



An Open Space Community

October 31, 2007

The Honorable Christopher Widener
State Representative, District 84
77 S. High St
12th Floor
Columbus, OH 43215-6111

Re.: Annexation Laws Cripple Townships

Dear Representative Widener:



The annexation laws have had serious negative impacts on our Township. Some obvious flaws with the annexation process are listed for corrective action. (Enclosure 1)

We are currently in litigation with the City of Centerville involving over 200 acres of prime developable land. This represents 40% of our commercial tax base in our Township. The expected property tax revenue at risk will exceed 50% and could even double our current budget. Court-directed mediation is ongoing with the trial date slated to start in mid-November.

Based on Centerville's actions and statements, they seem committed to acquiring the remainder of our commercial tax base which shares their borders. We are viewed as subservient "incubators" to accommodate their growth.

Loss of this commercial tax base will have a crippling financial impact on many of our Citizens, who already pay the highest property taxes in Greene County. Sugarcreek Township rivals all the surrounding cities with our outstanding Police, Fire/EMS, Roads and Services Departments. We also have an exceptional school district which is affected by any annexation. Being able to provide these quality services at the level expected by our Citizens over the long term is at risk when annexations occur.

What stands out as unfair is that Centerville does not even have their own fire department. Washington Township provides this service for them. For the protection of the public, Sugarcreek Township now provides Centerville with fire/EMS protection in the annexed area even though we do not consider the Dille Farm to be legally annexed. On Election Day, November 6th, there will be a fourth attempt to pass a fire levy. Previous levies have failed due to voter resistance against high taxes. Sugarcreek Township Citizens are very angry with Centerville and could vote down future levies if they perceive this will benefit Centerville in the least way!

Nadine S. Daugherty, Trustee  Michael E. Pittman, Trustee  Dick King, Trustee

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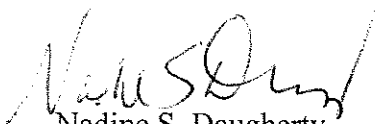
The Township is committed to providing quality services to our residences, but department funds can only be stretched so far. Being annexed compromises our ability to collect important tax revenue. By statute we must provide road services first, Fire/EMS second and police third. We would have to supplement using our general fund since each of the departments is funded by their own levies. The general fund would soon be depleted resulting in disabling staff cutbacks. Being faced with this type of crippling scenario caused by those simply to satisfy self-serving interests is incomprehensible.


Urban sprawl is of keen interest across the state. The laws must be redrafted to help townships fight this trend. Cities and developers must not be allowed to take unilateral actions to build their tax base at the expense of townships and its Citizens.

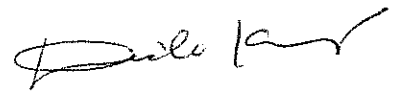
Sugarcreek Township is requesting your help by introducing legislation to correct these flaws so dangerous to townships. We are available to assist in this restructuring process. These flaws have been discussed with the Ohio Township Association and they have offered their services as well.

Thank you for your consideration. We look forward to hearing from you.

Sincerely,


Nadine S. Daugherty


Michael E. Pittman


Dick King

Enclosure: Annexation Flaws

CC:

Greene County Commissioners
Greene County Trustees/Fiscal Officers Association
Ohio Township Association
CLOUT

ANNEXATION FLAWS

1. Cities should not be able to cross over county lines unless approved by the county commissioners. The Type II annexation procedure only allows the commissioners to rubber stamp the application if the request to annex meets all the requirements. If not rubber stamped, then the commission may be sued. We feel there needs to be more criteria to allow the commission to vote on factors. Impacts to their constituents and services should be of paramount concern, not just to satisfy the self-serving interests of the cities and developers.
2. One property owner should not be allowed to create such a negative financial impact on such a large number of township residences. A developer should not be allowed to play the township against the city to get the best deal under the threat of annexation.
3. In our situation, when a petition was generated for a merger study/annexation freeze by township residents, they had to move out with haste. This merger study was proposed so that a freeze would be placed on all annexations of Township land. Signatures had to be obtained in both the City of Bellbrook and Sugarcreek during one weekend. The petitions had to be filed at 8:00 am Monday morning. On the other hand, a property owner who catches wind that this petition is being circulated may simply file their request to be annexed in a day or so and the annexation procedures are activated. This circumvents the actions of the petition drive, heavily favors the cities and jeopardizes citizen rights.
4. When terms are being negotiated for a Joint Economic Development District (JEDD), the city should not be allowed to annex during that time period. There should be a freeze on annexation just like there is when the petition for a merger study is filed. In our situation, we were negotiating a JEDD agreement in good faith with Centerville. To our surprise and other jurisdictions, Centerville filed to annex land included in the proposed JEDD territory. In this situation, both the JEDD and Type II annexation laws need to be revised to prevent this from occurring again.
5. If the annexed area could be viewed as having a negative impact on the surrounding area, then such an annexation should be an issue placed on the ballot. Let the voters decide, not just a few elected officials. In our situation, all the Sugarcreek Township property owners, not just those nearby, are impacted because this commercial tax base is taken by the city. For Type II annexations, it is only fair that the commissioners must be allowed to weigh factors about how the annexation impacts its citizens and the township/county.
6. Whenever a city annexes land in a hostile situation, the affected governmental jurisdiction should not be forced to provide the services unless mutually agreed upon.

7. Under the Type II annexation procedure, a formula should be used to limit the percentage of township land that may be annexed to help preserve the quality of life in the community realizing the loss of property. There should also be a limit on the number of annexation requests that may be filed by an attorney for one party and the appropriate measures enacted to enforce this intent.

8. As it stands now, our citizens may not petition for another merger study until three years after the previous one was on the ballot, which failed in Nov 2005. This lengthy time period is unreasonable and should be changed to one year.

9. The ballot language for merger studies is also confusing to the voters. This is viewed as one of the reasons why the Issue 8 Merger Study/Annexation Freeze failed in November 2005. It needs to clearly state that this first vote is for a study only and is in no way a merger. It needs to also clarify that if the vote passes, the next opportunity to vote will be to decide if the merger should take place.

10. The children in the annexed properties should be transferred to the annexing city's school system unless agreed upon differently by the losing school district.