

This is a "Regular" annexation filed pursuant to R.C. 709.02. Regular annexations only require that a simple majority of the owners sign the Petition.

The standard to be followed and the six factors to be considered by the Board when determining whether or not to grant an annexation petition are provided in R.C. 709.033. Of the six factors, the Board may only exercise discretion in two of the factors:

1. On balance, the general good of the territory proposed to be annexed will be served, and the benefits to the territory proposed to be annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area, if the annexation petition is granted.
2. The territory to be annexed cannot be unreasonably large.

The Board must determine whether the general good of the territory sought to be annexed will be served. The Board's determination of good or detriment is strictly limited to the territory to be annexed and the surrounding one-half mile. The general good includes both the desires of the property owners and ability of the municipality to provide adequate services to the annexed territory.

As required by R.C. 709.03(D), the Williamsburg Village Council adopted a Service Ordinance indicating what services the Village will be providing to the property owners upon annexation including most importantly and crucially, sanitary sewers. The Village has an Ordinance that forbids the extension of the village's sewer system to property outside the Village corporation limits. Five of the six

owners have signed affidavits indicating their desire to be annexed chiefly so that they can access the Village's sewage system which they will not be able to do if the annexation is not granted. Upon annexation, the Village's sanitary sewage system will be accessible by all the annexed owners. All the signers of the Petition signed Pre Annexation Agreements whereby the property owners are contractually bound to seek annexation of their property to the Village and the Village is contractually bound to extend the Village's sewer system to the owners.

Regarding the unreasonably large consideration.

Our Court of Appeals in *Deerfield Township Board of Trustees v. Bayshore*, set forth the following three factors to consider when determining whether an annexation is unreasonably large:

1. the geographic character, shape, and size of the territory to be annexed; and,
2. the ability of the municipality to provide the necessary municipal services; and,
3. the effect on the remaining township property if the annexation is permitted.

The property to be annexed shares the same geographic character of the Village. The shape is not unusual. If size alone were the determinative factor, six acres would clearly not be considered unreasonably large. However, the determination of whether an annexation is unreasonably large is not based solely on the size of the territory to be annexed. Even a relatively small annexation such as the one here could be considered unreasonably large if the annexing municipality was not able to show that it could adequately service the territory upon annexation. Again, as I have previously indicated, that clearly is not the case here.

Even if the annexation is small in size, as is the case here, and the municipality can adequately service the territory, as is the case here, the annexation could still be said to be unreasonably large if the reduction in township tax revenue caused by the annexation is so staggering as to threaten the township's ability to continue to function as a viable entity. Once again, that clearly is not the case here. The loss of six acres will have absolutely no negative impact on the township. In fact, the Township will benefit since it will no longer be responsible for providing services to the property.

It is clear that the Village of Williamsburg can more than adequately service the territory upon annexation and that the annexation will not have any adverse impact on the area to be annexed, the surrounding one-half mile, or the remaining Township.

In 1998, the Supreme Court in *City of Middletown v. McGee* restated the long-standing policy in Ohio that annexation by municipalities of adjacent territory is to be encouraged. Despite decades of intense pressure on the Ohio legislature by Ohio townships, the legislature has taken no action to change or reverse this policy.

This annexation is fully in keeping with the spirit and intent of that policy encouraging annexation and I respectfully request the Board to grant the Petition for Annexation.