

June 16, 2016

The Honorable Gary L. Lammers
Putnam County Prosecuting Attorney
336 E. Main St., Suite B
Ottawa, Ohio 45875

SYLLABUS:

2016-019

1. Pursuant to R.C. 709.02(C)(2), an annexation petition shall contain an accurate legal description of the perimeter and an accurate plat or map of the territory proposed for annexation. For purposes of R.C. 709.02(C)(2), an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation consist of one legal description of one perimeter and one map or plat of the territory proposed for annexation.
2. For purposes of R.C. 709.02(C)(2), the submission of a copy of a map or plat from the plat book of the county engineer that accurately reflects the area proposed for annexation fulfills the map or plat requirement.
3. For purposes of R.C. 709.02(C)(2), an accurate legal description, map, or plat, is one that provides information sufficient to enable one to reasonably ascertain the limits and boundaries of the territory proposed for annexation.
4. Whether a legal description of the perimeter and a map or plat of the territory proposed for annexation are accurate are questions of fact to be determined by the board of county commissioners.



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OPINION NO. 2016-019

The Honorable Gary L. Lammers
Putnam County Prosecuting Attorney
336 E. Main St., Suite B
Ottawa, Ohio 45875

Dear Prosecutor Lammers:

Your inquiry asks about the legal sufficiency of certain documents that accompany an annexation petition filed pursuant to R.C. 709.02. Division (C)(2) of R.C. 709.02 states that a petition for annexation shall contain “[a]n accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation.” Your letter explains that petitioners have submitted an annexation petition that contains individual legal descriptions taken from the deeds of each of the properties comprising the territory proposed for annexation. The annexation petition also contains a copy of a map taken from the plat book published by the county engineer that has the area to be annexed highlighted. You ask whether these legal descriptions and the map satisfy the requirements of R.C. 709.02(C)(2). The county engineer contends that the petitioners’ submissions do not satisfy the requirements of R.C. 709.02(C)(2).

The General Statutory Scheme for a Request for Annexation Upon Application of Landowners

Annexation is the process by which a municipal corporation increases its size by adding land to its territory. *See* 2013 Op. Att’y Gen. No. 2013-010, at 2-95 (“territory annexed into a municipal corporation is to be treated as part of that municipal corporation and is subject to the same governance as the original municipal corporation”). The State of Ohio generally encourages annexation. *Id.*, at 2-94. “[T]he spirit and purpose of the annexation laws of Ohio are to encourage annexation to municipalities[.]” *Smith v. Granville Twp. Bd. of Trs.*, 81 Ohio St. 3d 608, 614, 693 N.E.2d 219 (1998). R.C. Chapter 709 governs annexations. “Annexation of territory to a municipal corporation upon the application of landowners is governed by R.C. 709.02-.11.” 2011 Op. Att’y Gen. No. 2011-002, at 2-9. There are two categories of annexation: annexations pursuant to R.C. 709.02, and annexations pursuant to R.C. 709.022-.024. These latter types are known as “expedited annexations.” *See generally* 2011 Op. Att’y Gen. No. 2011-002, at 2-9. R.C. 709.02(C)-(D) set forth the requirements for all annexation petitions:

(C) The petition required by this section shall contain the following:

- (1) The signatures of a majority of the owners of real estate in the territory proposed for annexation....
- (2) An accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation;
- (3) The name of a person or persons to act as agent for the petitioners. The agent for the petitioners may be an official, employee, or agent of the municipal corporation to which annexation is proposed.
- (D) At the time of filing the petition for annexation, the agent for the petitioners also shall file with the clerk of the board a list of all tracts, lots, or parcels in the territory proposed for annexation, and all tracts, lots, or parcels located adjacent to that territory or directly across the road from it when the road is adjacent to it, including the name and mailing address of the owner of each tract, lot, or parcel, and the permanent parcel number from the county auditor's permanent parcel numbering system established under [R.C. 319.28] for each tract, lot, or parcel. This list shall not be considered to be a part of the petition for annexation, and any error on the list shall not affect the validity of the petition.

In order to grant an annexation petition, the board of county commissioners shall determine that all requirements in R.C. 709.02 have been met. *See* R.C. 709.033(A)(1) (after the hearing on a petition for annexation, the board of county commissioners shall enter upon its journal a resolution granting the annexation if it finds, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that the conditions of R.C. 709.02, *inter alia*, have been met¹).

¹ R.C. 709.033(A)(1)-(6) provide, in pertinent part:

- (A) After the hearing on a petition for annexation, the board of county commissioners shall enter upon its journal a resolution granting the annexation if it finds, based upon a preponderance of the substantial, reliable, and probative evidence on the whole record, that each of the following conditions has been met:
 - (1) The petition meets all the requirements set forth in, and was filed in the manner provided in [R.C. 709.02].
 - (2) The persons who signed the petition are owners of real estate located in the territory proposed to be annexed in the petition, and, as of the time the petition was filed with the board of county commissioners, the number of valid signatures on the petition constituted a majority of the owners of real estate in that territory.
 - (3) The municipal corporation to which the territory is proposed to be annexed has complied with [R.C. 709.03(D)].
 - (4) The territory proposed to be annexed is not unreasonably large.
 - (5) 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

The Requirements of R.C. 709.02(C)(2)

Pursuant to R.C. 709.02(C)(2), an annexation petition “shall contain” “[a]n accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation.” R.C. 709.02(C)(2)’s use of “shall” when referring to these two conditions means compliance is mandatory. *See* 1993 Op. Att’y Gen. No. 93-009, at 2-46 (“[t]he use of the word ‘shall’ is construed to make the statutory provision in which it is contained mandatory, unless a contrary intent is clearly and unequivocally expressed by the statute’s language”). To answer your question, we first will consider whether providing legal descriptions of the individual parcels and a copy of a map taken from the plat book published by the county engineer with the area to be annexed highlighted constitutes “[a]n accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation.”

In analyzing the language of R.C. 709.02(C)(2), we look to the plain meaning of the statute. *Black’s Law Dictionary* 893 (6th ed. 1990) defines “legal description” as a “description of real property by government survey,² metes and bounds,³ or lot numbers⁴ of a recorded plat including a description of any portion thereof subject to an easement or reservation, if any. Such must be complete enough that a particular parcel of land can be located and identified.” (Footnotes added.) *Webster’s New World College Dictionary* 1085 (5th ed. 2014) defines “perimeter” as “the outer boundary of a figure or area.” Thus, “perimeter,” as that term is used in R.C. 709.02(C)(2), refers to the outer boundary of the area proposed for annexation.

surrounding area, if the annexation petition is granted....

(6) No street or highway will be divided or segmented by the boundary line between a township and the municipal corporation as to create a road maintenance problem, or, if a street or highway will be so divided or segmented, the municipal corporation has agreed, as a condition of the annexation, that it will assume the maintenance of that street or highway....

² A “government survey” is a “[g]eneral mapping out by government of towns, sections, quarter sections, etc; sometimes known as a congressional survey.” *Black’s Law Dictionary* 697 (6th ed. 1990).

³ “Metes and bounds” is defined as “[t]he boundary lines of land, with their terminal points and angles. A way of describing land by listing the compass directions and distances of the boundaries. It is often used in connection with the Government Survey System.” *Black’s Law Dictionary* 991 (6th ed. 1990).

⁴ In a legal description by lot number, the actual survey or plat referred to in the description, when sufficient, determines boundaries. *See* 11A Ohio Admin. Code 4733-37-06(C) (“[d]escriptions other than metes and bounds descriptions may be a reference to a recorded survey plat or a parcel on a recorded survey plat and shall include sufficient and adequate legal and technical wording so that the property can be definitely located and defined”).

A map is “[a] representation of the earth’s surface, or of some portion of it, showing the relative position of the parts represented, usually on a flat surface.” *Black’s Law Dictionary* 965 (6th ed. 1990). Pursuant to R.C. 711.001(A), a “plat” is defined as “a map of a tract or parcel of land.”⁵ Thus, “plat” and “map” are synonymous.

The first part of R.C. 709.02(C)(2) refers to “[a]n accurate legal description of the perimeter” in the singular by using the indefinite article “an” and the definite article “the.” This use of the singular, *i.e.*, “legal description” and “perimeter,” means that an annexation petition shall contain one legal description of one perimeter. The “perimeter” is that of the “territory proposed for annexation.” “The statutory scheme [for annexation] indicates that the primary focus in evaluating the merits of a proposed petition for annexation is on the *entire area* to be annexed rather than an individual tract of land.” *In re Petition to Annex 320 Acres to the Vill. of S. Lebanon*, 64 Ohio St. 3d 585, 597, 597 N.E.2d 463 (1992) (emphasis in original); *see also* 2003 Op. Att’y Gen. No. 2003-018, at 2-141 (“[i]t is a well-established rule of statutory construction that a statute and its various parts must be construed as a whole”). “When a petition for annexation is before the board of county commissioners, the board contemplates the inclusion of an entire territory, not some individual segment. A reviewing court cannot make its own findings of fact as to the propriety of a petition for annexation by deleting territory previously approved by a board of county commissioners.” *In re Petition to Annex 320 Acres to the Vill. of S. Lebanon* at 598-599. The board of county commissioners does not have the discretion to only approve particular parcels within the area proposed for annexation or remove parcels. *See In re Petition to Annex 320 Acres to the Vill. of S. Lebanon* at 597 (“there is no statutory scheme which permits the partial allowance or disallowance of a proposed annexation”); *see also* R.C. 709.033(B) (“[t]he board of county commissioners shall enter upon its journal a resolution granting or denying the petition for annexation within thirty days after the hearing provided for in [R.C. 709.032]. The resolution shall include specific findings of fact as to whether each of the conditions listed in [R.C. 709.033(A)(1)-(6)] has been met”). Thus, the territory proposed for annexation shall be approved or denied in its entirety by the board of county commissioners. Accordingly, an accurate legal description of the perimeter for purposes of R.C. 709.02(C)(2) consists of one legal description of one perimeter showing the outer boundary of the territory proposed for annexation.

The second part of R.C. 709.02(C)(2) requires that an annexation petition contain “an accurate map or plat of the territory proposed for annexation.” R.C. 709.02(C)(2) refers to a map of the territory proposed for annexation in the singular by using the indefinite article “an” and the definite article “the.” The use of the singular is consistent with the first part of R.C. 709.02(C)(2),

⁵ The plat is a drawing of the survey. 11A Ohio Admin. Code 4733-37-05. “Where a plat delineates an actual survey, the survey rather than the plat fixes the location and the boundaries of the land. The plat is a picture, the survey the substance.” John S. Grimes, *Clark on Surveying and Boundaries*, §540 (3d ed. 1959).

which also utilizes the singular, *i.e.*, “legal description,” and “perimeter.” It follows that “map” and “territory proposed for annexation” denote one map of the entire area to be annexed rather than separate maps of each of the individual parcels of land that make up the territory proposed for annexation.

If the General Assembly intended that an annexation petition contain individual legal descriptions of the perimeter of each property or individual maps, the General Assembly could have utilized language to that effect. *See, e.g., Wadsworth Twp. Bd. of Trs. v. Medina Cnty. Bd. of Comm’rs*, 9th Dist. No. 08CA0020-M, 2008-Ohio-5653, 2008 WL 4766788, at ¶12 (“if the legislature deemed it necessary to include such an exacting requirement regarding a property owner’s signature in a petition for annexation, [defining a signature as a person’s cursive-style legal mark written in that person’s own hand rather than a photocopy of the person’s signature,] it had the opportunity to do so, and did not”). R.C. 709.02(C)(2) requires submission of an accurate legal description of the perimeter and an accurate plat or map of the territory proposed for annexation within an annexation petition. For purposes of R.C. 709.02(C)(2), an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation consist of one legal description of one perimeter and one map or plat of the territory proposed for annexation.

The Determination of Accuracy for Purposes of R.C. 709.02(C)(2)

R.C. 709.02(C)(2) requires that the legal description of the perimeter and map or plat of the territory proposed for annexation be accurate. The accuracy of the legal description of the perimeter and map or plat of the territory proposed for annexation is a question to be evaluated by the board of county commissioners in its determination of whether to grant an annexation petition. *See* R.C. 709.033(A)(1); *see In re Petition for Annexation of 131.983 Acres*, No. 94-CA-15, 1995 WL 418694, at *3 (Miami County July 7, 1995) (the determination of accuracy is a question of fact within the discretion of the board of county commissioners). In a non-expedited annexation proceeding, R.C. 709.031(A) requires the clerk of the board of county commissioners to “refer the legal description of the perimeter and the map or plat of the territory proposed to be annexed to the county engineer for a report upon the accuracy of the legal description of the perimeter, map or plat.” The information presented by the county engineer’s report is a means to assist the board of county commissioners in the determination of accuracy required under R.C. 709.02(C)(2). However, the county engineer’s report “shall not be conclusive upon the board.” R.C. 709.031(A). Whether a legal description of the perimeter and a map or plat of the territory proposed for annexation are accurate are questions of fact to be determined by the board of county commissioners.

A finding that an annexation petition contains an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation is a prerequisite to the board of commissioners’ approval of the annexation. *See* R.C. 709.033(A)(1) (“[t]he petition meets all the requirements set forth in, and was filed in the manner provided in, [R.C. 709.02]”). R.C. 709.02 does not set forth specific criteria or a single standard for the purpose of determining whether the legal description of the perimeter and the map or plat of the territory proposed for annexation are accurate. In common usage, the term “accurate” means, among other things, “1. free from error [especially] as the result of care, 2. conforming exactly to truth or to a standard: exact, 3. able to

give an accurate result.” *Merriam-Webster’s Collegiate Dictionary* 9 (11th ed. 2005); *see also The American Heritage Dictionary* 73 (2nd ed. 1982) (“accurate” means, *inter alia*, “in exact conformity to fact; errorless”). “When Chapter 709 is reviewed as a whole, however, it becomes obvious that the purpose of requiring the petitioner to file an accurate map of the territory proposed to be annexed ... is to permit the board of commissioners and any interested persons to determine the exact geographic location and size of the territory to be annexed.” *Falls Twp. Bd. of Trs. v. Hiscock*, 5th Dist. No. CA 90-34, 1991 WL 11621, at *3 (Muskingum County Jan. 23, 1991).

Stating that “[t]he [legal] description, though imperfect was yet not inaccurate, since it sufficiently indicated the territory to be annexed and it constituted a sufficient compliance with the requirements of the law[,]” the court in *Coy v. Foster*, 2 Ohio Law Abs. 230 (Cuyahoga County App. 1923), recognized that there are circumstances where a legal description and map are not error free, but they may be nonetheless legally sufficient to permit a board of county commissioners to ascertain the area’s exact boundaries. However, the court in *Norfolk & W. Ry. Co. v. Schaefer*, 69 Ohio Law Abs. 591, 593, 119 N.E.2d 150 (C.P. Franklin County 1954), acknowledged that the occurrence of a mistake or error within a map or description rises to a level of inaccuracy when a map or description does not provide a degree of certainty with respect to ascertainable boundaries:

Although it is quite true that the intent of the law is not that the description and accompanying map be meticulously and mathematically correct in all its details, it is the intent of the law that it be possible to ascertain from them the limits of the territory to be incorporated. A map or description from which bona fide disputes may arise concerning the location of boundaries does not have that degree of certainty which the statute requires.

The board of county commissioners exercises its discretion in determining whether the boundaries of the territory to be annexed are ascertainable by evaluating the legal description and map or plat of such territory as submitted in the annexation petition. *See* 2012 Op. Att’y Gen. No. 2012-018, at 2-154 (“[i]f ... the General Assembly has granted an officer or entity authority to perform a particular function without specific directions as to the manner of performing that function, the officer or entity may exercise a reasonable discretion in its performance”) (quoting 1994 Op. Att’y Gen. No. 94-066, at 2-324); *see also Jewett v. Valley Ry. Co.*, 34 Ohio St. 601, 608 (1878) (“[w]here authority is given to do a specified thing, but the precise mode of performing it is not prescribed, the presumption is that the legislature intended the party might perform it in a reasonable manner”). Thus, for purposes of R.C. 709.02(C)(2), an accurate legal description, map, or plat, is one that provides information sufficient to enable one to reasonably ascertain the limits and boundaries of the territory proposed for annexation.

A change in municipal boundaries affected by annexation directly affects the provision of public utilities and other public services, school district status, property tax levies, city income tax, development policy, and zoning status. *See* R.C. 709.10 (“[t]he territory annexed is a part of the municipal corporation, and the inhabitants residing therein shall have all the rights and privileges, and

shall be subject to the powers, of the municipal corporation as are the inhabitants within the original limits of such municipal corporation”); *see also State ex rel. Cornell v. Greene Cnty. Bd. of Comm’rs*, 2nd Dist. No. 13-CA-23, 2014-Ohio-5584, 2014 WL 7225301, at ¶53 (“[d]efects or deviations from those requirements in the petition [such as providing an accurate legal description and map of the territory proposed for annexation] affect the parties’ substantive rights, duties, and powers”). In a petition for annexation, submission of an accurate legal description of the perimeter and an accurate plat or map of the territory proposed for annexation permits the board of the county commissioners to have a clear picture of the boundaries of the territory proposed for annexation to fully evaluate the conditions of R.C. 709.033(A)(1)-(6) before granting an annexation. Once an annexation petition is granted, the new municipal boundaries dictated by the accurate legal description of the perimeter and an accurate plat or map of the territory proposed for annexation provide a means to determine the area where provision of services or collection of taxes is to begin. Hence, the ability to ascertain the entirety of the territory proposed for annexation is critical to the board of county commissioners’ determination of accuracy under R.C. 709.02(C)(2).

Submission of multiple legal descriptions of each property that comprises the territory proposed for annexation does not, on its face, reflect one perimeter of the territory proposed for annexation. Knowing the perimeters of individual legal descriptions of the properties comprising the territory proposed for annexation may be an aid to compile this information and create one legal description of the perimeter of the territory proposed for annexation. Nonetheless, preparation of a new legal description may require that a land survey be prepared anew. *See* 11A Ohio Admin. Code 4733-37-06(A)-(D) (delineating the necessary inclusions in a survey “[w]hen a surveyor is called upon to prepare a new description, either to replace an existing description which is inadequate or to create a new piece of property”). The board of county commissioners may determine that a land survey is necessary to satisfy the accuracy criteria as well as establish the ascertainable boundaries of the territory proposed for annexation. The task of compiling legal descriptions of individual properties to prepare a new legal description of the territory proposed for annexation may be complicated and subject to error. The board of county commissioners may not be able to conduct a survey itself. It is not practical to present a board of county commissioners with the task of compiling individual legal descriptions of each property comprising the territory proposed for annexation, and thereafter expect the board to independently evaluate its own work product for accuracy.

In your inquiry, the annexation petition contains a copy of the map of the area proposed for annexation that was obtained from the county engineer’s plat book. On the copy of that map, the perimeter of the territory proposed for annexation has been highlighted.

The plat book is an official record of the county engineer mandated by statute.⁶ R.C. 315.25 requires that the plat book be maintained with accurate surveys made by the county

⁶ R.C. 315.25 declares, in pertinent part, that,

engineer,⁷ his deputies, or other competent surveyors. Insofar as the surveys from the county engineer's plat book are presumably correct and accurate, copies of the same surveys from the engineer's plat book are also likely to be accurate. The board of county commissioners shall evaluate and consider the materials submitted in the annexation petition to determine whether the petition sufficiently meets the requirements delineated in R.C. 709.02(C)(2). If the map establishes ascertainable boundaries of the territory proposed for annexation allowing the board to determine the map's accuracy, the submission in the annexation petition may be sufficient. Thus, for purposes of R.C. 709.02(C)(2), the submission of a copy of a map or plat from the plat book of the county engineer that accurately reflects the area proposed for annexation fulfills the map or plat requirement.

Authority to Require an Annexation Survey to Fulfill the Requirements of R.C. 709.02(C)(2)

You have explained that petitioners provided individual legal descriptions as opposed to an "annexation survey." In your letter you describe an "annexation survey" as a document "that would specifically provide for the accurate legal description of the perimeter and an accurate map or plat of the territory to be annexed." An "annexation survey" is neither defined nor referenced in R.C. Chapter 709 or R.C. Chapter 4733 (professional engineers and professional surveyors). The Ohio Administrative Code defines surveying as "any Professional Service performed for the purpose of determining land areas, ... the platting and layout of lands ... including ... the preparation of: maps, record plats, field note records and property descriptions representing such surveys." 11A Ohio Admin. Code 4733-31-01(A). In preparing a survey, professional surveyors are not mandated to recreate the original surveys as maintained in the county engineer's office. See 11A Ohio Admin. Code 4733-37-06 (A), (D) (when a surveyor prepares a new legal description, the survey shall include a statement indicating that either "the

[t]he county engineer shall make and keep, in a book provided for that purpose, an accurate record of all surveys made by him or his deputies for the purpose of locating any land or road lines, or fixing any corner or monument by which it may be determined, whether official or otherwise.... Such book shall be kept as a public record by the engineer at his office, and it shall be at all proper times open to inspection and examination by all persons interested therein. Any other surveys made in the county by competent surveyors, certified by such surveyor to be correct and deemed worthy of preservation, may, by order of the board of county commissioners, be recorded by the engineer.

⁷ R.C. 315.02 requires a person holding the office of county engineer to be a registered professional engineer and a registered surveyor, licensed to practice in the State of Ohio.

description was made in accordance with a recent survey and the date thereof, or the description was made based on a previous survey, of a certain date, and date of description, or the description was not based on a survey”). Hence, a professional surveyor may provide a survey produced from prior surveys as a legitimate means of providing an accurate survey of the territory proposed for annexation. For this opinion, we presume that by annexation survey you mean a survey specifically prepared for submission with an annexation petition. An annexation survey should be tailored to include an accurate legal description of the perimeter and an accurate map of the territory proposed for annexation to fulfill the requirements of R.C. 709.02(C)(2).

The plain language of R.C. 709.02(C)(2) declares that an annexation petition shall contain “[a]n accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation[.]” The General Assembly does not require that an annexation survey accompany an annexation petition submitted pursuant to R.C. 709.02. *See Lake Shore Elec. Ry. Co. v. P.U.C.O.*, 115 Ohio St. 311, 319, 154 N.E. 239 (1926) (had the General Assembly intended a term to have particular meaning, “it would not have been difficult to find language which would express that purpose”); *State ex rel. Enos v. Stone*, 92 Ohio St. 63, 67, 110 N.E. 627 (1915) (had the General Assembly intended a particular result, “it is self-evident that some ... appropriate words indicating such clear purpose would have been employed in the statute”). Statutory requirements imposed by the General Assembly shall not be expanded. *See, e.g., State ex rel. Foster v. Evatt*, 144 Ohio St. 65, 105, 56 N.E.2d 265 (1944) (“[t]here is no authority, under any rule of statutory construction, to add to, enlarge, supply, expand, extend, or improve the provisions of the statute to meet a situation not provided for, or contemplated, thereby, or to substitute other provisions therefor”). A board of county commissioners or a county engineer may not impose a standard not required by the General Assembly in the statute. The plain language of R.C. 709.02(C)(2) does not require that an “annexation survey” accompany an annexation petition.

The board of county commissioners has an obligation to determine whether the requirements of R.C. 709.02(C)(2) are met prior to the approval of an annexation petition. Although there is no express requirement that an annexation survey accompany an annexation petition, it may be prudent to provide such a survey that demonstrates the necessary information needed by the board of county commissioners to make its determination. The clearest method to provide this information as well as demonstrate ascertainable boundaries of the territory proposed for annexation may be an annexation survey. If the legal description of the perimeter and a map or plat of the territory proposed for annexation are inaccurate or the boundary of the proposed territory is not ascertainable, the annexation petition will be denied.

Conclusions

Based on the foregoing, it is my opinion, and you are hereby advised that:

1. Pursuant to R.C. 709.02(C)(2), an annexation petition shall contain an accurate legal description of the perimeter and an accurate plat or map of

the territory proposed for annexation. For purposes of R.C. 709.02(C)(2), an accurate legal description of the perimeter and an accurate map or plat of the territory proposed for annexation consist of one legal description of one perimeter and one map or plat of the territory proposed for annexation.

2. For purposes of R.C. 709.02(C)(2), the submission of a copy of a map or plat from the plat book of the county engineer that accurately reflects the area proposed for annexation fulfills the map or plat requirement.
3. For purposes of R.C. 709.02(C)(2), an accurate legal description, map, or plat, is one that provides information sufficient to enable one to reasonably ascertain the limits and boundaries of the territory proposed for annexation.
4. Whether a legal description of the perimeter and a map or plat of the territory proposed for annexation are accurate are questions of fact to be determined by the board of county commissioners.

Very respectfully yours,

A handwritten signature in blue ink that reads "Michael Dewine". The signature is written in a cursive, flowing style.

MICHAEL DEWINE
Ohio Attorney General