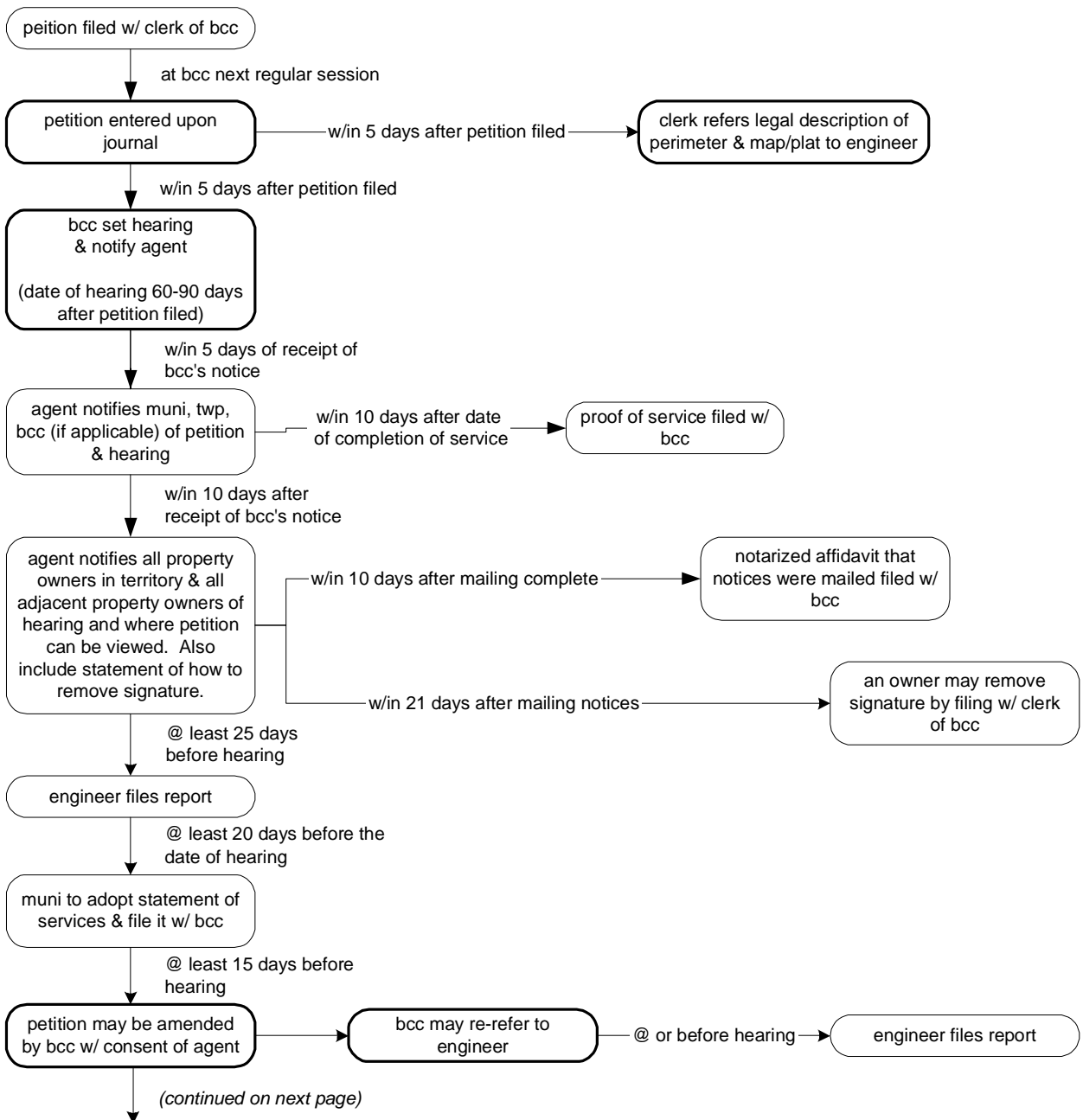


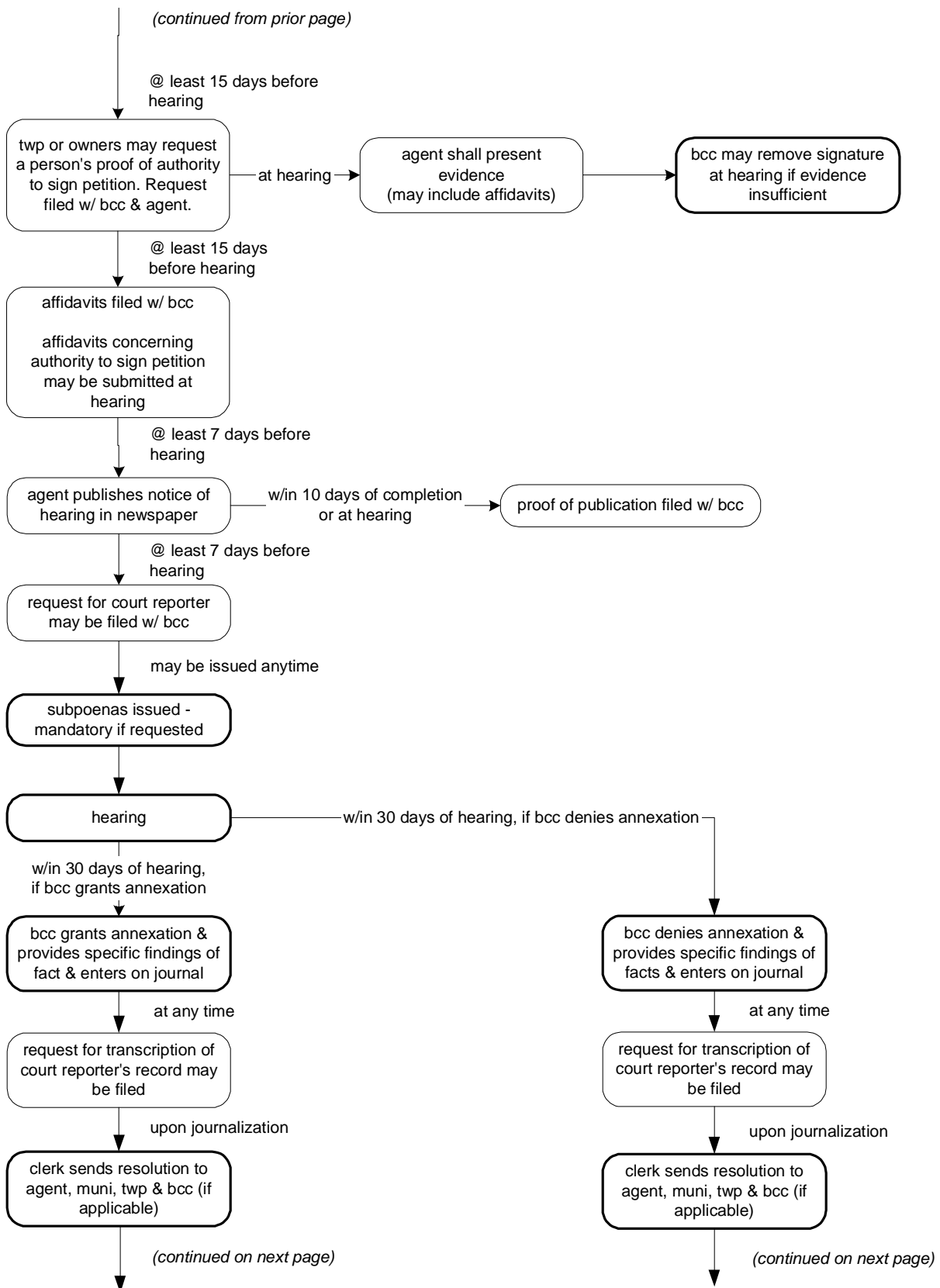
Appendix F

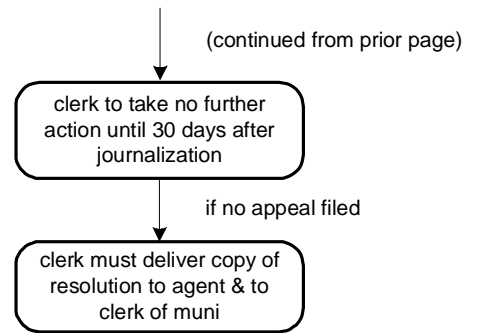
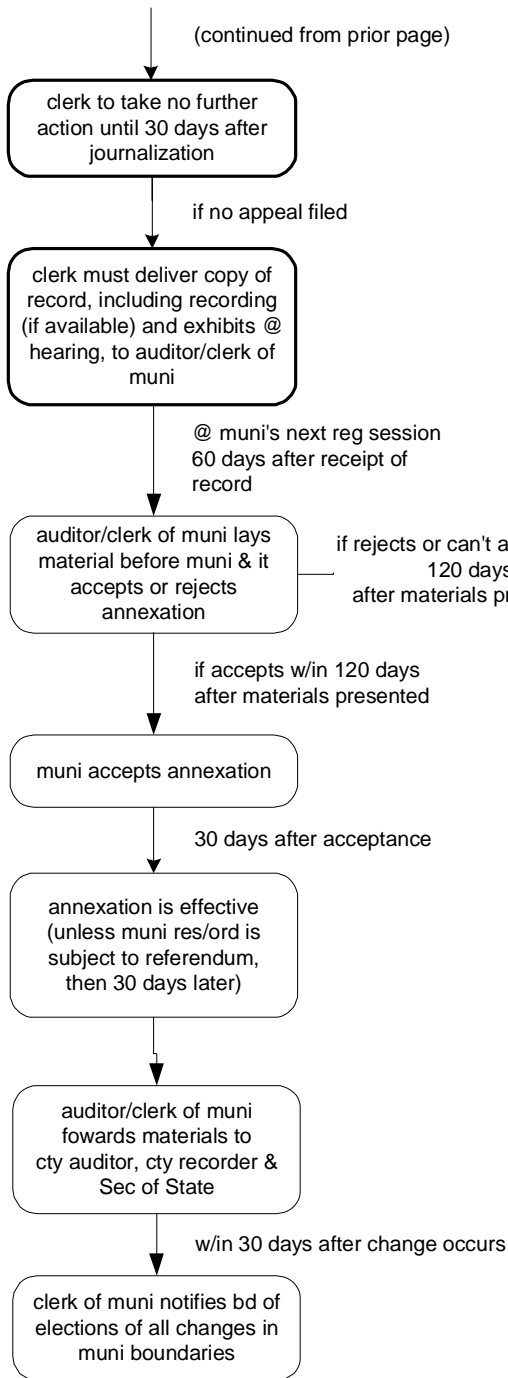
Procedural Flow Chart for Regular Annexations

ORC 709.03, 709.031, 709.032, 709.033

Petitions Submitted By At Least 51% of Property Owners







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))	

Appendix H

Technical Checklist for Regular Annexation ORC 709.03, 709.031, 709.032, 709.033 Petition Submitted By At Least 51% 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 _____

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
1	Deposit received. (ORC 709.014 (A))			
2	Fees received. (ORC 709.014 (A))			
3	Petition includes signatures of at least 51% of property owners in the area proposed to be annexed. (ORC 709.02 (C) (1))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
4	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))			
5	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))			
6	Petition includes accurate legal description of perimeter. (ORC 709.02 (C) (2))			
7	Petition includes accurate map or plat. (ORC 709.02 (C) (2))			
8	Petition includes name and address of agent for petitioners. (ORC 709.02 (C) (3))			
9	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))			
10	Real estate is contiguous to municipality to which annexation is proposed. (ORC 709.02 (A))			
11	If land is located in more than one county, majority of acreage in territory is within county of filing. (ORC 709.11)			
12	Petition entered on journal at first regular session of board after filing. (ORC 709.03 (A))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
13	Clerk has notified agent for petitioners of the date, time, and place of hearing. (ORC 709.03 (A))			
14	Agent has filed proof of service that notices to governmental bodies were sent within 10 days after completion. (ORC 709.03 (B) (1))			
15	Agent has filed notarized affidavit that notices to property owners were sent by regular mail within 10 days after mailing. (ORC 709.03 (B) (2))			
16	Agent has filed proof of service of publication of notice in newspaper within 10 days after publication. If published fewer than 10 days before hearing, must be filed at hearing. (ORC 709.03 (B) (3))			
17	County engineer has filed report on accuracy of legal description/map/plat at least 25 days before hearing. (ORC 709.031 (A))			
18	Notices to clerk from property owners to withdraw their signature from petition were filed within 21 days after agent mailed notices to property owners. (ORC 709.03 (C))			
19	Municipal ordinance/resolution stating what services will be provided and an approximate date was filed with the board at least 20 days before hearing. (ORC 709.03 (D))			
20	Agent has consented to any amendment to delete territory to be annexed from the petition by board up to 15 days before hearing. (ORC 709.031 (B))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
21	Affidavits have been filed at least 15 days before hearing, except as specified in item #27 below. (ORC 709.032 (C))			
22	Township trustees or owners have filed a request to require proof that owners who signed the petition had authority to sign at least 15 days before hearing. (ORC 709.031 (C))			
23	Request for a court reporter accompanied by a deposit was filed at least 7 days before hearing. (ORC 709.032 (B))			
24	Request was filed asking that record of hearing be transcribed. Note: While this request may be filed at any time, it is more likely that it will be filed later in the process. (ORC 709.032 (B))			
25	Request for subpoenas received or commissioners on their own initiative issue subpoenas. (ORC 709.032 (B))			
26	County engineer has filed report on accuracy of legal description/map/plat if territory was deleted by board as specified in item #20 above. (ORC 709.031 (B))			
27	Affidavits proving that a person had authority to sign petition were filed prior to or at hearing if request was filed as specified in item #22 above. (ORC 709.032 (C))			
28	Commissioners rule on challenges previously filed concerning the authority of a person to sign petition for other than a natural being or on validity of other signatures at hearing. (ORC 709.031 (C))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
29	Commissioners' order at hearing that a signature shall be removed from petition as a result of fraud, misrepresentation or undue influence. (ORC 709.032 (D))			
30	The petition meets all requirements set forth in and was filed in the manner provided in ORC 709.02. Note: This is essentially a reconfirmation that items 5 - 11 of this checklist have been met. (ORC 709.033 (A) (1))			
31	The persons 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 that territory. Note: This is essentially a reconfirmation that items 3 & 4 of this checklist have been met. (ORC 709.033 (A) (2))			
32	The municipality to which the territory is proposed to be annexed has complied with Division D of Section 709.03 of the ORC. Note: This is essentially a reconfirmation that item 19 of this checklist has been met. (ORC 709.033 (A) (3))			
33	The territory is not unreasonably large. (ORC 709.033 (A) (4))			
34	On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area (unincorporated territory within one-half mile from the territory proposed to be annexed) will outweigh the detriments to the territory proposed to be annexed and the surrounding area (unincorporated territory within one-half			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
	mile from the territory proposed to be annexed), if the annexation petition is granted. (ORC 709.033 (A) (5))			
35	Municipality has agreed to assume street maintenance or otherwise correct a road maintenance problem if a street is divided or segmented by boundary line between township and municipality that creates a road maintenance problem. This agreement could be included in municipal ordinance/resolution adopted under item #19 above or by a separate ordinance/resolution. (ORC 709.033 (A) (6))			
36	Board has adopted resolution granting or denying petition and entered it upon its journal. The 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 (B))			
37	Clerk has sent certified copy of resolution granting or denying the petition to municipality, township(s), agent, and other county upon journalization. (ORC 709.033 (B))			
	IF AN APPEAL IS TAKEN			
38	Time stamped notice of appeal to common pleas court has been filed with clerk. (ORC 709.07 (B))			
39	Clerk of common pleas court has sent certified copy of court order to commissioners clerk. (ORC 709.07 (B))			
40	Time stamped notice of appeal to court of appeals was filed with clerk. Note: If time for appeal has expired, proceed to steps 44 or 45 as applicable. (ORC 709.07 (B))			

No.	Technical Requirement	Yes	No	Comments/Explanation/Notes
41	Clerk of court of appeals has sent certified copy of court of appeals order to commissioners clerk. (ORC 709.07 (B))			
42	Time stamped notice of appeal to Ohio Supreme Court was filed with clerk. Note: If time for appeal to Supreme has expired, proceed to steps 44 or 45 as applicable. (ORC 709.07 (B))			
43	Clerk of Ohio Supreme Court has sent copy of Supreme Court order to commissioners clerk. (ORC 709.07 (B))			
44	Board has adopted resolution granting petition if its original action was denial and court orders annexation. (ORC 709.07 (C))			
45	Board has adopted resolution denying petition if its original action was approval and court orders annexation should not be granted. (ORC 709.07 (D))			
	IF AN APPEAL IS NOT TAKEN OR AFTER ALL APPEALS ARE EXHAUSTED			
46	Clerk sends certified copy of resolution denying petition to municipality and agent. (ORC 709.033 (C) (2))			
47	If the annexation is granted, clerk has delivered certified copy of the entire record of proceedings to clerk or auditor of municipality. The entire record includes all resolutions of the board signed by a majority of the commissioners, the petition, map, the recording of the hearing, and all other papers on file. (ORC 709.033 (C) (1) & ORC 709.07 (C))			