

OPINION NO. 69-032

Syllabus:

When a new township is created which conforms to the limits of a municipality and is created from part of the area of three different existing townships, the city ordinance which sets out the boundaries for the new township should describe the new boundaries of each of the three townships from which area was annexed and how it relates to the new township.

To: Neil M. Laughlin, Licking County Pros. Atty., Newark, Ohio
By: Paul W. Brown, Attorney General, March 19, 1969

I have before me your request for my opinion concerning Newark City Ordinance #68-106 which sets out the boundaries for a new township called Legend Township which would be created to conform to the corporation limits of the City of Newark. The City of Newark actually comprises parts of Newark Township, Granville Township, and Madison Township. The Ordinance now refers to the creation of a new township out of that portion of Newark Township now included within the limits of the municipal corporation of the City of Newark, Ohio.

The question presented is as follows:

"* * * whether the Ordinance #68-106 should also include therein that the new township would be created in accordance with the corporation limits of The City of Newark, should also provide that the township lines of Granville Township and Madison Township should also be made to conform to the corporation limits of The City of Newark."

Section 503.02, Revised Code, states:

"The board of county commissioners may change the boundaries of any civil township, or partition any township among other townships within the county, by attaching a part of one township to another, by dividing one township and attaching the parts to other townships, or by laying off and designating a new township from the territory of one or more townships of the same county or from territory not before included in a civil township, when it is made to appear necessary or expedient by a petition for that purpose, signed by a majority of the householders residing within the bounds of the townships to be affected by such partition or division."

The above section points out that the changing of boundaries of one or more existing townships to create a new township is authorized under the Revised Code. Therefore, the Board of County Commissioners may form Legend Township out of the three existing townships.

Section 503.07, Revised Code, states:

"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."

The above section of the Ohio Revised Code points out that a new township may be formed out of territory lying in more than one township and it may conform to the limits of a municipal corporation. However, when such new township is formed the boundaries must be strictly determined.

In the present case there are three townships involved. Ordinance #68-106 creates a new township that conforms to the boundaries of the Municipal Corporation of Newark which takes in parts of each of the three townships now within the municipal corporation.

The effect of boundaries of a municipal corporation and township becoming identical is stated in Section 703.22, Revised Code, which reads as follows:

"When the limits of a municipal corporation become identical with those of a township, all township offices shall be abolished, and the duties thereof shall be performed by the corresponding officers of the municipal corporation. All property, moneys, credits, books, records, and documents of such township shall be delivered to the legislative authority of such municipal corporation. All rights, interests, or claims in favor of or against the township may be enforced by or against such municipal corporation."

The creation of the new township results in the area of the other three townships being outside of the municipal corporation of Newark. Therefore, as a result of the above section, the new boundaries abolish all duties which Newark Township, Granville Township, and Madison Township formerly had with respect to the area combined into the new township. The boundaries of the new township, Legend Township, must be strictly determined. Since Legend Township's boundaries are identical to those of the municipal corporation the remaining portions of Madison, Granville, and Newark Townships must also conform their outside boundary to the municipal corporation.

In conclusion, it is my opinion and you are advised that when a new township is created which conforms to the limits of a municipality and is created from part of the area of three different existing townships, the city ordinance which sets out the boundaries for the new township should describe the new boundaries of each of the three townships from which area was annexed and how it relates to the new township.