



# Ohio Legislative Service Commission

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## Bill Analysis

Bethany Boyd

### H.B. 50

129th General Assembly  
(As Introduced)

Reps. Snitchler, Burke, Murray, Schuring, Blessing

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### BILL SUMMARY

- Requires that a political subdivision holding a freehold estate in land be considered a landowner for purposes of complying with the expedited type II annexation procedure.
  - Requires that a political subdivision landowner be included in determining whether 100% of the landowners in territory proposed for annexation signed the petition for an expedited type II annexation.
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### CONTENT AND OPERATION

#### "Owner" and signature requirements for a type II annexation

The bill revises the expedited type II annexation procedure as it applies to political subdivisions that own land in territory proposed for annexation. Under the bill, a political subdivision that owns a freehold estate in land that is in the territory proposed for annexation must be considered an "owner" and must be included in determining the number of owners needed to sign a petition for annexation.<sup>1</sup> The type II annexation procedure requires that 100% of the owners of real estate in the unincorporated territory of a township that is proposed to be annexed sign the annexation petition. But, under current law, a political subdivision that owns land located in that territory is not considered to be an "owner" and must not be included in determining the number of owners needed to sign the petition *unless* an authorized agent of the political subdivision signs the petition. Thus, if an authorized agent of the political subdivision does not sign the petition, the political subdivision does not have authority to object to the annexation as a landowner. Under current law, a municipal

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<sup>1</sup> R.C. 709.02(E).

corporation or township may base an objection solely on the petition's failure to meet certain conditions, for example, whether the petition was filed properly.<sup>2</sup>

The political subdivisions to which the bill applies include townships, municipalities, counties, school districts, boards of education, all state and municipal universities, park boards, and any other entity whose ownership of real property would constitute public ownership.<sup>3</sup>

The bill does not change the "owner" definition or annexation petition signature requirements insofar as they pertain to the state. The bill merely restates the ownership and signature requirements that apply to the state for purposes of the expedited type II annexation procedure. It isolates the requirements that pertain to expedited type II annexation into separate clauses, in order to accommodate the changes pertaining to expedited type II annexation that specially apply to political subdivisions.<sup>4</sup>

### **Expedited type II annexations**

Enacted in 2002, the expedited type II annexation procedure is a special procedure for annexing no more than 500 acres of land in the unincorporated territory of a township into a municipal corporation. Unless otherwise provided in the annexation agreement or in a cooperative economic development agreement, the land annexed is not excluded from the township from which it is being annexed.

To initiate the expedited type II annexation procedure, 100% of the owners of real estate in the unincorporated territory of the township area proposed for annexation must sign the annexation petition. If the municipal corporation and the township of the territory being annexed agree to the annexation, the board of county commissioners must approve it. The procedure is expedited in that there is no hearing and no right to appeal, and a municipal corporation or township may only object to the failure of the petition to meet any of seven conditions specified in continuing law.

Given that the annexed territory becomes part of a municipal corporation, but also remains part of a township, land in the territory is subject to real property taxation by both political subdivisions. The residents of the annexed territory are residents of

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<sup>2</sup> R.C. 709.021, not in the bill, and 709.02(E).

<sup>3</sup> R.C. 5713.081, not in the bill.

<sup>4</sup> R.C. 709.02(E).



both the municipal corporation and the township, and are entitled to vote on officers, issues, and tax levies of both subdivisions.<sup>5</sup>

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## HISTORY

ACTION	DATE
Introduced	01-26-11

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<sup>5</sup> R.C. 709.021 and 709.023, not in the bill.



