

# Appendix Q

## Technical 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 \_\_\_\_\_

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
1	Deposit received. (ORC 709.014 (A))			
2	Fees received. (ORC 709.014 (A))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
3	Petition asks board to follow ORC 709.024. (ORC 709.021 & 709.024 (A))			
4	Petition includes signatures of all property owners in the area to be annexed. (ORC 709.021 (B))			
5	All signatures are of "owners" as defined in ORC 709.02 (E). Owners must be authorized to sign the petition and have title to property on date petition was filed. (ORC 709.02 (E))			
6	Each signature includes a date it was obtained, and no signature was obtained more than 180 days before petition was filed. (ORC 709.02 (C) (1))			
7	Petition includes accurate legal description of perimeter. (ORC 709.02 (C) (2))			
8	Petition includes accurate plat or map. (ORC 709.02 (C) (2))			
9	Petition includes name and address of agent for petitioners. (709.02 (C) (3))			
10	List of parcels in area to be annexed and adjacent territory that includes name of owner, mailing address of owner, and permanent parcel number was submitted with petition. (ORC 709.02 (D))			
11	Real estate is contiguous to municipality to which annexation is proposed. (ORC 709.021 (A))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
12	If land is located in more than one county, a majority of the acreage is within county of filing. (ORC 709.11)			
13	Petition entered on journal at next regular session of board after filing. (ORC 709.024 (B))			
14	Agent has filed proof of service that notices to governmental bodies has been completed. Note: While proof of service to adjacent property owners is not required, such notices must be sent by the agent by regular first class mail. (ORC 709.024 (B))			
15	Municipality has filed ordinance/resolution consenting or objecting to annexation. If not filed within 30 days after petition is filed, it is deemed consent. (ORC 709.024 (C) (1))			
16	Township has filed resolution consenting or objecting to annexation. If not filed with 30 days after petition is filed, it is deemed consent. (ORC 709.024 (C) (1))  Note: If no resolution objecting is filed, no hearing is required.			
17	The petition meets all the requirements set forth in and was filed in the manner provided in ORC 709.021. This is essentially a reconfirmation of items 3 and 6 - 11 of this checklist. (ORC 709.024 (F) (1))			
18	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. This is essentially a reconfirmation of items 4 & 5 of this checklist. (ORC 709.024 (F) (2))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
19	Municipality has agreed to assume street maintenance responsibility if a street is divided or segmented by a boundary line between a township and municipality so as to create a road maintenance problem. This agreement could be included in municipal ordinance/resolution under item #18 or by a separate ordinance/resolution. Not required if both municipality and township consent. (ORC 709.024 (F) (3))			
20	Municipal ordinance/resolution stating what services will be provided and an approximate date was filed within 20 days after receiving notice from the agent. If a hearing is to be held, statement must be filed at least 20 days before the hearing. (ORC 709.024 (C) (2) & ORC 709.024 (F) (4))			
21	Director of Development has certified that the property tax and payroll thresholds for significant economic development have been met. (ORC 709.024 (F) (5))			
22	IF hearing is required, clerk has notified agent for petitioners of date, time, and place of hearing at next regular session of board. (ORC 709.024 (E))			
23	IF hearing is required, agent has verified that notices to necessary parties and adjacent property owners was completed within 5 days of receiving notice of hearing from clerk. Note: This is not required specifically by law; however, CCAO recommends it be done. (ORC 709.024 (E))			
24	Board resolution granting or denying the petition has been adopted and entered on its journal within 30 days after hearing. The			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
25	<p>resolution must include specific findings of fact as to whether each of the conditions listed in ORC 709.024 (F) (1) - (5) has been met. (ORC 709.024 (F))</p> <p>If the annexation was granted, clerk has delivered certified copy of the entire record of the proceedings to the clerk or auditor of the municipality. The entire record includes all resolutions of the board, signed by a majority of the commissioners, the petition, map, all other papers on file, and the recording of the hearing, if available, and if one was held. (ORC 709.024 (F) &amp; ORC 709.033 (C) (1))</p> <p>If petition is denied, clerk should send a certified copy of resolution to the municipality and agent. Note: The law is silent on this issue; however, CCAO recommends it be done.</p>			
26	<p>IF AN APPEAL BY OWNER IS TAKEN FOR DENIAL OF PETITION</p> <p>Time stamped notice of appeal to common pleas court has been filed with the clerk. (ORC 709.07 (B))</p>			
27	<p>Clerk of common pleas court has sent certified copy of court order to commissioners clerk. (ORC 709.07 (B))</p>			
28	<p>Time stamped notice of appeal to court of appeals has been filed with clerk. Note: If time for appeal to court of appeals has expired, proceed to step 32 or 33. (ORC 709.07 (B))</p>			
29	<p>Clerk of court of appeal has sent a certified copy of court of appeals order to commissioners clerk. (ORC 709.07 (B))</p>			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
30	Time stamped notice of appeal to Ohio Supreme Court was filed with clerk. Note: If time for appeal to Ohio Supreme Court has expired, proceed to step 32 or 33. (ORC 709.07 (B))			
31	Clerk of Ohio Supreme Court has sent copy of Supreme Court order to clerk. (ORC 709.07 (B))			
32	<p>AFTER ALL APPEALS ARE EXHAUSTED</p> <p>If the decision of the highest reviewing court grants the petition and overturns the board's denial of that petition, the board adopts a resolution granting the annexation, and clerk has delivered certified copy of the entire record of the proceedings to the clerk or auditor of the municipality. The entire record includes all resolutions of the board, signed by a majority of the commissioners, the petition, map, all other papers on file, and the recording of the hearing, if available.</p>			
33	<p>If the decision of the highest reviewing court affirms the board's denial of the petition, the clerk should send a copy of the court's final order to the municipality and agent. Note: The law is silent on this issue; however, CCAO recommends it be done.</p>			