

Appendix G

Procedural Checklist for Regular Annexations ORC 709.03, 709.031, 709.032, 709.033 Petitions Submitted By At Least 51% of Property Owners

Petition Number _____

Name of Agent _____

Agent's Address _____

Agent's Phone # _____

Agent's Fax # _____

Agent's E-mail _____

Municipality to Which Annexation Is Proposed _____

Township(s) Included In Proposed Annexation _____

Other County Included in Annexation _____

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
	Petition filed.	
Next regular session of board	Petition entered upon journal. (ORC 709.03 (A))	
Within 5 days after filing of petition	Referral of legal description/map/plat/ to county engineer. (ORC 709.031 (A))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
Within 5 days after filing of petition	Setting of hearing date. Hearing must be not less than 60 nor more than 90 days after petition is filed. (ORC 709.03 (A))	
Within 5 days after filing of petition	Notify agent of hearing date, time, and place. (ORC 709.03 (A))	
Within 10 days after completion of service of hearing notices to governmental bodies by agent	Filing of proof of service by agent that required notices to governmental bodies were sent. (ORC 709.03 (B) (1))	
Within 10 days after mailing of notice to property owners	Filing of notarized affidavit by agent that notices were sent to property owners by regular mail. (ORC 709.03 (B) (2))	
Within 10 days after notice is published in a newspaper by agent. If notice is published fewer than 10 days before hearing, proof of publication is filed at the hearing	Filing of proof of publication by agent. (ORC 709.03 (B) (3))	
At least 25 days before hearing	Filing of report by county engineer on accuracy of legal description/map/plat. (ORC 709.03 (A))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
Within 21 days after agent mails required notices	Notice(s) to clerk to withdraw signatures from petition by property owners. (ORC 709.03 (C))	
At least 20 days before hearing	Filing of municipal statement of services. (ORC 709.03 (D))	
Up to 15 days before hearing	Amendment to territory to be annexed by board with consent of agent. (ORC 709.031 (B))	
Immediately upon any amendment	Re-referral of legal description/map/plat to county engineer. (ORC 709.031 (B))	
At least 15 days before hearing	Request from township trustees or property owners to require proof that owners who signed the petition had authority to sign the petition. (ORC 709.031 (C))	
At least 15 days before hearing, unless affidavit is related to the owners' authority to sign the petition	Filing of affidavits. (ORC 709.032 (C))	
At least 7 days before hearing	Request for court reporter accompanied by deposit. (ORC 709.032 (B))	
Anytime	Request for transcription of record accompanied by an amount to cover the cost for transcription. (ORC 709.032 (B))	
Anytime	Issuance of subpoenas for witnesses or documents. (ORC 709.032 (B))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
On or before the hearing	Filing of report by county engineer on accuracy of re-referred legal description/map/plat if petition was amended. (ORC 709.031 (B))	
Between 60 and 90 days after petition was filed	County commissioners hearing. (ORC 709.03 (A) & ORC 709.032 (B))	
Any time before or at hearing	Filing of affidavits related to proving that an owner who signed the petition had the authority to sign the petition. (ORC 709.032 (C))	
At hearing	Owner who signed the petition may request that his/her signature be removed on basis of fraud, duress, or misrepresentation. (ORC 709.032 (D))	
Within 30 days after hearing	Board must adopt resolution granting or denying petition. Resolution must include specific findings of fact as to whether each condition listed in ORC 709.033 (A) (1) - (6) has been met. (ORC 709.033 (A) & (B))	
Immediately upon journalization of resolution	Clerk sends certified copy of resolution granting or denying the petition to municipality, township, other county, and agent. (ORC 709.033 (B))	
For 30 days following adoption of resolution granting or denying petition	Clerk takes no further action during a 30 day period during which an appeal to the common pleas court may be taken. (ORC 709.033 (B))	
IF no appeal has been filed within 30 days	If the petition was denied, clerk sends certified copy of resolution denying annexation to agent and clerk or	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
	<p>auditor of municipality to which annexation has been proposed. (ORC 709.033 (C) (2))</p> <p>If the petition was granted, clerk delivers a certified copy of the entire record of the annexation proceedings, all resolutions of the board, the petition and map/plat, and all other papers on file, including the recording of the proceedings and exhibits presented at the hearing to the auditor or clerk of legislative authority of municipality. (ORC 709.033 (C) (1))</p>	
IF appeal is filed in common pleas court	Appellant files time stamped notice of appeal to common pleas court with clerk. Notice operates as a stay of execution on clerk. (ORC 709.033 (D), ORC 709.07 (A) & (B))	
When common pleas court rules	Clerk of court of common pleas sends certified copy of common pleas court order to clerk. (ORC 709.07 (B))	
For the number of days allowed for an appeal to the court of appeals (30 days)	Clerk takes no further action during the period of time allowed for an appeal to the court of appeals. (ORC 709.07 (A) & Appellate Rule 4)	
IF appeal is filed in court of appeals	Appellant files a time stamped notice of appeal to the court of appeals with the clerk. Notice operates as a stay of execution on clerk. (ORC 709.033 (D) & ORC 709.07 (A) & (B))	
When court of appeals rules	Clerk of court of appeals sends a certified copy of court of appeals order to the clerk. (ORC 709.07 (B))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
For the number of days allowed for an appeal to the Supreme Court (45 days)	Clerk takes no further action during the period of time allowed for an appeal to the Supreme Court. (ORC 709.07 (A) & Supreme Court Rule II, Sec. 2 (A) (1))	
IF appeal is filed in court of appeals	Appellant files a time stamped copy of notice of appeal to the Ohio Supreme Court. Notice serves as a stay of execution on clerk. (ORC 709.033 (D) & ORC 709.07 (A) & (B))	
When Ohio Supreme Court rules	Clerk of Ohio Supreme Court sends certified copy of Supreme Court's order to Clerk. (ORC 709.07 (B))	
After final order by a court or expiration of time limit for additional appeals	If original resolution of board was to deny the petition and the court orders the board to grant the petition, the board must adopt a resolution granting the petition. (ORC 709.07 (C))	
	If the original resolution of the board was to approve the petition and the court orders the board to deny the petition, the board must adopt a resolution denying the petition. (ORC 709.07 (D))	
	Note: No resolution is required if court affirms the original action of the board.	
Immediately after a court's final order or adoption of board resolution granting or denying a petition	If petition is denied, clerk sends certified copy of resolution to municipality and agent. (ORC 709.033 (C) (2))	
	If petition was granted, clerk delivers certified copy of entire record of the annexation proceedings, all resolutions of the board, the petition and map/plat, and all other papers on file including the recording of the proceedings and exhibits presented at the hearing to the clerk of the legislative authority of the municipality. (ORC 709.033 (C) (1) & ORC 709.07 (C))	