

August 27, 2002

The Honorable Alison Boggs
Union County Prosecuting Attorney
233 W. Sixth Street
Marysville, Ohio 43040

SYLLABUS:

2002-023

1. In seeking the adjustment of township boundaries to conform to municipal boundaries pursuant to R.C. 503.07, a municipal corporation is subject to no time limits and may proceed at any time to seek to change all or any part of such boundaries. Pursuant to R.C. 503.15, if the change is to be made in two or more counties, application must be made to the board of county commissioners of each county as to the territory situated within that county; there is no time limit for submitting such an application, and the action of each board of county commissioners affects only the territory situated within that county.
2. If a change of township boundaries pursuant to R.C. 503.07 is to be made in two or more counties and application is made to the boards of commissioners of two or more counties pursuant to R.C. 503.15, the action of each board of county commissioners is effective as to the territory situated within that county, without regard to action taken by any other board of county commissioners. (1990 Op. Att’y Gen. No. 90-071, clarified.)
3. The provisions of R.C. 503.04 and R.C. 503.08 prohibiting the incorporation or existence in a single county of two townships with the same name do not prevent a change in township boundaries pursuant to R.C. 503.07 for the purpose of attaching land from one county to a township in another county when that township bears the same name as a township in the first county; however, the board of county commissioners of the first county must adopt a designation that is sufficient to distinguish the two townships for purposes of elections, taxation, and other governmental functions.

August 27, 2002

OPINION NO. 2002-023

The Honorable Alison Boggs
Union County Prosecuting Attorney
233 W. Sixth Street
Marysville, Ohio 43040

Dear Prosecutor Boggs:

We have received your request for an opinion regarding the adjustment of township boundaries. You have raised the following issues:

1. How much time can a municipality take to complete a petition for a township boundary adjustment pursuant to R.C. 503.07?
2. What effect, if any, does a delay of nearly eight years have on a township boundary adjustment petition? Can that type of delay be cured by resolutions being passed in 2001 and can the new resolutions be applied retroactively?
3. When a municipality petitions to have a township boundary changed pursuant to R.C. 503.07, when that township boundary extends into a different county, and when that adjustment results in the extension of a township with the same name as a township that already exists in the county, can the new territory continue to use its old township name? What effect does this have on the board of elections and voters from the preexisting township?

Your opinion request concerns the City of Dublin, which, through a series of annexations, came to encompass territory located in the following three counties and four townships: Perry Township and Washington Township in Franklin County, Concord Township in Delaware County, and Jerome Township in Union County. The City of Dublin has taken action to change

certain township boundaries to make them conform to the boundaries of the city.¹ We are informed that the intention is to place all the city residents within a single township so that they all receive the same level of life-safety services from a single fire department.²

The matters currently at issue concern the efforts of the City of Dublin to have the boundaries of Jerome Township in Union County changed so that the portion of Jerome Township that is located within the City of Dublin becomes part of Washington Township. Washington Township was initially located exclusively in Franklin County but was subsequently expanded to include the portion of Concord Township, Delaware County, that was located within the City of Dublin. *See State ex rel. City of Dublin v. Delaware County Bd. of Comm'rs*, 62 Ohio St. 3d 55, 577 N.E.2d 1088 (1991), *overruled in part on other grounds by State ex rel. Gaydosh v. City of Twinsburg*, 93 Ohio St. 3d 576, 757 N.E.2d 357 (2001). To clearly identify the Washington Township here at issue, this opinion refers to it as Washington Township (Franklin County).

You have informed us that, in 1994, the City of Dublin petitioned the Board of Union County Commissioners to adjust the boundary of Jerome Township so that the portion of Jerome Township that was located within the City of Dublin would become part of Washington Township (Franklin County). The Union County Board of Commissioners approved the petition without regard for the fact that there was already a township within Union County named Washington Township. Since that time, Union County has treated the portion of its territory that is located within the City of Dublin as being part of Washington Township (Franklin County).

It appears that, when the City of Dublin petitioned the Board of Union County Commissioners for the boundary change that made part of Jerome Township into part of Washington Township (Franklin County), the city also submitted a petition for that change to the Franklin County Board of Commissioners. There is no record that the Franklin County Board of Commissioners acted on that petition. Therefore, the City of Dublin submitted a similar petition again in 2001. At that time, the Franklin County Board of Commissioners approved the petition.

¹ Earlier stages in this process were addressed in *State ex rel. City of Dublin v. Delaware County Board of Commissioners*, 62 Ohio St. 3d 55, 577 N.E.2d 1088 (1991), *overruled in part on other grounds by State ex rel. Gaydosh v. City of Twinsburg*, 93 Ohio St. 3d 576, 757 N.E.2d 357 (2001), and 1990 Op. Att'y Gen. No. 90-071.

² If the boundaries of a municipal corporation become in all respects identical to the boundaries of a township, the township offices are abolished and the duties of the township officers are placed upon the corresponding officers of the municipal corporation. R.C. 703.22; *see also* 1990 Op. Att'y Gen. No. 90-071, at 2-302; 1967 Op. Att'y Gen. No. 67-013. We are informed that this is not the current intent in the instant situation.

In order to address your questions, it is necessary to review relevant principles of law. The provision under which the township boundary adjustment in question was sought is R.C. 503.07.³ Under that statute, a municipal corporation that has territory lying in more than one township within the same county may petition the board of county commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the municipal corporation. If a city submits such a petition, the board of county commissioners must change the township boundaries as requested. On the other hand, if a village submits such a petition, the board of county commissioners has discretion to determine whether to change the township boundaries. R.C. 503.07; *see State ex rel. City of Dublin v. Delaware County Bd. of Comm'rs*.⁴

Let's now turn to the question of a municipality that is located in more than one county. R.C. 503.15 states in full:

³ The complete provisions of R.C. 503.07 are as follows:

When the limits of a municipal corporation do not comprise the whole of the township in which it is situated, or if by change of the limits of such corporation include territory lying in more than one township, the legislative authority of such municipal corporation, by a vote of the majority of the members of such legislative authority, may petition the board of county commissioners for a change of township lines in order to make them identical, in whole or in part, with the limits of the municipal corporation, or to erect a new township out of the portion of such township included within the limits of such municipal corporation. The board, on presentation of such petition, with the proceedings of the legislative authority authenticated, at a regular or adjourned session, shall upon the petition of a city change the boundaries of the township or erect such new township, and may upon the petition of a village change the boundaries of the township or erect such new township.

⁴ Pursuant to Am. Sub. S.B. 5 of the 124th General Assembly, there are certain types of proceedings for annexing territory into municipal corporations that specify that the territory sought to be annexed cannot be excluded from the township under R.C. 503.07. *See* Am. Sub. S.B. 5, 124th Gen. A. (2001) (eff. date Oct. 26, 2001) (enacting, *inter alia*, R.C. 709.023(A) and (H), relating to a petition for special procedure of annexation signed by all owners of real estate to be annexed and meeting other conditions, where the municipal corporation specifies the services it agrees to provide; R.C. 709.024(H), relating to the annexation of land for the purpose of undertaking a significant economic development project; and R.C. 709.16(H), relating to the annexation of contiguous territory owned only by the municipal corporation, a county, or the state). Thus, a municipal corporation is not empowered to take action to change the township boundary lines of such territory pursuant to R.C. 503.07, and this opinion does not address such territory.

When a municipal corporation is situated in two or more counties, the application for change of township lines provided for by section 503.07 of the Revised Code may be made to the board of county commissioners of the county in which the change of boundaries is proposed, or, if the change is to be made in two or more counties, such application shall be made to the boards of the several counties as to the territory situated within them, respectively.

This statute thus provides that, if a change of township boundaries requested by a municipal corporation is to be made in two or more counties, application must be made “to the boards of the several counties as to the territory situated within them, respectively.” R.C. 503.15.

Your first question concerns the timing of a petition for boundary adjustment pursuant to R.C. 503.07. You have asked how much time a municipality may take to complete a petition for a township boundary adjustment pursuant to R.C. 503.07. There are two aspects to this question. The first is whether there is a time limit following a municipal annexation within which a municipal corporation must petition for a township boundary adjustment. The second concerns applications for township boundary changes in more than one county pursuant to R.C. 503.15 and the question whether there is a time limit within which those corresponding applications must be submitted.

As to the first aspect, it has been established as a general rule that a municipal corporation acting under R.C. 503.07 may seek a township boundary adjustment at any time. R.C. 503.07 does not impose any time limits on such action. Under R.C. 503.07, the ability to seek a township boundary adjustment exists “[w]hen the limits of a municipal corporation do not comprise the whole of the township in which it is situated” or “if by change of the limits of such [municipal] corporation [the limits of the municipal corporation] include territory lying in more than one township.” R.C. 503.07. The statute permits petitions for township boundary adjustments to be made by vote of the majority of the members of the legislative authority whenever either of the specified conditions is present. Additionally, it permits the township lines to be made identical with the municipal corporation boundaries “in whole or in part.” *See, e.g.*, 1990 Op. Att’y Gen. No. 90-071; 1990 Op. Att’y Gen. No. 90-048; 1985 Op. Att’y Gen. No. 85-033; 1977 Op. Att’y Gen. No. 77-031.

R.C. 503.07 thus grants a municipal corporation acting pursuant to its provisions discretion to determine whether or when to seek an authorized township boundary adjustment. Indeed, it is possible that many years may pass before residents of a municipal corporation determine that it is appropriate to petition for a change of township boundaries pursuant to R.C. 503.07. Therefore, in response to the first aspect of your first question, the timing of a municipal annexation does not limit the timing of a petition for a township boundary adjustment authorized by R.C. 503.07. *See* 1990 Op. Att’y Gen. No. 90-071, at 2-303 to 2-305.

As to the second aspect of the first question, the provisions governing applications for change of township boundaries when a municipal corporation is situated in two or more counties

similarly impose no time limitations. They say simply that the application “may be made to the board of county commissioners of the county in which the change of boundaries is proposed” or “if the change is to be made in two or more counties, such application shall be made to the boards of the several counties as to the territory situated within them, respectively.” R.C. 503.15.

This plain statutory language indicates that a municipal request for a township boundary change pursuant to R.C. 503.07 should be submitted to the county in which the change of boundaries is proposed, and that if the change is to be made in more than one county, each county in which the change is to be made has jurisdiction over the territory situated within its boundaries. R.C. 503.15. Therefore, if a requested township boundary change will change township boundaries in more than one county, applications must be submitted in each of the counties, and each such application covers the territory situated within that county.

It appears that some confusion in this regard has arisen from an earlier Attorney General opinion, 1990 Op. Att’y Gen. No. 90-071. That opinion considered the early stages of the situation described in your opinion request. At that time, Washington Township (Franklin County) was located entirely within Franklin County and action was being taken to expand it to include territory located in Delaware County. The 1990 opinion concluded that it was necessary for applications for township boundary changes to be submitted to both counties, stating:

If a change in township boundaries proposed under R.C. 503.07 would result in the detachment of lands from a township in one county and their attachment to a township in an adjoining county, the petition for such change of boundaries must be submitted to the boards of commissioners of both counties.

1990 Op. Att’y Gen. No. 90-071 (syllabus, paragraph 3).

R.C. 503.15 states plainly that application is to be made to a board of county commissioners as to the territory situated within that county. Therefore, under the facts at issue in 1990 Op. Att’y Gen. No. 90-071, the application submitted to the Delaware County Board of Commissioners covered the land in Delaware County, and the approval granted by the Delaware County Board of Commissioners expanded the boundary of Washington Township (Franklin County) into Delaware County.

The change in question affected a Franklin County township by taking a portion of its boundary that had been identical to the county boundary and extending that boundary into Delaware County. However, that change did not transfer any territory situated in Franklin County from one township to another and thus did not affect any territory situated in Franklin County. Because the territory that was transferred from one township to another was not located in Franklin County, it does not appear that the boundary change was dependent upon action by the Franklin County Board of Commissioners.

On this point, 1990 Op. Att’y Gen. No. 90-071 states:

In the instant situation, there is a proposal to change the boundary of Concord Township, which is located wholly within Delaware County. The petition must, thus, be submitted to the Board of Commissioners of Delaware County. The proposed change would also modify the boundary of Washington Township, which is now located entirely within Franklin County and extends to the line dividing Franklin and Delaware Counties. If the proposed change is made, the Washington Township line that is currently located on the county boundary will be abolished and the territory of Washington Township will be expanded into Delaware County. The fact that the proposed change would modify a township boundary currently laid out in Franklin County requires that the petition for a change of township boundaries be submitted to the Board of Commissioners of Franklin County, as well as to the Board of Commissioners of Delaware County.

I am aware that R.C. 503.15 states that the petition for change applies, in each county, to the territory situated within that county. In the situation that you have described, there is no proposal that territory within Franklin County change townships. Since, however, it is proposed that the boundary of a township within Franklin County be changed, it must be concluded that the change will be made, in part, in Franklin County. It is, accordingly, appropriate that the Board of Commissioners of Franklin County be presented with the petition pursuant to R.C. 503.07 and 503.15. *See generally Berlin v. Kilpatrick*, 89 Ohio L. Abs. at 396, 173 N.E.2d at 342 (“the Board of County Commissioners is the authority in whom the power to change the boundaries of a civil township is placed”).

1990 Op. Att’y Gen. No. 90-071, at 2-307.

The analysis set forth in the 1990 opinion thus finds that application for a change of township lines must be made to Franklin County if a township line that is coextensive with the county line is extended beyond the county, because the change affects the boundary of a Franklin County township. *See also State ex rel. City of Dublin v. Delaware County Bd. of Comm’rs*, 62 Ohio St. 3d at 59, 577 N.E.2d at 1092 (“if a change is to be made in two or more counties, each board of commissioners affected must be petitioned”). On the other hand, while we agree that is important for both counties to be informed of the proposed boundary change, we do not find that the consent of one county is essential to the change of township boundaries within the other county. *See, e.g.*, 1967 Op. Att’y Gen. No. 67-013.

The plain language of R.C. 503.15 requires that application be made to each county whose territory is affected by a particular boundary change. Under the statutory provisions, each county has authority over the territory located within its boundaries. *See* R.C. 503.15. Accordingly, there is no need for a county to approve a township boundary change petition under

R.C. 503.07 unless territory located within the county is directly affected by the boundary change.

We are aware that 1990 Op. Att’y Gen. No. 90-071 was cited favorably in *State ex rel. City of Dublin v. Delaware County Board of Commissioners*, as follows:

R.C. 503.15 speaks specifically to this point and provides that, if a change is to be made in two or more counties, each board of commissioners affected must be petitioned. This is precisely what the Ohio Attorney General concluded in his opinion No. 90-071 (1990 Ohio Att’y Gen. Ops. No. 90-071, at 2-301) and what Dublin did by submitting petitions to both Delaware and Franklin Counties.

State ex rel. City of Dublin v. Delaware County Bd. of Comm’rs, 62 Ohio St. 3d at 59, 577 N.E.2d at 1092.

On the facts at issue in *State ex rel. City of Dublin v. Delaware County Board of Commissioners*, the City of Dublin had petitioned the Franklin County Board of Commissioners for a change of township lines to extend Washington Township (Franklin County) to include a portion of Concord Township (Delaware County). In the words of the Ohio Supreme Court, the Franklin County Board of Commissioners “accepted the petition and ordered the boundaries of Washington Township enlarged to include the part of Concord Township which is located within the city of Dublin.” *State ex rel. City of Dublin v. Delaware County Bd. of Comm’rs*, 62 Ohio St. 3d at 56, 577 N.E.2d at 1090.

While speaking favorably of 1990 Op. Att’y Gen. No. 90-071, the court went on to find that a township is permitted to extend into more than one county and that, in changing township boundaries to conform to municipal boundaries pursuant to R.C. 503.07, “a municipality may proceed one county at a time.” *Id.* at 60, 577 N.E.2d at 1092. These findings support a literal reading of R.C. 503.15 under which each county board of commissioners acts on petitions pertaining to territory situated within its county.

On the facts before the court in *State ex rel. City of Dublin v. Delaware County Board of Commissioners*, the boundaries of Concord Township (Delaware County) were not changed until the Delaware County Board of Commissioners acted upon the City of Dublin’s petition. The Franklin County Board of Commissioners’ acceptance of the petition appears to have been an acknowledgement of the fact that, under the petition, the Washington Township boundaries would extend beyond the Franklin County line into Delaware County. The Franklin County Board of Commissioners’ acceptance of the petition did not operate to transfer any Franklin County territory from one township to another, for no such transfer was requested. Further, it had no effect upon territory in Delaware County or upon the action of the Delaware County Board of Commissioners. It appears, rather, that *State ex rel. City of Dublin v. Delaware County Board of Commissioners* recognizes the authority of a single county to change the township

boundaries that exist within its territory. *See, e.g., Berlin v. Kilpatrick*, 15 Ohio Op. 2d 73, 172 N.E.2d 339 (C.P. Trumbull County 1958).

The holding of *State ex rel. City of Dublin v. Delaware County Board of Commissioners*, as set forth in its syllabus, is: “Pursuant to R.C. 503.07, a board of county commissioners must comply with a municipal petition for a change of township boundaries in order to make those boundaries conform, in whole or in part, to the limits of the municipality.” *State ex rel. City of Dublin v. Delaware County Bd. of Comm’rs*, 62 Ohio St. 3d at 55, 577 N.E.2d at 1089. This holding states clearly that a board of county commissioners is mandated to comply with a petition for a change of township boundaries submitted by a city pursuant to R.C. 503.07. This holding is consistent with the construction of R.C. 503.15 set forth above.

We conclude, therefore, that there is no time limit applicable to township boundary line changes in more than one county pursuant to R.C. 503.15. Rather, under the terms of the statute, if the change is to be made in two or more counties, application must be made to the board of county commissioners of each affected county as to the territory situated within that county. Each board of county commissioners has authority only with respect to the territory situated within its county, and the action of that board of county commissioners establishes the effective date of township boundary changes within that county.

Therefore, in seeking the adjustment of township boundaries to conform to municipal boundaries pursuant to R.C. 503.07, a municipal corporation is subject to no time limits and may proceed at any time to seek to change all or any part of such boundaries. Pursuant to R.C. 503.15, if the change is to be made in two or more counties, application must be made to the board of county commissioners of each county as to the territory situated within that county; there is no time limit for submitting such an application, and the action of each board of county commissioners affects only the territory situated within that county.

Let us turn now to your second set of questions. These questions relate to the effect of a delay on a township boundary adjustment petition. The questions were prompted by the fact that in 1994 the Union County Board of Commissioners adopted a change of township boundaries upon petition of the City of Dublin, changing the boundaries of Jerome Township (Union County) so that part of its territory became part of Washington Township (Franklin County). It appears that the Franklin County Board of Commissioners took no corresponding action at that time.

Your questions appear to presume that the action by the Union County Board of Commissioners to change the boundary in question was not fully effective until the Franklin County Board of Commissioners took corresponding action. For the reasons discussed above, we reject that presumption and find, instead, that action by the Union County Board of Commissioners to change township boundaries within its county was effective as to the territory situated within Union County, regardless of any action or failure to act by the Franklin County

Board of Commissioners. Therefore, there is no need for concern about any delay and there is no need to consider any sort of retroactive application of a resolution.

We conclude, accordingly, that if a change of township boundaries pursuant to R.C. 503.07 is to be made in two or more counties and application is made to the boards of commissioners of two or more counties pursuant to R.C. 503.15, the action of each board of county commissioners is effective as to the territory situated within that county, without regard to action taken by any other board of county commissioners.

Let us now consider your third set of questions. These questions concern the use of the same name for two different townships within a single county. On the facts presented, there was a Washington Township in Union County when the township boundary change in question was requested. The Union County Board of Commissioners approved the township boundary change petition in accordance with R.C. 503.07, which mandates approval by a board of county commissioners upon the petition of a city. R.C. 503.07; *see State ex rel. City of Dublin v. Delaware County Bd. of Comm'rs*. Pursuant to the petition, a portion of Jerome Township became part of Washington Township (Franklin County). Therefore, following the approval of the petition, there were portions of Union County that were part of two separate townships named Washington Township, one existing solely in Union County and the other originating in Franklin County.

Your questions concern certain provisions of law that relate to the use of the same name for more than one township within a county. R.C. 503.04 governs the change of township boundaries by a board of county commissioners. It requires the board of county commissioners to record the change of boundaries or creation of a new township in a book kept for that purpose. It also authorizes the board of county commissioners to give each new township an appropriate name. R.C. 503.04 states, in part: "No two townships in any county shall be incorporated by the same name."⁵

⁵ The complete provisions of R.C. 503.04 are as follows:

Before action is taken on an application for partition, alteration, change, or laying off of the boundaries of a township by the board of county commissioners, at least thirty days' notice of the time for the hearing on such application or petition shall be given by advertisement, at three public places within the bounds of the territory proposed to be partitioned, altered, changed, or laid off. The board shall cause the boundaries of such township, so changed or altered, or new township laid off, to be recorded in a book to be kept for that purpose, and shall give each new township, so laid off, an appropriate name. No two townships in any county shall be incorporated by the same name.

R.C. 503.08 provides that, if changes made in township boundaries under R.C. 503.07 require township territory to acquire a new township name, the board of county commissioners “shall name the remaining township and record the name in a book kept as required in section 503.04 of the Revised Code.” R.C. 503.08. The statute specifies: “No two townships in any county shall have the same name.” *Id.*⁶

It is not clear that either of these provisions directly addresses the issue with which you are concerned. R.C. 503.04 speaks to the incorporation of a new township and its naming by the board of county commissioners. R.C. 503.08 addresses situations in which township boundary changes require the remaining township to acquire a new name and provides for the board of county commissioners to provide that name. The requirement of a new township name would arise if a previously existing township were divided into two townships, with one portion retaining the original name and one requiring a new name. R.C. 503.07. There is no suggestion that a board of county commissioners may give a new name to a township that originates in another county and merely extends its boundaries.

Similarly, there is no suggestion that territory added to a township originating in another county may retain the name of the township from which it is removed. When township boundary lines are changed in accordance with R.C. 503.07, the change must be recognized by giving the territory the name of the township in which it is placed.

Neither R.C. 503.04 nor R.C. 503.08 speaks specifically to a situation under R.C. 503.07 in which territory included in a municipal corporation becomes part of a township already existing in another county. Therefore, it does not appear that the direct statutory prohibitions against giving two townships the same name are applicable in this instance.⁷

⁶ The complete provisions of R.C. 503.08 are as follows:

After a change of boundaries is made as provided by section 503.07 of the Revised Code, any township not having a municipal corporation remaining within its limits may be partitioned as provided in section 503.02 of the Revised Code. Unless and until a partition is made under that section, the remaining township territory shall remain intact. If the changes made under section 503.07 of the Revised Code require the remaining township to acquire a new township name, the board of county commissioners shall name the remaining township and record the name in a book kept as required in section 503.04 of the Revised Code. No two townships in any county shall have the same name.

⁷ We note, further, that R.C. 503.08’s prohibition against two townships having the same name was enacted in 1999 and thus was not in effect when the current controversy arose. *See* Sub. H.B. 91, 123rd Gen. A. (1999) (eff. Nov. 3, 1999).

Whether or not the prohibitions are applicable, however, common sense dictates that no two townships within a county may be known by identical designations. If there were no reliable way to distinguish one township from another, county officials would be unable to properly perform their duties and confusion would result.

The explicit designation of a particular township is necessary for various functions of government. For example, the county board of elections is required both to determine who is to be eligible to vote in township elections and also to present the proper levies and issues to the voters. *See, e.g.*, R.C. 3501.11; R.C. 5705.03; R.C. 5705.25; *see also* 1997 Op. Att’y Gen. No. 97-041; 1990 Op. Att’y Gen. No. 90-048; 1967 Op. Att’y Gen. No. 67-013. If two townships had identical designations, the county board of elections might present to the taxpayers of one township a tax levy for current operating expenses that was initiated in the other township, leaving the first township with no way to present to its voters a request for additional funds.

Similarly, the county auditor and county treasurer must collect and distribute taxes with regard to the township in which territory is located. *See, e.g.*, R.C. 319.28; R.C. 319.51; R.C. 321.31; R.C. 503.18-.21; R.C. 5705.03; R.C. 5705.34. If two townships shared the same designation, the tax moneys due to one might inadvertently be paid to the other. The county engineer also has duties that relate to various townships. *See, e.g.*, R.C. 315.08; R.C. 5571.05; R.C. 5573.01. If two townships were indistinguishable, the county engineer might prepare a plan for a bridge in one township and have it constructed in the other township, or might provide road repair directions twice to the same township, overlooking the other township of the same name. In these and numerous other situations, it is essential for governmental officials to be able to identify a particular township and distinguish it from other townships within the county.

The statutes do not specify what designations are to be used for the townships in a situation such as the one at issue. Therefore, the county commissioners are required to exercise their intelligent discretion and to adopt reasonable designations that permit the county to perform its statutory functions. *See, e.g., State ex rel. Kahle v. Rupert*, 99 Ohio St. 17, 19, 122 N.E. 39, 40 (1918). The designations need not be elaborate, so long as they are clear. The designation used in this opinion—namely, “Washington Township (Franklin County)”—would suffice as a designation different from simple “Washington Township.” Similarly “Washington Township” could readily be distinguished from a designation such as “Washington Township B.”

There is no suggestion in the statutes that the need for townships to be distinct and identifiable should in any way interfere with the process of township boundary change pursuant to R.C. 503.07 and 503.15. *See generally Franklin Township v. Village of Marble Cliff*, 4 Ohio App. 3d 213, 217, 447 N.E.2d 765, 769 (Franklin County 1982) (adopting statutory construction that harmonizes statutes). In the instant situation, the Union County Board of Commissioners has not created a second Union County township named Washington Township but has merely permitted a portion of Union County territory to join Washington Township (Franklin County), as required by R.C. 503.07. For the effective government of that portion of territory to continue, it is necessary that, for purposes of governmental functions, it be given a designation that

distinguishes it from the Washington Township previously existing in Union County. We are informed that Union County officials have, since 1994, managed to provide for elections, taxation, and other governmental functions in territory that previously was included in Jerome Township and now is included in Franklin County's Washington Township. That this activity was performed without confusing that territory with Union County's previously existing Washington Township indicates that they have implemented an adequate designation.

We conclude, accordingly, that the provisions of R.C. 503.04 and R.C. 503.08 prohibiting the incorporation or existence in a single county of two townships with the same name do not prevent a change in township boundaries pursuant to R.C. 503.07 for the purpose of attaching land from one county to a township in another county when that township bears the same name as a township in the first county; however, the board of county commissioners of the first county must adopt a designation that is sufficient to distinguish the two townships for purposes of elections, taxation, and other governmental functions.⁸

Therefore, it is my opinion and you are advised, as follows:

1. In seeking the adjustment of township boundaries to conform to municipal boundaries pursuant to R.C. 503.07, a municipal corporation is subject to no time limits and may proceed at any time to seek to change all or any part of such boundaries. Pursuant to R.C. 503.15, if the change is to be made in two or more counties, application must be made to the board of county commissioners of each county as to the territory situated within that county; there is no time limit for submitting such an application, and the action of each board of county commissioners affects only the territory situated within that county.
2. If a change of township boundaries pursuant to R.C. 503.07 is to be made in two or more counties and application is made to the boards of commissioners of two or more counties pursuant to R.C. 503.15, the action of each board of county commissioners is effective as to the territory situated within that county, without regard to action taken by any other board of county commissioners. (1990 Op. Att'y Gen. No. 90-071, clarified.)
3. The provisions of R.C. 503.04 and R.C. 503.08 prohibiting the incorporation or existence in a single county of two townships with the same name do not prevent a change in township boundaries pursuant to R.C. 503.07 for the purpose of attaching land from one county to a

⁸ Should there be an interest in changing the name of one of the townships, there are statutory procedures for making such a change. *See* R.C. 503.16; R.C. 503.161; R.C. 503.162.

township in another county when that township bears the same name as a township in the first county; however, the board of county commissioners of the first county must adopt a designation that is sufficient to distinguish the two townships for purposes of elections, taxation, and other governmental functions.

Respectfully,

BETTY D. MONTGOMERY
Attorney General