility 1079  
property taxes if no annexation had occurred; 1080

(f) In the twelfth through fifteenth years following the 1081  
annexation and exclusion of the territory from the township, 1082  
forty-two and one-half per cent of the township taxes in the 1083  
annexed territory that would have been due the township for 1084  
commercial and industrial real, personal, and public utility 1085  
property taxes if no annexation had occurred. 1086

(2) If there has been an exemption by the municipal 1087  
corporation of commercial and industrial real, personal, or public 1088  
utility property taxes pursuant to section 725.02, 1728.10, 1089  
3735.67, 5709.40, 5709.41, 5709.62, or 5709.88 of the Revised 1090  
Code, there shall be no reduction in the payments owed to the 1091  
township due to that exemption. The municipal corporation shall 1092  
make payments to the township under division (C)(1) of this 1093  
section, calculated as if the exemption had not occurred. 1094

(D) The municipal corporation that annexed the territory 1095  
shall make the following payments to the township from which the 1096  
territory was annexed with respect to residential and retail real 1097  
property taxes using the property valuation for the year that the 1098  
payment is due: 1099

(1) In the first through third years following the annexation 1100  
and exclusion of the territory from the township, eighty-five per 1101  
cent of the township taxes in the annexed territory that would 1102  
have been due the township for residential and retail real 1103  
property taxes if no annexation had occurred; 1104

(2) In the fourth through seventh years following the 1105  
annexation and exclusion of the territory from the township, 1106  
fifty-two and one-half per cent of the township taxes in the 1107  
annexed territory that would have been due the township for 1108

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residential and retail real property taxes if no annexation had occurred; 1109  
1110

(3) In the eighth through eleventh years following the annexation and exclusion of the territory from the township, forty 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; 1111  
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(4) In the twelfth through fifteenth years following the annexation and exclusion of the territory from the township, twenty-seven and one-half 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. 1116  
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(E) If, pursuant to division (F) of this section, a municipal corporation annexes an international airport that it owns, the municipal corporation shall pay the township one hundred per cent of the township taxes in the annexed territory that would have been due the township, if no annexation had occurred, for each of the twenty-five years following the annexation. 1122  
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(F)(1) Notwithstanding any other provision of this chapter, a board of county commissioners may authorize a municipal corporation to annex an international airport that the municipal corporation owns. Unless a contract is entered into pursuant to division (F)(2) of this section, any municipal corporation that annexes an international airport under this division shall make payments to the township from which the international airport is annexed, in the manner provided in division (E) of this section. No territory annexed pursuant to this division shall be considered part of the municipal corporation for the purposes of subsequent annexation, except that the board of county commissioners may authorize subsequent annexation under this division if the board determines that ~~such~~ subsequent annexation is necessary to the 1128  
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continued operation of the international airport. 1141

(2) The chief executive of a municipal corporation that 1142  
annexes territory pursuant to this division may enter into a 1143  
contract with the board of township trustees of the township that 1144  
loses the territory whereby the township agrees to provide the 1145  
annexed territory with police, fire, or other services it is 1146  
authorized to provide in exchange for specified consideration as 1147  
agreed upon by the board of township trustees and the chief 1148  
executive. In no instance shall the consideration received by the 1149  
township be less than the payments that would be required under 1150  
division (F)(1) of this section if no contract were entered into. 1151

~~(G) If after an annexation period for which payments are 1152  
being made or are to be made to a township by one or more 1153  
municipal corporations under division (B), (C), or (D) of this 1154  
section, the remainder of the unincorporated territory of the 1155  
township is annexed to another municipal corporation or 1156  
incorporates as a municipal corporation, the balance of the 1157  
payments due the township under division (B), (C), or (D) of this 1158  
section shall be made to the municipal corporation to which the 1159  
remainder of the township territory was annexed or to the 1160  
municipal corporation incorporated from the remainder of the 1161  
township territory. 1162~~

~~No payment shall be made to a municipal corporation pursuant 1163  
to this division unless the remainder of the unincorporated 1164  
territory of the township referred to in this division constitutes 1165  
at least fifty per cent of the area of the unincorporated area of 1166  
the township prior to the annexation period. 1167~~

~~(H) After consultation with the chief executive officer of 1168  
the municipal corporation and the board of township trustees, the 1169  
county auditor shall determine by which of the following methods 1170  
the municipal corporations that annexed township territory shall 1171  
pay the township the amounts prescribed in divisions (B) to (F) of 1172~~

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~~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:~~ 1173  
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1175

~~(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~~ 1176  
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~~(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.~~ 1185  
1186  
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~~(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.~~ 1192  
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~~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.~~ 1199  
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1201

Sec. 709.192. (A) The legislative authority of one municipal corporation, by ordinance or resolution, and the board of township 1202  
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trustees of one or more townships, by resolution, may enter into 1204  
annexation agreements under this section. 1205

(B) An annexation agreement may be entered into for any 1206  
period of time and may be amended at any time in the same manner 1207  
as it was initially authorized. 1208

(C) Annexation agreements may provide for any of the 1209  
following: 1210

(1) The territory to be annexed; 1211

(2) Any periods of time during which no annexations will be 1212  
made and any areas that will not be annexed; 1213

(3) Land use planning matters; 1214

(4) The provision of joint services and permanent 1215  
improvements within incorporated or unincorporated areas; 1216

(5) The provision of services and improvements by a municipal 1217  
corporation in the unincorporated areas; 1218

(6) The provision of services and improvements by a township 1219  
within the territory of a municipal corporation; 1220

(7) The payment of service fees to a municipal corporation by 1221  
a township; 1222

(8) The payment of service fees to a township by a municipal 1223  
corporation; 1224

(9) The reallocation of the minimum mandated levies 1225  
established pursuant to section 5705.31 of the Revised Code 1226  
between a municipal corporation and a township in areas annexed 1227  
after the effective date of this section; 1228

(10) The issuance of notes and bonds and other debt 1229  
obligations by a municipal corporation or township for public 1230  
purposes authorized by or under an annexation agreement and 1231



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<u>provision for the allocation of the payment of the principal of,</u>	1232
<u>interest on, and other charges and costs of issuing and servicing</u>	1233
<u>the repayment of the debt;</u>	1234
<u>(11) Agreements by a municipal corporation and township, with</u>	1235
<u>owners or developers of land to be annexed, or with both those</u>	1236
<u>landowners and land developers, concerning the provision of public</u>	1237
<u>services, facilities, and permanent improvements;</u>	1238
<u>(12) The application of tax abatement statutes within the</u>	1239
<u>territory covered by the annexation agreement subsequent to its</u>	1240
<u>execution;</u>	1241
<u>(13) Changing township boundaries under Chapter 503. of the</u>	1242
<u>Revised Code to exclude newly annexed territory from the original</u>	1243
<u>township and providing services to that territory;</u>	1244
<u>(14) Payments in lieu of taxes, if any, to be paid to a</u>	1245
<u>township by a municipal corporation, which payments may be in</u>	1246
<u>addition to or in lieu of other payments required by law to be</u>	1247
<u>made to the township by that municipal corporation;</u>	1248
<u>(15) Any other matter pertaining to the annexation or</u>	1249
<u>development of publicly or privately owned territory.</u>	1250
<u>(D) Annexation agreements shall not be in derogation of the</u>	1251
<u>powers granted to municipal corporations by Article XVIII, Ohio</u>	1252
<u>Constitution, by any other provisions of the Ohio Constitution, or</u>	1253
<u>by the provisions of a municipal charter, nor shall municipal</u>	1254
<u>corporations and townships agree to share proceeds of any tax</u>	1255
<u>levy, although those proceeds may be used to make payments</u>	1256
<u>authorized in an annexation agreement.</u>	1257
<u>(E) If any party to an annexation agreement believes another</u>	1258
<u>party has failed to perform its part of any provision of that</u>	1259
<u>agreement, including the failure to make any payment of moneys due</u>	1260
<u>under the agreement, that party shall give notice to the other</u>	1261
<u>party clearly stating what breach has occurred. The party</u>	1262

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receiving the notice has ninety days from the receipt of that 1263  
notice to cure the breach. If the breach has not been cured within 1264  
that ninety-day period, the party that sent the notice may sue for 1265  
recovery of the money due under the agreement, sue for specific 1266  
enforcement of the agreement, or terminate the agreement upon 1267  
giving notice of termination to all the other parties. 1268

(F) In order to promote economic development or to provide 1269  
appropriate state functions and services to any part of the state, 1270  
the state may become a party to an annexation agreement upon the 1271  
approval of the director of development and with the written 1272  
consent of the legislative authority of the municipal corporation 1273  
and each of the boards of township trustees that are parties to 1274  
the agreement. 1275

(G) The board of county commissioners, by resolution, or any 1276  
person, upon request, may become a party to an annexation 1277  
agreement, but only upon the approval of the legislative authority 1278  
of the municipal corporation and each of the boards of township 1279  
trustees that are parties to the agreement, except that, if the 1280  
state is a party to the agreement, the director of development is 1281  
responsible for giving the approval. 1282

(H) The powers granted by this section and any annexation 1283  
agreement entered into under this section shall be liberally 1284  
construed to allow parties to these agreements to carry out the 1285  
agreements' provisions relevant to government improvements, 1286  
facilities, and services, and to promote and support economic 1287  
development and the creation and preservation of economic 1288  
opportunities. 1289

**Sec. 709.21.** No error, irregularity, or defect in the 1290  
proceedings under sections 709.01 to 709.20, ~~inclusive,~~ of the 1291  
Revised Code, shall render them invalid, ~~if~~ once annexation has 1292  
become final and the annexed territory has been recognized as a 1293

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part of the annexing municipal corporation, ~~and~~ taxes levied upon 1294  
it as such have been paid, and it has been subjected to the 1295  
authority of the legislative authority of ~~such~~ the annexing 1296  
municipal corporation, ~~without objection from the inhabitants of~~ 1297  
~~such territory.~~ 1298

**Sec. 929.02.** (A) Any person who owns agricultural land may 1299  
file an application with the county auditor to place the land in 1300  
an agricultural district for five years if, during the three 1301  
calendar years prior to the year in which that person files the 1302  
application, the land has been devoted exclusively to agricultural 1303  
production or devoted to and qualified for payments or other 1304  
compensation under a land retirement or conservation program under 1305  
an agreement with an agency of the federal government and if: 1306

(1) The land is composed of tracts, lots, or parcels that 1307  
total not less than ten acres; or 1308

(2) The activities conducted on the land produced an average 1309  
yearly gross income of at least twenty-five hundred dollars during 1310  
that three-year period or the owner has evidence of an anticipated 1311  
gross income of that amount from those activities. The owner shall 1312  
submit with the application proof that the owner's land meets the 1313  
requirements established under this division. If the county 1314  
auditor determines that the application does not meet the 1315  
requirements of this section, the county auditor shall deny the 1316  
application and notify the applicant by certified mail, return 1317  
receipt requested, within thirty days of the filing of the 1318  
application. The applicant may appeal the denial of the 1319  
application to the court of common pleas of the county in which 1320  
the application was filed within thirty days of the receipt of the 1321  
notice. If the county auditor determines that the application 1322  
meets the requirements of this section, the county auditor shall 1323  
approve the application and notify the applicant within thirty 1324

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days of the filing of the application. An application that is not  
denied shall be deemed to be approved. The county auditor shall  
provide an applicant with a copy of an approved application within  
thirty days of the filing of the application. An application that  
is approved is effective upon the date of the filing of the  
application.

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

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

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may appear in support of or to contest the granting of the 1357  
 application. Affidavits presented in support of or against the 1358  
 application shall be considered by the legislative body. Within 1359  
 thirty days of the hearing, the legislative body may approve the 1360  
 application, modify the application and approve the application as 1361  
 modified, or reject the application. An application that is not 1362  
 modified or rejected by a majority vote of the members of the 1363  
 legislative body shall be deemed to be approved. Prior to 1364  
 rejecting an application, the legislative body shall make every 1365  
 effort to modify the application. Modifications may include the 1366  
 length of time during which land is considered to be within an 1367  
 agricultural district, size of the agricultural district ~~as well~~ 1368  
~~as, and~~ any provisions of sections 929.03 to 929.05 of the Revised 1369  
 Code. If the applicant disapproves of the modifications made by 1370  
 the legislative body, the applicant may withdraw the application 1371  
 to place the land in an agricultural district. In rejecting or 1372  
 modifying an application to place land in an agricultural 1373  
 district, the legislative body shall demonstrate that the 1374  
 rejection or modification is necessary to prevent a substantial, 1375  
 adverse effect on the provision of municipal services within the 1376  
 municipal corporation, efficient use of land within the municipal 1377  
 corporation, the orderly growth and development of the municipal 1378  
 corporation, or the public health, safety, or welfare. 1379

If an annexation petition is denied under section ~~709.03~~ 1380  
709.033 of the Revised Code, ~~or~~ if a legislative body fails to 1381  
 conduct a hearing in the time prescribed by this section, or if an 1382  
 application is approved, the application shall be deemed to have 1383  
 been approved and shall become effective as of the date the 1384  
 application was filed. An application approved with modifications 1385  
 shall become effective as of the date the application was filed 1386  
 unless the modification provides otherwise. 1387

The clerk of the legislative body shall notify the applicant 1388

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

(C) At any time after the first Monday in January and prior  
to the first Monday in March of the year during which an  
agricultural district terminates, the owner of land in the  
agricultural district may file a renewal application to continue  
the inclusion of all or part of the owner's land in an  
agricultural district for a period of time ending on the first  
Monday in April of the fifth year following the renewal  
application. The requirements for continued inclusion in the  
agricultural district and the renewal application procedure shall  
be the same as those required for the original application for  
placing land in an agricultural district. The county auditor shall  
notify owners of land in agricultural districts eligible to file a  
renewal application for continued inclusion in an agricultural  
district on or prior to the first Monday in February or the date  
upon which the county auditor notifies owners of land valued at  
agricultural use value for real property tax purposes of the  
necessity of filing a renewal application to continue valuing the  
land at agricultural use value. On or before the second Tuesday  
after the first Monday in March, the county auditor shall  
determine whether the owner of any land in an agricultural  
district eligible to file a renewal application failed to file a  
renewal application with respect to ~~such~~ that land and shall  
forthwith notify each ~~such~~ owner of the land by certified mail

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that unless a renewal application is filed prior to the first 1421  
Monday in April, the land will be removed from the agricultural 1422  
district upon its termination date. An approved renewal 1423  
application is effective on the termination date of the preceding 1424  
agricultural district. Failure of an owner to file a renewal 1425  
application prior to the first Monday in April of the year during 1426  
which the owner's agricultural district terminates shall not 1427  
prevent the owner from filing an application to include the 1428  
owner's land in an agricultural district. 1429

Land that is transferred to a new owner during the period in 1430  
which the land is an agricultural district shall continue in the 1431  
agricultural district under the terms of the existing district 1432  
unless the new owner elects to discontinue inclusion in the 1433  
agricultural district and files the election with the county 1434  
auditor within sixty days after the transfer. Failure of the new 1435  
owner to continue inclusion in the agricultural district for the 1436  
duration of the period in which the land is in the agricultural 1437  
district is withdrawal from an agricultural district subject to 1438  
penalty. 1439

(D) If, at any time during which land is in an agricultural 1440  
district, the owner withdraws the land from the district, the 1441  
owner shall notify the county auditor of the withdrawal and shall 1442  
pay to the county auditor a withdrawal penalty calculated as 1443  
follows: 1444

(1) If the owner's action also disqualifies the owner's land 1445  
for any tax savings that it had been receiving under sections 1446  
5713.30 to 5713.38 of the Revised Code, the owner shall pay a 1447  
percentage of the amount charged under section 5713.34 of the 1448  
Revised Code that is equal to the average bank prime rate at the 1449  
time the amount charged under that section is required to be paid. 1450  
The withdrawal penalty shall be in addition to the amount charged 1451  
under that section. 1452

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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.

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.

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.

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.

(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 application or renewal application for inclusion in the district if, at the time of annexation, its owner did not sign a petition



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favoring annexation under section 709.02 of the Revised Code ~~or~~ 1485  
~~vote for annexation in an election held in accordance with section~~ 1486  
~~709.17 of the Revised Code.~~ If its owner did sign a petition 1487  
favoring annexation ~~or vote for annexation~~, as provided in those 1488  
~~sections~~ that section, or if the owner who opposed annexation has 1489  
sold or transferred the land to another person who is keeping the 1490  
land in the agricultural district, the land shall be subject to 1491  
division (B) of this section at the time of any subsequent 1492  
application or renewal application for inclusion in the district. 1493

(F) The director of agriculture shall prescribe the 1494  
application and renewal forms required under this section and 1495  
shall furnish them to county auditors. In prescribing the forms, 1496  
the director shall consult with the tax commissioner to determine 1497  
if a single form can be developed for the purposes of this section 1498  
and section 5713.31 of the Revised Code. 1499

**Sec. 5705.31.** The county auditor shall present to the county 1500  
budget commission the annual tax budgets submitted ~~to him~~ under 1501  
sections 5705.01 to 5705.47 of the Revised Code, together with an 1502  
estimate prepared by ~~such~~ the auditor of the amount of any state 1503  
levy, the rate of any school tax levy as previously determined, 1504  
the tax commissioner's estimate of the amount to be received in 1505  
the county library and local government support fund, and such 1506  
other information as the commission requests or the tax 1507  
commissioner prescribes. The budget commission shall examine such 1508  
budget and ascertain the total amount proposed to be raised in the 1509  
county for the purposes of each subdivision and other taxing units 1510  
therein in the county. 1511

The commission shall ascertain that the following levies have 1512  
been properly authorized and, if so authorized, shall approve them 1513  
without modification: 1514

(A) All levies in excess of the ten-mill limitation; 1515

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

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

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

If a municipal corporation and a township have entered into an annexation agreement under section 709.192 of the Revised Code in which they agree to reallocate their shares of the minimum levies established under this division and if that annexation agreement is submitted along with the annual tax budget of both the township and the municipal corporation, then, when determining the minimum levy under this division, the auditor shall allocate,

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to the extent possible, the minimum levy for that municipal corporation and township in accordance with their annexation agreement. 1548  
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(E) The levies prescribed by section 3709.29 of the Revised Code. 1551  
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Divisions (A) to (E) of this section are mandatory and commissions shall be without discretion to reduce such minimum levies except as provided in such divisions. 1553  
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If any debt charge is omitted from the budget, the commission shall include it therein. 1556  
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Sec. 5705.315. With respect to annexations granted on or after the effective date of this section and during any tax year or years within which any territory annexed to a municipal corporation is part of a township, the minimum levy for the municipal corporation and township under section 5705.31 of the Revised Code shall not be diminished, except that in the annexed territory and only during those tax year or years, and in order to preserve the minimum levies of overlapping subdivisions under section 5705.31 of the Revised Code so that the full amount of taxes within the ten-mill limitation may be levied to the extent possible, the minimum levy of the municipal corporation or township shall be the lowest of the following amounts: 1558  
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(A) An amount that when added to the minimum levies of the other overlapping subdivisions equals ten mills; 1570  
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(B) An amount equal to the minimum levy of the municipal corporation or township, provided the total minimum levy does not exceed ten mills. 1572  
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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 1575  
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determined what minimum levy is available to each and no agreement 1578  
has been entered into by the municipal corporation and township, 1579  
the municipal corporation and township shall each receive one-half 1580  
of the millage available for use within the portion of the 1581  
territory annexed to the municipal corporation that remains part 1582  
of the township. 1583

**Section 2.** That existing sections 505.62, 709.02, 709.03, 1584  
709.032, 709.033, 709.04, 709.13, 709.14, 709.15, 709.19, 709.21, 1585  
929.02, and 5705.31 and sections 709.031, 709.07, 709.08, 709.09, 1586  
709.11, 709.16, 709.17, and 709.18 of the Revised Code are hereby 1587  
repealed. 1588

**Section 3.** The provisions of Section 1 of this act shall 1589  
apply only to annexation petitions filed on or after the effective 1590  
date of this act. All annexation petitions filed before the 1591  
effective date of this act shall be processed under the provisions 1592  
of Chapter 709. of the Revised Code in effect at the time a 1593  
particular petition was filed. 1594