

Appendix P

Procedural Checklist for Expedited Type 3 Annexations ORC 709.024

Petitions Submitted By All Property Owners For Undertaking A Significant Economic Development Project

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 the journal. (ORC 709.024 (B))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
Anytime	Filing proof of service by agent that notices to each governmental officer has been completed within 5 days after filing petition. Note: Proof of service is limited to governmental officers even through notices to adjacent property owners must be sent by regular first class mail. (ORC 709.024 (B))	
Within 20 days after filing of petition if a hearing is to be held. IF no hearing is to be held, must be filed before consideration by board.	Filing of municipal statement of services. (ORC 709.024 (C) (2))	
Within 30 days after filing of petition	Filing of ordinance or resolution by municipality or township(s) consenting or objecting to the annexation. If no ordinance or resolution is submitted within 30 days, it is presumed to be consent. (ORC 709.024 (C) (1))	
At next regular session of board IF both municipality and township(s) consent	<p>Board must adopt a resolution granting the petition. (ORC 709.024 (D))</p> <p>Note: If an objection is filed by either a municipality or any township, a hearing must be held at the next regular session of the board. The question that arises in this situation is: When is the hearing held if an objection is filed before the 30th day? One interpretation is that the date of the hearing must be at the next regular session of the board following the receipt of an objection. Another interpretation is that no hearing should be scheduled until after the expiration of the 30 day period even if an objection is filed prior to the 30th day. If the county prosecutor believes the second interpretation is correct, CCAO advises commissioners to schedule a “tentative hearing” for the first regular session of the board after the expiration of 35 days after the petition is filed. This would account for the 30 days during which objections could be filed and 5 days for the agent to provide notices. (ORC 709.024 (E))</p>	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
Immediately upon receipt of an objection to the petition by either municipality or township(s) OR at the expiration of 30 day period for filing objections (see note above)	Notification of agent of date, time, and place of hearing at next regular session of board. (ORC 709.024 (E))	
At next regular session of board IF either municipality or township(s) objects OR at at next regular session of board after expiration of 35 days from filing of petition (see note above)	Hearing on petition by board at regular session. (ORC 709.024 (E))	
Within 30 days after hearing	Board adopts a resolution granting or denying petition. Resolution must include specific findings of fact as to whether each condition listed in ORC 709.024 (F) (1) - (5) have been met. (ORC 709.024 (F))	
Immediately upon journalization of resolution granting the petition	Clerk delivers certified copy of entire record of annexation proceedings, all resolutions of the board, the petition, map, and all other papers or file, the recording of the proceeding, if available, and exhibits presented at the hearing to the auditor or clerk of municipality. (ORC 709.024 (D) & ORC 709.033 (C) (1))	
For a period of 30 days after adoption of a resolution denying the petition	Any owner of property who signed the petition may appeal denial of petition to common pleas court. (ORC 709.024 (G) & ORC 709.07 (A))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
IF appeal is filed in common pleas court	Appellant files notice of appeal to common pleas court with clerk. Notice operates as a stay of execution on clerk. (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 the 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 709.07 (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))	
For the number of days allowed for an appeal to the Ohio Supreme Court (45 days)	Clerk takes no further action during the period of time allowed for an appeal to the Ohio Supreme Court. (ORC 709.07 (A), Supreme Court Rule II, Sec. 2 (A) (1))	
IF appeal is taken to the Ohio Supreme Court	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 709.07 (A) & (B))	

Statutory Time Frame/Requirement	Description of Provision/Requirement	Date Received/ Completed
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 and expiration of time limit for additional appeals	If the court orders board to grant petition, the board must adopt a resolution granting the petition. (ORC 709.07 (C))	
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. Note: The law is silent on this issue; however, CCAO recommends it be done.	
	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 709.024 (F), ORC 709.033 (C) (1) & ORC 709.07 (C))	