

SANDUSKY COUNTY ANNEXATION GUIDELINES

GENERAL

These "Annexation Standards for Sandusky County" (hereinafter referred to as "These Standards") shall be applicable to all proposed annexations within Sandusky County.

The purpose of These Standards is to assure that each annexation is accompanied by an accurate plat and description to concisely define the property being annexed. These Standards shall be the minimum requirements. Whenever these provisions are different from the requirements of other lawfully adopted regulations, the more restrictive rule or higher standard shall govern.

ANNEXATION STANDARDS

Each proposed annexation shall be accompanied with a survey plat and description that shall conform to the "Minimum Standards for Boundary Surveys in the State of Ohio" as found in Chapter 4733-37 of the Ohio Administrative Code in addition to the following:

Legal Description

1. The description shall be written using a metes and bound format and shall follow existing or proposed property lines.
2. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
3. Each course must indicate all other common lines such as centerlines of roads, right-of-way lines, rivers, streams, lot lines, section lines, or any other pertinent line of record.
4. The acreage cited must be to the nearest one-thousandth of an acre.

Plat

1. Boundary lines of the property to be annexed must be a bolder line and distinguishable from other lines.
2. Name(s) of owner including adjoining owners and the deed book and page where recorded.
3. If part of a subdivision, the name of the subdivision, plat book and page where recorded.

NOTE: A survey may not be required if the property for annexation is comprised of a lot(s) within a subdivision of which the plat has previously been approved by the Sandusky County Engineer.

4. Existing corporation lines must be distinguishable from other lines.
5. Each course must indicate all other common lines such as centerlines of roads along with right-of-way widths, rivers, streams, lot lines, section lines, or any other pertinent line of record.
6. Sufficient mathematical data shall be given for each curved line so that the curve can be reproduced without ambiguity.
7. The acreage cited must be to the nearest one-thousandth of an acre.
8. The following required statements and signatures must be affixed on the annexation plat:

Filed _____
The Board of County Commissioners Sandusky County

Clerk

Adopted by the Council of the _____
City or Village
of _____, Ohio

Ordinance No. _____ Dated _____

Clerk of Council

Lots numbers as adopted by Council.

This _____ day of _____, 20____,

Sandusky County Auditor

Annexation approved by the Board of County Commissioners, Sandusky County, omit Ohio on

_____, 20____,

Received for record this _____ day of _____, 20____,

At _____ M. and recorded _____, 20____ in

Sandusky County Official Record Book _____ Page _____ and fees of \$_____

collected.

Record of proceedings recorded in Official Record Book _____ Page _____ at

_____, M., this _____ day of _____, 20____.

Sandusky County Recorder

Five Different Types of Annexation

Regular Annexation - Petitions by at least 51% of the property owners within the territory proposed to be annexed.

Expedited Type 1 Annexation - Petitions by all of the property owners within the territory proposed to be annexed, with consent of the municipality and township(s), as evidenced by either an annexation agreement or a cooperative economic development agreement (CEDA) being submitted with the petition.

Expedited Type 2 Annexation - Petitions by all of the property owners within the territory proposed to be annexed with or without the consent of the municipality and township(s). The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement or a CEDA.

Expedited Type 3 Annexation - Petitions by all of the property owners within the territory proposed to be annexed for the purpose of undertaking a significant economic development project. The territory proposed to be annexed is not to be excluded from the township(s), unless otherwise provided by an annexation agreement or a CEDA.

Annexation by Petition of a Municipality for Municipal, County, or State-Owned Land - Petitions by a municipality to annex municipal, county, or state-owned land that is contiguous to the municipality. The territory to be annexed is not to be excluded from the township(s)

Petition

The following should be included when submitting a petition for any type of annexation.

- a. A letter requesting the annexation with the name of a person or persons to act as the agent for the petitioners. The agent may be an official, employee, or agent of the municipality to which annexation is proposed. (see petition and application)
 - b. The person signing the petition or the person circulating the petition must write the date the signature was made next to the owner's name.
 - c. Signatures obtained more than 180 days before the petition is filed are not counted in determining whether the petition contains a majority of the property owners.
 - d. An accurate legal description of the property that meet the standards noted above.
 - e. Two copies of an accurate Plat that meet the standards noted above.
1. When submitting a petition for a **regular annexation** the following must be included.
 - a. The signatures of at least a majority of the **property owners** within the area proposed to be annexed. (The persons signing the petition **must** be the owners of the property as of the date the petition is filed)
 - b. A list of all tracts, lots, or parcels in the territory proposed to be annexed and those located adjacent to the territory. The list is to include the name and mailing address of the owner and the permanent parcel number from the county auditors permanent parcel numbering system for each tract, lot, or parcel.
 2. When submitting a petition for an **Expedited Type 1** annexation the following must be included
 - a. A letter requesting an Expedited Type 1 annexation. The petition must specifically request the board follow ORC 709.022.
 - b. The petition circulated must contain the following notice in boldface capital letters immediately above the heading of the place for signatures on each part of the petition.
"WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD'S DECISION IN THIS MATTER IN LAW OR IN EQUITY."
Must have the signatures of all the **property owners** within the area proposed to be annexed. (The persons signing the petition must be the owners of the property as of the date the petition is filed)
 - c. Must present a certified copy of either an annexation agreement or a cooperative economic development agreement (CEDA) that has been executed between the township(s) and the municipality that is current and shows consent of the municipality which annexation is proposed, each township, any portion of which is included within the territory proposed to be annexed, and the agent for the petitioners.
 - d. A list of all tracts, lots, or parcels in the territory proposed to be annexed and those located adjacent to the territory. The list is to include the name and mailing address of the owner and the permanent parcel number from the county auditors permanent parcel numbering system for each tract, lot, or parcel.

3. When submitting a petition for an **Expedited Type 2** annexation the following must be included
 - a. A letter requesting an Expedited Type 2 annexation. The petition must specifically request the board follow ORC 709.023.
The petition circulated must contain the following notice in boldface capital letters immediately above the heading of the place for signatures on each part of the petition.
“WHOEVER SIGNS THIS PETITION EXPRESSLY WAIVES THEIR RIGHT TO APPEAL ANY ACTION ON THE PETITION TAKEN BY THE BOARD OF COUNTY COMMISSIONERS. THERE ALSO IS NO APPEAL FROM THE BOARD’S DECISION IN THIS MATTER IN LAW OR IN EQUITY.”
 - b. Must have the signatures of all the **property owners** within the area proposed to be annexed. (The persons signing the petition must be the owners of the property as of the date the petition is filed)
 - c. Must present either an annexation agreement or a cooperative economic development agreement that has been executed between the township(s) and the municipality. ** Under a Type 2 Annexation the territory to be annexed may not, at any time, be withdrawn or excluded from the township(s) pursuant to ORC 503.07, unless an alternative is provided by either an annexation agreement or a CEDA
 - d. A list of all tracts, lots, or parcels in the territory proposed to be annexed and those located adjacent to the territory. The list is to include the name and mailing address of the owner and the permanent parcel number from the county auditors permanent parcel numbering system for each tract, lot, or parcel.
4. When submitting a petition for an Expedited Type 3 annexation the following must be included
 - a. A letter requesting an Expedited Type 3 annexation. The petition must specifically request that the board follow ORC 709.024.
 - b. Must have the signatures of all the **property owners** within the area proposed to be annexed. (The persons signing the petition must be the owners of the property as of the date the petition is filed)
 - c. A list of all tracts, lots, or parcels in the territory proposed to be annexed and those located adjacent to the territory. The list is to include the name and mailing address of the owner and the permanent parcel number from the county auditors permanent parcel numbering system for each tract, lot, or parcel.
5. Annexation by Petition of a Municipality for Municipal, County, or State-Owned Land.
This type of petition is initiated by a municipality.
 - a. The petition must set forth that under an ordinance of the municipality the territory described in the petition was authorized to be annexed.

Procedure

***** This checklist must be submitted with the petition, plat, description, and signatures *****

When presenting a petition for consideration the aforementioned documents need to be prepared for submittal and validated for accuracy. Please attest to the following when submitting your petition.

- Enclosed is a letter requesting the annexation with the name of a person or persons to act as the agent for the petitioners.
- I have conducted a property search on the Sandusky County Auditors page, and to the best of my knowledge, the signatures of the property owners attached within the area proposed to be annexed are the owners of the property as of the date this petition is being filed.
- I attest the person(s) signing the petition or the person circulating the petition wrote the date the signature was made next to the owner's name.
- Signatures on the petition were obtained within 180 days of filing this petition.
- The legal description has been reviewed and approved by the Sandusky County Tax Map Office and is an accurate legal description of the property that meets the standards required for the annexation.

_____ Signature, Sandusky County Tax Map

- The plat has been reviewed by the Sandusky County Engineer and the two copies submitted are an accurate plat and meet the standards. The plat has been reviewed by the Sandusky County Engineer and meets all recording requirements.

_____ Signature, Sandusky County Engineer

- The legal description and the plat has been reviewed by the Sandusky County Recorder and meets all recording requirements.

_____ Signature, Sandusky County Recorder

I have reviewed the Annexation Standards set by the Sandusky County Board of Commissioners and hereby submit my petition and request for annexation. To the best of my knowledge the information submitted is accurate and meets the standards required.

Printed Name of Agent for the Petitioner(s)

Signature

Petition excepted by (printed name)

Signature

Date

ANNEXATION RESPONSIBILITIES AND DUTIES
Regular Annexation

Commissioner's office duties

1. After a petition is filed, the Clerk to the Board shall cause the petition to be entered upon the journal of the board at its NEXT regular session.
2. Within five days after the petition is filed the Legal Description of perimeter and map/plat goes to the Engineer, Recorder, Prosecutor, Township Trustees, Municipality, Auditor Tax Map, Regional Planning and EMA/911.
3. Within five days after petition is filed hearing date is set and agent is notified of such (date of hearing 60-90 days after petition is filed)
4. At least twenty-five (25) days before the hearing the Engineer files a report with the Commissioners.
5. If an annexation agreement is not in place with the Township the Municipality should adopt a statement of service and file it with the Commissioners.
6. Within thirty (30) days of the hearing Commissioners grant the annexation and provide specific findings of fact and enter on journal.
7. Upon journalization Clerk sends resolution to agent, Municipality and Township (no further action until thirty (30) days after journalization)
8. If no appeal is filed, Clerk must deliver copy of record, including recording (if available) and exhibits @ hearing, to auditor/clerk of Municipality.

Agent for the petitioner or petitioner duties

1. Complete petition letter, gather signatures, complete and verify legal description and plat, complete and sign the procedure checklist and obtain a list of all the tracts, lots or parcels in the territory proposed to be annexed.
2. File the petition and all documentation required to be submitted according to the Sandusky County Annexation Guidelines along with procedure checklist.
3. Once notified of the date and time of the hearing, agent must serve notice to governmental bodies and send property owners notice via regular mail.
4. Within ten days after completion of service of hearing notices to governmental bodies, agent must file proof of service that the required notices were sent.
5. Within ten days after mailing notices to property owners, agent must file a notarized affidavit that notices were sent to property owners.
6. Notice of the date and time of the hearing must be published in a newspaper and within ten days after the notice is published the agent must file proof of the publication.
7. Attend the hearing and be prepared to answer questions and validate documents presented for the annexation.

Auditor / Clerk of Municipality duties

1. At Municipality's next regular session sixty days after receipt of record, Auditor/clerk of Municipality lays material before Municipality and it accepts or rejects annexation.
2. Municipality accepts annexation. Thirty (30) days after acceptance, annexation is effective (unless Municipality ordinance is subject to referendum then 30 days later).
3. Per ORC Section 709.06, the Auditor or Clerk of the Municipality shall make three copies containing the petition, the map or plat accompanying the petition, a transcript of the proceeding of the Board of County Commissioners, and resolutions and ordinances in relation to the annexation, with certificate to each copy that it is correct. Such certificate shall be signed by the Auditor or Clerk in the Auditor's or Clerk's official capacity and shall be authenticated by the seal for the municipal corporation if there is any. The Auditor or clerk shall forthwith deliver one such copy to the County Auditor and one such copy to the County Recorder, who shall record it in the official records. The other copy shall be forwarded by the auditor or clerk to the Secretary of State.
4. Auditor or Clerk of Municipality notifies board of election of all changes in Municipality boundaries.

***** Consult your legal advisor or solicitor with questions**

ANNEXATION RESPONSIBILITIES AND DUTIES
Expedited Type 1 Annexation

Agent for the petitioner or petitioner duties

1. Complete petition letter, gather signatures, complete and verify legal description and plat and obtain a list of all the tracts, lots or parcels in the territory proposed to be annexed.
2. File the petition and all documentation required to be submitted according to the Sandusky County Annexation Guidelines along with procedure checklist.

Commissioner's office duties

1. After a petition is filed and includes annexation agreement or cooperative economic development agreement (CEDA) the Board of Commissioners shall grant the annexation and enter it on the journal.
2. Clerk must deliver copy of record to auditor/clerk of Municipality.

Auditor / Clerk of Municipality duties

1. At Municipality's next regular session sixty days after receipt of record, Auditor/clerk of Municipality lays material before Municipality and it accepts or rejects annexation.
2. Municipality accepts annexation. Thirty (30) days after acceptance, annexation is effective (unless Municipality ordinance is subject to referendum then 30 days later).
3. Auditor/clerk of Municipality forwards materials to County Auditor, County Recorder and Secretary of State.
4. Clerk of Municipality notifies board of election of all changes in Municipality boundaries.