

Bond Case Briefs

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Hinckley Township v. Calvin

Court of Appeals of Ohio, Ninth District, Medina County - February 18, 2025 - N.E.3d - 2025 WL 518030 - 2025-Ohio-504

Township appealed decision of county Board of Commissioners granting petition for annexation of five-acre township territory into city.

The Court of Common Pleas affirmed board's decision. Township appealed.

The Court of Appeals held that:

- Evidence supported Board's finding that no road maintenance problem would be created by annexation;
- Evidence supported Board's finding that annexation would serve general good of parcel; and
- Evidence supported Board's finding that benefits to parcel outweighed detriments, while benefits and detriments to surrounding area were in balance.

Evidence supported finding by county Board of Commissioners that no road maintenance problem would be created by annexation of township territory to city, even though annexation would result in segmentation of street with portion of northbound lane becoming part of city and other portions remaining in township; city had preexisting maintenance agreement with county that already provided that county would maintain stretch of road at issue both before and after annexation.

Evidence supported county Board of Commissioners' finding that general good of five-acre township territory proposed to be annexed by city would be served by annexation, even though pharmacy would be built on territory irrespective of whether it was annexed; property owner would receive 100% tax abatement for 15 years from city that would provide it with over \$600,000 in tax savings, which was substantial amount for company, and property manager testified that, based on his experience with both city and township, development of property would be easier and more economical with city than with township.

Evidence supported finding by county Board of Commissioners that benefits to five-acre township territory proposed to be annexed by city and surrounding area would outweigh detriments from annexation to territory and surrounding area; while benefits and detriments to surrounding area were in balance, as township's loss of tax revenue would be offset by city's taking responsibility for providing services to annexed area, and pharmacy would be built on territory irrespective of whether territory was annexed, benefits to territory from city's tax abatement plan and city's easier and more economical property development process tipped scales in favor of annexation.