



Legislation Text

File #: 1483-2021, **Version:** 1

BACKGROUND: Portions of Perry Township were annexed to Columbus from 2002 to the present using the Expedited Type Two annexation petition process. The Expedited Type Two process, outlined in the Ohio Revised Code, does not generally allow municipalities to conform the boundaries of newly annexed territory. As a consequence, annexed lands remain in the township even though they have been annexed by the City - thereby having a "dual" status with respect to such things as tax obligations and elections. An exception to the boundary conformance prohibition is permitted (ORC 709.023(H)) if an annexation agreement between the municipality and township addresses the matter.

A 2020 annexation agreement between the City and Township states parcels identified in the agreement with a dual status shall be resolved through exclusion from Perry Township and conformed to Montgomery Township. The Perry Township Trustees support conformance of these areas as well as conformance of all future annexations by Columbus.

In order to fulfill the requirements of the 2020 annexation agreement to conform boundaries of parcels identified in the agreement (see Attachment A and B), this legislation authorizes the Director of the Department of Development to submit a petition to the Board of Franklin County Commissioners to undertake boundary conformance for those areas annexed from 2002 to present under the Expedited Type Two process and identified in the agreement as "Conform". Boundary conformance to Columbus involves the extension of Montgomery Township's boundaries to incorporate the subject areas. This and future petitions will be filed in accordance with Section 503.07 of the Ohio Revised Code.

FISCAL IMPACT: No funding is required for this legislation.

Emergency Justification: This ordinance is presented as emergency so that boundary lines can be congruent with the annexation agreement.

To authorize the Director of the Development Department to submit a petition to the Board of County Commissioners of Franklin County requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines identical with the corporate limits of the city of Columbus in certain portions of Perry Township pursuant to the Annexation Agreement; and to declare an emergency.

WHEREAS, portions of Perry Townships were annexed to Columbus from 2002 to the present using the Expedited Type Two annexation petition process; and

WHEREAS, this process does not generally allow municipalities to conform the boundaries of newly annexed territory, resulting in annexed territory having a "dual" status of being within both the City and Township; and

WHEREAS, a 2020 annexation agreement between the City of Columbus and Perry Township states parcels with a dual status identified in the agreement as "Conform" shall be resolved through exclusion from Perry Township and conformed to Montgomery Township, and

WHEREAS, the Trustees of Perry Township are desirous of having Columbus conform the boundaries of past annexations identified in the 2020 annexation agreement and all future annexations in order to exclude Perry from such area, and

WHEREAS, the parcels identified for boundary conformance in the 2020 annexation agreement between the City of Columbus and Perry Township are designated Conform to Columbus on Attachment A (red cross hatch) and designated Conform on Attachment B in the annexation agreement, and

WHEREAS, Columbus boundary conformance requires the extension of Montgomery Township boundaries to match those of the City with such action requiring approval by the Board of Franklin County Commissioners; and

WHEREAS, an emergency exists in the usual daily operation of the Department of Development in that it is immediately necessary to authorize the Director to submit a petition to the Board of County Commissioners of Franklin County requesting a change in the boundary lines of Montgomery Township so as to make the boundary lines identical with the corporate limits of the city of Columbus in certain portions of Perry Township pursuant to the annexation agreement; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That pursuant to the provisions of ORC Section 503.07 the Director of Development is hereby authorized and directed on behalf of the city of Columbus to present to the Board of Franklin County Commissioners, a petition requesting such changes to the boundary lines of Montgomery Township so that said township may include that portion of Perry Township which has, by order of the Board of Franklin County Commissioners, been annexed to the city of Columbus using the Expedited Type Two annexation process, so as to make the boundary lines of Montgomery Township co-extensive with the corporate limits of the said city of Columbus in accordance with the maps attached to said petition.

Section 2. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or ten days after passage if the Mayor neither approves nor vetoes the same.