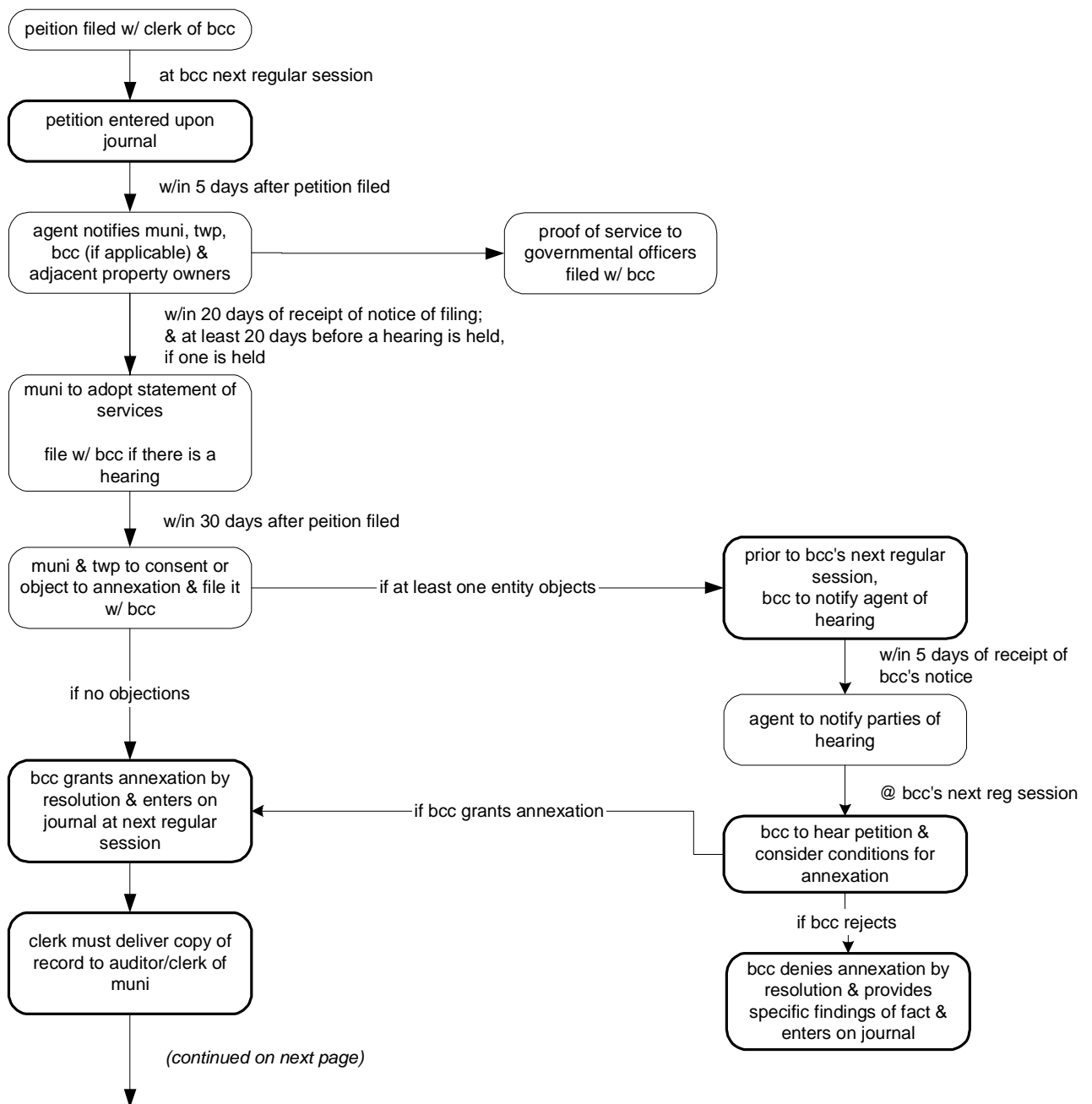


Appendix O

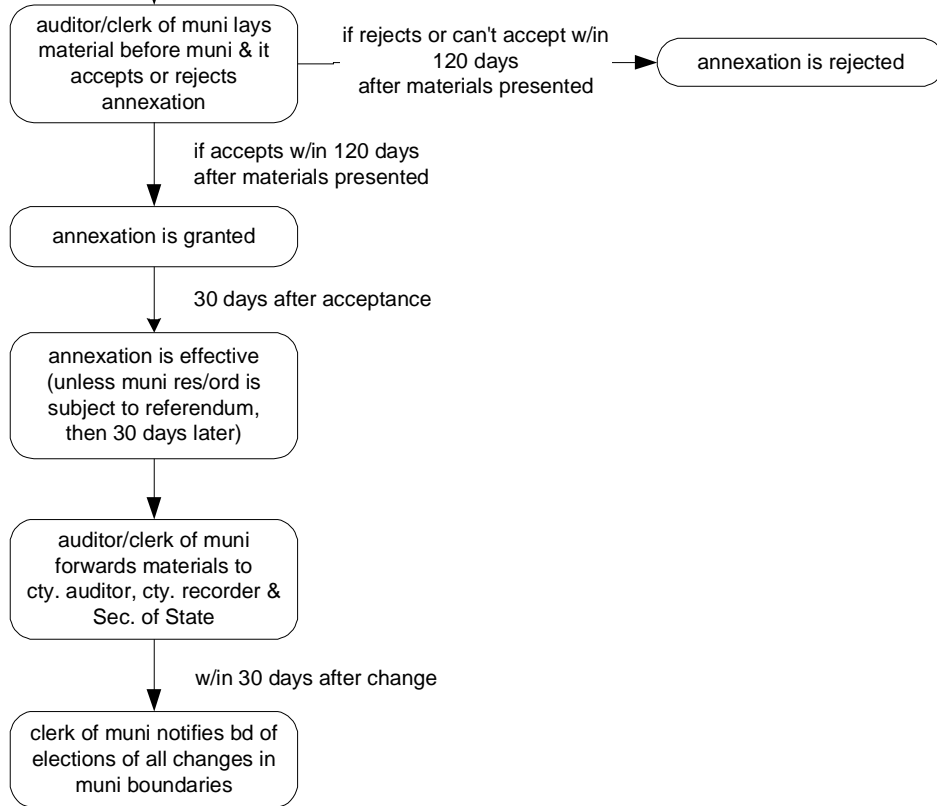
Procedural Flow Chart for Expedited Type 3 Annexations ORC 709.024

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



(continued from prior page)

@ muni's next reg session
60 days after receipt of
record



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))	

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) & 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))			
	AFTER ALL APPEALS ARE EXHAUSTED			
32	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.			
33	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.			