

# **Bond Case Briefs**

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## **ANNEXATION - OHIO**

### **Board of Township Trustees for Eaton Township v. KNG, Ltd.**

**Court of Appeals of Ohio, Ninth District, Lorain County - May 15, 2023 - N.E.3d - 2023 WL 3450412 - 2023-Ohio-1621**

Township board brought action challenging decision of county board of commissioners to grant developer's petition to annex certain township land into neighboring village.

The Court of Common Pleas affirmed commissioners' decision. Township appealed.

The Court of Appeals held that developer and village failed to satisfy road maintenance requirements of annexation statute, as condition to annexation.

Developer and village failed to satisfy the road maintenance requirements of annexation statute, which precluded annexation if a road would be divided by the annexation unless the municipal corporation agreed to assume maintenance of the road as a condition of the annexation, in township's action challenging county board of commissioners' decision to grant developer's annexation petition, which would divide a road between township and village; board's resolution merely stated that village and county "desire to enter into a shared maintenance agreement whereupon each will share equally (1/2) the cost of maintenance" of the road, which was not the same as the "municipal corporation, as a condition of annexation, will assume the maintenance."