

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 829

Representative Hall, T.

To amend sections 709.023 and 709.024 of the 1
Revised Code to halt an expedited type two or 2
three annexation upon objection of a township. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 709.023 and 709.024 of the 4
Revised Code be amended to read as follows: 5

Sec. 709.023. (A) A petition filed under section 709.021 6
of the Revised Code that requests to follow this section is for 7
the special procedure of annexing land into a municipal 8
corporation when, subject to division (H) of this section, the 9
land also is not to be excluded from the township under section 10
503.07 of the Revised Code. The owners who sign this petition by 11
their signature expressly waive their right to appeal in law or 12
equity from the board of county commissioners' entry of any 13
resolution under this section, waive any rights they may have to 14
sue on any issue relating to a municipal corporation requiring a 15
buffer as provided in this section, and waive any rights to seek 16
a variance that would relieve or exempt them from that buffer 17
requirement. 18

The petition circulated to collect signatures for the 19
special procedure in this section shall contain in boldface 20

capital letters immediately above the heading of the place for 21
signatures on each part of the petition the following: "WHOEVER 22
SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL IN 23
LAW OR EQUITY FROM THE BOARD OF COUNTY COMMISSIONERS' ENTRY OF 24
ANY RESOLUTION PERTAINING TO THIS SPECIAL ANNEXATION PROCEDURE, 25
ALTHOUGH A WRIT OF MANDAMUS MAY BE SOUGHT TO COMPEL THE BOARD TO 26
PERFORM ITS DUTIES REQUIRED BY LAW FOR THIS SPECIAL ANNEXATION 27
PROCEDURE." 28

(B) Upon the filing of the petition in the office of the 29
clerk of the board of county commissioners, the clerk shall 30
cause the petition to be entered upon the board's journal at its 31
next regular session. This entry shall be the first official act 32
of the board on the petition. Within five days after the filing 33
of the petition, the agent for the petitioners shall notify in 34
the manner and form specified in this division the clerk of the 35
legislative authority of the municipal corporation to which 36
annexation is proposed, the fiscal officer of each township any 37
portion of which is included within the territory proposed for 38
annexation, the clerk of the board of county commissioners of 39
each county in which the territory proposed for annexation is 40
located other than the county in which the petition is filed, 41
and the owners of property adjacent to the territory proposed 42
for annexation or adjacent to a road that is adjacent to that 43
territory and located directly across that road from that 44
territory. The notice shall refer to the time and date when the 45
petition was filed and the county in which it was filed and 46
shall have attached or shall be accompanied by a copy of the 47
petition and any attachments or documents accompanying the 48
petition as filed. 49

Notice to a property owner is sufficient if sent by 50
regular United States mail to the tax mailing address listed on 51

the county auditor's records. Notice to the appropriate 52
government officer shall be given by certified mail, return 53
receipt requested, or by causing the notice to be personally 54
served on the officer, with proof of service by affidavit of the 55
person who delivered the notice. Proof of service of the notice 56
on each appropriate government officer shall be filed with the 57
board of county commissioners with which the petition was filed. 58

(C) Within twenty days after the date that the petition is 59
filed, the legislative authority of the municipal corporation to 60
which annexation is proposed shall adopt an ordinance or 61
resolution stating what services the municipal corporation will 62
provide, and an approximate date by which it will provide them, 63
to the territory proposed for annexation, upon annexation. The 64
municipal corporation is entitled in its sole discretion to 65
provide to the territory proposed for annexation, upon 66
annexation, services in addition to the services described in 67
that ordinance or resolution. 68

If the territory proposed for annexation is subject to 69
zoning regulations adopted under either Chapter 303. or 519. of 70
the Revised Code at the time the petition is filed, the 71
legislative authority of the municipal corporation also shall 72
adopt an ordinance or resolution stating that, if the territory 73
is annexed and becomes subject to zoning by the municipal 74
corporation and that municipal zoning permits uses in the 75
annexed territory that the municipal corporation determines are 76
clearly incompatible with the uses permitted under current 77
county or township zoning regulations in the adjacent land 78
remaining within the township from which the territory was 79
annexed, the legislative authority of the municipal corporation 80
will require, in the zoning ordinance permitting the 81
incompatible uses, the owner of the annexed territory to provide 82

a buffer separating the use of the annexed territory and the adjacent land remaining within the township. For the purposes of this section, "buffer" includes open space, landscaping, fences, walls, and other structured elements; streets and street rights-of-way; and bicycle and pedestrian paths and sidewalks.

The clerk of the legislative authority of the municipal corporation to which annexation is proposed shall file the ordinances or resolutions adopted under this division with the board of county commissioners within twenty days following the date that the petition is filed. The board shall make these ordinances or resolutions available for public inspection.

(D) Within ~~twenty-five~~ sixty days after the date that the petition is filed, the legislative authority of the municipal corporation to which annexation is proposed and each township any portion of which is included within the territory proposed for annexation ~~may~~ shall adopt and file with the board of county commissioners an ordinance or resolution consenting or objecting to the proposed annexation. ~~An objection to the proposed annexation shall be based solely upon the petition's failure to meet the conditions specified in division (E) of this section.~~

~~If the municipal corporation and each of those townships timely files an ordinance or resolution consenting to the proposed annexation, the board at its next regular session shall enter upon its journal a resolution granting the proposed annexation. If, instead, the municipal corporation or any of those townships files an ordinance or resolution that objects to the proposed annexation, the board of county commissioners shall proceed as provided in division (E) of this section. Failure of the municipal corporation or any of those townships to timely file an ordinance or resolution consenting or objecting to the~~

~~proposed annexation shall be deemed to constitute consent by~~ 113
~~that municipal corporation or township to the proposed~~ 114
~~annexation.~~ 115

~~(E) Unless the petition is granted under division (D) of~~ 116
~~this section, not less than thirty or more than forty-five days~~ 117
~~after the date that the petition is filed,~~ (E) (1) If the 118
municipal corporation or one or more townships objects to the 119
proposed annexation, the board of county commissioners at its 120
next regular meeting shall enter upon its journal a resolution 121
that denies the petition and that states which entity or 122
entities object. 123

(2) If the municipal corporation and all involved 124
townships consent to the proposed annexation, the board of 125
county commissioners shall review it to determine if each of the 126
following conditions has been met: 127

~~(1)~~ (a) The petition meets all the requirements set forth 128
in, and was filed in the manner provided in, section 709.021 of 129
the Revised Code. 130

~~(2)~~ (b) The persons who signed the petition are owners of 131
the real estate located in the territory proposed for annexation 132
and constitute all of the owners of real estate in that 133
territory. 134

~~(3)~~ (c) The territory proposed for annexation does not 135
exceed five hundred acres. 136

~~(4)~~ (d) The territory proposed for annexation shares a 137
contiguous boundary with the municipal corporation to which 138
annexation is proposed for a continuous length of at least five 139
per cent of the perimeter of the territory proposed for 140
annexation. 141

~~(5)~~(e) The annexation will not create an unincorporated 142
area of the township that is completely surrounded by the 143
territory proposed for annexation. 144

~~(6)~~(f) The municipal corporation to which annexation is 145
proposed has agreed to provide to the territory proposed for 146
annexation the services specified in the relevant ordinance or 147
resolution adopted under division (C) of this section. 148

~~(7)~~(g) If a street or highway will be divided or segmented 149
by the boundary line between the township and the municipal 150
corporation as to create a road maintenance problem, the 151
municipal corporation to which annexation is proposed has agreed 152
as a condition of the annexation to assume the maintenance of 153
that street or highway or to otherwise correct the problem. As 154
used in this section, "street" or "highway" has the same meaning 155
as in section 4511.01 of the Revised Code. 156

(F) Not less than ~~thirty-sixty-five~~ or more than ~~forty-~~ 157
~~five-eighty~~ days after the date that the petition is filed, ~~if-~~ 158
~~the petition is not granted under division (D) of this section,~~ 159
the board of county commissioners, if it finds that each of the 160
conditions specified in division ~~(E)~~(E) (2) of this section has 161
been met, shall enter upon its journal a resolution granting the 162
annexation. If the board of county commissioners finds that one 163
or more of the conditions specified in division ~~(E)~~(E) (2) of 164
this section have not been met, it shall enter upon its journal 165
a resolution that states which of those conditions the board 166
finds have not been met and that denies the petition. 167

(G) If a petition is granted under division ~~(D) or~~ (F) of 168
this section, the clerk of the board of county commissioners 169
shall proceed as provided in division (C)(1) of section 709.033 170
of the Revised Code, except that no recording or hearing 171

exhibits would be involved. There is no appeal in law or equity 172
from the board's entry of any resolution under this section, but 173
any party may seek a writ of mandamus to compel the board of 174
county commissioners to perform its duties under this section. 175

(H) Notwithstanding anything to the contrary in section 176
503.07 of the Revised Code, unless otherwise provided in an 177
annexation agreement entered into pursuant to section 709.192 of 178
the Revised Code or in a cooperative economic development 179
agreement entered into pursuant to section 701.07 of the Revised 180
Code, territory annexed into a municipal corporation pursuant to 181
this section shall not at any time be excluded from the township 182
under section 503.07 of the Revised Code and, thus, remains 183
subject to the township's real property taxes. 184

(I) Any owner of land that remains within a township and 185
that is adjacent to territory annexed pursuant to this section 186
who is directly affected by the failure of the annexing 187
municipal corporation to enforce compliance with any zoning 188
ordinance it adopts under division (C) of this section requiring 189
the owner of the annexed territory to provide a buffer zone, may 190
commence in the court of common pleas a civil action against 191
that owner to enforce compliance with that buffer requirement 192
whenever the required buffer is not in place before any 193
development of the annexed territory begins. 194

(J) Division (C) (18) of section 718.01 of the Revised Code 195
applies to the compensation paid to persons performing personal 196
services for a political subdivision on property owned by the 197
political subdivision after that property is annexed to a 198
municipal corporation under this section. 199

Sec. 709.024. (A) A petition filed under section 709.021 200
of the Revised Code that requests to follow this section is for 201

the special procedure of annexing land into a municipal corporation for the purpose of undertaking a significant economic development project. As used in this section, "significant economic development project" means one or more economic development projects that can be classified as industrial, distribution, high technology, research and development, or commercial, which projects may include ancillary residential and retail uses and which projects shall satisfy all of the following:

(1) Total private real and personal property investment in a project shall be in excess of ten million dollars through land and infrastructure, new construction, reconstruction, installation of fixtures and equipment, or the addition of inventory, excluding investment solely related to the ancillary residential and retail elements, if any, of the project. As used in this division, "private real and personal property investment" does not include payments in lieu of taxes, however characterized, under Chapter 725. or 1728. or sections 5709.40 to 5709.43, 5709.45 to 5709.47, 5709.73 to 5709.75, or 5709.78 to 5709.81 of the Revised Code.

(2) There shall be created by the project an additional annual payroll in excess of one million dollars, excluding payroll arising solely out of the retail elements, if any, of the project.

(3) The project has been certified by the state director of development as meeting the requirements of divisions (A) (1) and (2) of this section.

(B) Upon the filing of the petition under section 709.021 of the Revised Code in the office of the clerk of the board of county commissioners, the clerk shall cause the petition to be

entered upon the journal of the board at its next regular 232
session. This entry shall be the first official act of the board 233
on the petition. Within five days after the filing of the 234
petition, the agent for the petitioners shall notify in the 235
manner and form specified in this division the clerk of the 236
legislative authority of the municipal corporation to which 237
annexation is proposed, the fiscal officer of each township any 238
portion of which is included within the territory proposed for 239
annexation, the clerk of the board of county commissioners of 240
each county in which the territory proposed for annexation is 241
located other than the county in which the petition is filed, 242
and the owners of property adjacent to the territory proposed 243
for annexation or adjacent to a road that is adjacent to that 244
territory and located directly across that road from that 245
territory. The notice shall refer to the time and date when the 246
petition was filed and the county in which it was filed and 247
shall have attached or shall be accompanied by a copy of the 248
petition and any attachments or documents accompanying the 249
petition as filed. 250

Notice to a property owner is sufficient if sent by 251
regular United States mail to the tax mailing address listed on 252
the county auditor's records. Notice to the appropriate 253
government officer shall be given by certified mail, return 254
receipt requested, or by causing the notice to be personally 255
served on the officer, with proof of service by affidavit of the 256
person who delivered the notice. Proof of service of the notice 257
on each appropriate government officer shall be filed with the 258
board of county commissioners with which the petition was filed. 259

(C) (1) Within ~~thirty~~sixty days after the petition is 260
filed, the legislative authority of the municipal corporation to 261
which annexation is proposed and each township any portion of 262

which is included within the territory proposed for annexation 263
~~may shall~~ adopt and file with the board of county commissioners 264
an ordinance or resolution consenting or objecting to the 265
proposed annexation. ~~An objection to the proposed annexation~~ 266
~~shall be based solely upon the petition's failure to meet the~~ 267
~~conditions specified in division (F) of this section. Failure of~~ 268
~~the municipal corporation or any of those townships to timely~~ 269
~~file an ordinance or resolution consenting or objecting to the~~ 270
~~proposed annexation shall be deemed to constitute consent by~~ 271
~~that municipal corporation or township to the proposed~~ 272
~~annexation.~~ 273

(2) Within twenty days after receiving the notice required 274
by division (B) of this section, the legislative authority of 275
the municipal corporation shall adopt, by ordinance or 276
resolution, a statement indicating what services the municipal 277
corporation will provide or cause to be provided, and an 278
approximate date by which it will provide or cause them to be 279
provided, to the territory proposed for annexation, upon 280
annexation. If a hearing is to be conducted under division (E) 281
of this section, the legislative authority shall file the 282
statement with the clerk of the board of county commissioners at 283
least twenty days before the date of the hearing. 284

~~(D) If all parties to the annexation proceedings consent~~ 285
~~the municipal corporation or one or more townships objects to~~ 286
~~the proposed annexation, a hearing shall not be held, and the~~ 287
board, at its next regular session, shall enter upon its journal 288
a resolution granting that denies the annexation and that states 289
which entity or entities object. There is no appeal in law or in 290
equity from the board's entry of a resolution under this 291
division. The clerk of the board shall proceed as provided in 292
division (C) (1) of section 709.033 of the Revised Code. 293

~~(E) Unless the petition is granted under division (D) of~~ 294
~~this section~~ If the municipal corporation and all involved 295
townships consent to the proposed annexation, a hearing shall be 296
held on the petition. The board of county commissioners shall 297
hear the petition at its next regular session and shall notify 298
the agent for the petitioners of the hearing's date, time, and 299
place. The agent for the petitioners shall give, within five 300
days after receipt of the notice of the hearing from the board, 301
to the parties and property owners entitled to notice under 302
division (B) of this section, notice of the date, time, and 303
place of the hearing. Notice to a property owner is sufficient 304
if sent by regular United States mail to the tax mailing address 305
listed on the county auditor's records. At the hearing, the 306
parties and any owner of real estate within the territory 307
proposed to be annexed are entitled to appear for the purposes 308
described in division (C) of section 709.032 of the Revised 309
Code. 310

(F) Within thirty days after a hearing under division (E) 311
of this section, the board of county commissioners shall enter 312
upon its journal a resolution granting or denying the proposed 313
annexation. The resolution shall include specific findings of 314
fact as to whether or not each of the conditions listed in this 315
division has been met. If the board grants the annexation, the 316
clerk of the board shall proceed as provided in division (C) (1) 317
of section 709.033 of the Revised Code. 318

The board shall enter a resolution granting the annexation 319
if it finds, based upon a preponderance of the substantial, 320
reliable, and probative evidence on the whole record, that each 321
of the following conditions has been met: 322

(1) The petition meets all the requirements set forth in, 323

and was filed in the manner provided in, section 709.021 of the Revised Code. 324
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(2) 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. 326
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(3) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or if the street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway. For the purposes of this division, "street" or "highway" has the same meaning as in section 4511.01 of the Revised Code. 330
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(4) The municipal corporation to which the territory is proposed to be annexed has adopted an ordinance or resolution as required by division (C) (2) of this section. 338
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(5) The state director of development has certified that the project meets the requirements of divisions (A) (1) and (2) of this section and thereby qualifies as a significant economic development project. The director's certification is binding on the board of county commissioners. 341
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(G) An owner who signed the petition may appeal a decision of the board of county commissioners denying the proposed annexation under section 709.07 of the Revised Code. No other person has standing to appeal the board's decision in law or in equity. If the board grants the annexation, there shall be no appeal in law or in equity. 346
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(H) Notwithstanding anything to the contrary in section 352

503.07 of the Revised Code, unless otherwise provided in an 353
annexation agreement entered into pursuant to section 709.192 of 354
the Revised Code or in a cooperative economic development 355
agreement entered into pursuant to section 701.07 of the Revised 356
Code, territory annexed into a municipal corporation pursuant to 357
this section shall not at any time be excluded from the township 358
under section 503.07 of the Revised Code and, thus, remains 359
subject to the township's real property taxes. 360

(I) A municipal corporation to which annexation is 361
proposed is entitled in its sole discretion to provide to the 362
territory proposed for annexation, upon annexation, services in 363
addition to the services described in the ordinance or 364
resolution adopted by the legislative authority of the municipal 365
corporation under division (C) (2) of this section. 366

Section 2. That existing sections 709.023 and 709.024 of 367
the Revised Code are hereby repealed. 368

Section 3. The changes to annexation proceedings under 369
sections 709.023 and 709.024 of the Revised Code as amended by 370
this act apply only to an annexation for which the petition is 371
filed on or after the effective date of this section. 372