

RESOLUTION TO ERECT A NEW TOWNSHIP WITH BOUNDARIES IDENTICAL TO
THE CITY OF FAIRFIELD, OHIO

WHEREAS, the City of Fairfield, Ohio contains territory lying in more than one township; and

WHEREAS, pursuant to Section 503.77 of the Ohio Revised Code, the Council of the City of Fairfield, Ohio has passed Ordinance 145-94 petitioning to have a new township erected consisting only of the territory within the corporate limits of the City of Fairfield, Ohio; and

WHEREAS, said Ordinance No. 145-94 together with the authenticated proceedings of the Council of the City of Fairfield, Ohio relating thereto has been duly presented to this Board of County Commissioners, Hamilton County, Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Hamilton County, Ohio, that:

1. The petition of the City of Fairfield, Ohio to erect a new township consisting of the territory within the corporate limits of the City of Fairfield, Ohio is hereby approved pursuant to Ohio Revised Code Section 503.07.
2. The new township so erected shall be known as "Heritage Township" and shall be a "paper township" pursuant to the Ohio Revised Code, Section 703.22.
3. Heritage Township shall consist of all of that portion of the existing City of Fairfield, Ohio which was formerly part of Fairfield Township, together with those areas of the City of Fairfield, Ohio located in Union Township, Butler County, Ohio and Springfield Township, Hamilton County, Ohio which are described in the attached Exhibits "A" and "B" respectively.
4. The Hamilton County Auditor, Treasurer, Recorder and Prosecuting Attorney be informed of the erection of this new township so they may act, as needed.

ADOPTED at a regularly adjourned meeting of the Board of County Commissioners, Hamilton County, Ohio this 4th day of January 1995.

Mr. Dowlin AYE

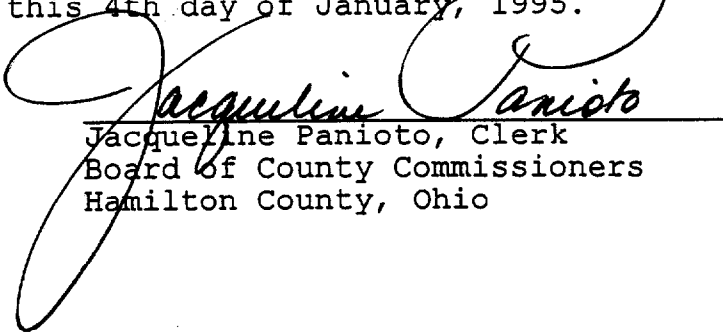
Mr. Guckenberger. AYE



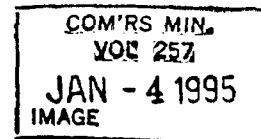
CERTIFICATE OF CLERK

IT IS HEREBY CERTIFIED that the foregoing is a true and correct transcript of a resolution adopted by the Board of County Commissioners in session this 4th day of January 1995.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the office of the Board of County Commissioners of Hamilton County, Ohio, this 4th day of January, 1995.



Jacqueline Panioto, Clerk
Board of County Commissioners
Hamilton County, Ohio



DEC 20 1994

J.K.P.

JOSEPH T. DETERS

HAMILTON COUNTY PROSECUTING ATTORNEY

914 MAIN STREET
SUITE 200
CINCINNATI, OHIO 45202
AREA CODE: 513 832-8202
FAX: 513 632-5787
WRITER'S DIRECT DIAL NUMBER
632-8555

December 13, 1994

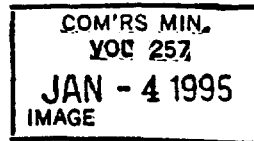
Honorable Board of County Commissioners
603 County Administration Bldg.
138 East Court Street
Cincinnati, Ohio 45202

Gentlemen:

Please be advised we are in receipt of your request for our review and opinion regarding the following correspondence you received from the City of Fairfield.

Attached please find an authenticated copy of Ordinance No. 145-94 of the City of Fairfield, Ohio together with an extract of the minutes of the meeting of Council on October 24, 1994 also authenticated by the Clerk of Council at which meeting Ordinance No. 145-94 was adopted. Please consider this ordinance and authenticated proceedings as the petition of the City of Fairfield, Ohio to erect a new township with boundaries identical to the corporate limits of the City of Fairfield, Ohio pursuant to Ohio Revised Code Section 503.07.

The City of Fairfield corporate limits presently include portions of Union Township, Butler County, Ohio, Springfield Township, Hamilton County, Ohio and the area within the City which was formerly Fairfield Township. It is the desire of the City of Fairfield to have a new township erected from these three areas with boundaries identical to the corporate limits of the City in order to create a "paper township" under Ohio Revised Code Section 703.22. The new township will effectively never exist because its offices would be immediately



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abolished under Ohio Revised Code Section 703.22 when it is created.

The reason for the City of Fairfield's petition is that the Butler County Budget Commission has informed the City that it cannot receive the full amount of the inside millage from property tax which formerly went to Fairfield Township for tax year 1995 unless it also withdraws from Union Township. Since the City includes part of Springfield Township in Hamilton County, Ohio by a previous boundary adjustment with the City of Forest Park, it was determined that the most effective way to accomplish the withdrawal and avoid any other issues on the inside millage was to have a new township erected. The City of Fairfield would appreciate your cooperation in approving this new township as soon as possible since the 1995 tax rates must be determined in the near future.

Since the new township will be a "paper township", its name is not particularly significant and the ordinance does not request any particular name. So long as the Butler and Hamilton County Commission approve the same name, it will be acceptable. In order to avoid confusion with other jurisdictions in Hamilton or Butler County, I would suggest a name such as "Heritage Township".

By majority vote of its legislative authority, a municipal corporation may petition a board of county commissioners to change the township boundaries or create a new township which is entirely within the boundaries of the municipal corporation. Upon the presentation of such an authenticated petition, the board of county commissioners must grant the requested action at a regular or adjourned session pursuant to R.C. 503.07. When the boundaries of the municipal corporation are located in two or more counties, then pursuant to R.C. 503.15, the petition must be submitted to the board of county commissioners of all of the affected counties. The granting of the petition is mandated notwithstanding the involvement of more than one board. In State ex rel Dublin v. Delaware Cty. Bd. of Commrs. (1991), 62 Ohio St.3d 55, the Ohio Supreme Court found the provisions of R.C. 503.07 and 503.15 to be valid.

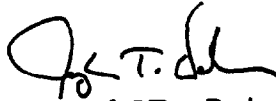
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Board of County Commissioners
December 13, 1994

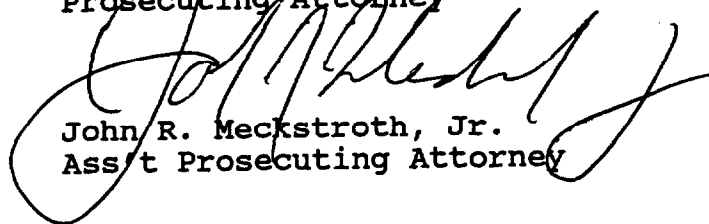
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It is therefore our opinion that upon the presentation of an authenticated petition, the Board of County Commissioners should grant the request to create a new township which includes land in Springfield Township that is currently part of the City of Fairfield.

Respectfully submitted,



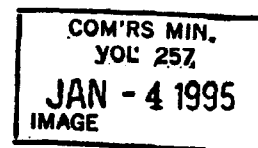
Joseph T. Deters
Prosecuting Attorney



John R. Meckstroth, Jr.
Ass't Prosecuting Attorney

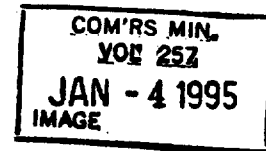
JRM/ncj



**EXHIBIT "A"**

Situated in Section 8 and 9, Town 2, Range 2, Union Township, Butler County, Ohio, and being more particularly bounded and described as follows:

Beginning at the southwest corner of Section 9, Town 2, Range 2, said section corner being in the easterly corporation line of the City of Fairfield, and the center of Mulhauser Road and going thence along the west line of said section and the easterly corporation line of the City of Fairfield, North $0^{\circ} 09'$ West 1977.66 feet to the southwesterly corner of a 54 acre tract of land presently in the name of Field Enterprises Realty Corporation; thence along the southerly line of said 54 acre tract, North $79^{\circ} 52' 30''$ East 710.38 feet to the southwesterly corner of a 168.225 acre tract of land presently in the name of Interstate Properties; thence along the southerly line of said 168.225 acre tract, North $79^{\circ} 29' 51''$ East 989.92 feet to the northwesterly corner of a 100.786 acre tract of land presently in the name of Eugene B. and Sidney A. Warm; thence along the westerly line of said 100.786 acre tract, and the southerly production thereof, South $0^{\circ} 20'$ East 2014.38 feet to a point in the southerly right-of-way line of Mulhauser Road, parallel to and 30.00 feet south (measured at right angles) of the north line of Section 8, Town 2, Range 2, North $79^{\circ} 54'$ East 5.92 feet to a point; thence continuing along the southerly right-of-way line of Mulhauser Road, North $80^{\circ} 00' 30''$ East 76.25 feet to a point in a westerly line of Commerce Park Tri-County, Section three; thence along said westerly line South $0^{\circ} 06'$ East 792.43 feet to a corner; thence along a northerly line of Commerce Park Tri-County, Section Three, South $80^{\circ} 00' 48''$ West 402.12 feet to an angle; thence continuing along said northerly line South $78^{\circ} 24' 56''$ West 1393.39 feet to the westerly line of Section 8, Town 2, Range 2, and the easterly corporation line of the City of Fairfield, thence along said corporation line and the westerly line of said section, North $0^{\circ} 05'$ West 857.72 feet to the point of beginning, containing 109.9223 acres of land of which 76.2091 acres are in Section 9, Town 2, Range 2 and 33.7132 acres are in Section 8, Town 2, Range 2.

**EXHIBIT "B"**

Beginning at a point, said point being the section corner between Sections 20 and 26, Town 2, Range 2, Fairfield Township and Sections 19 and 25, Town 2, East, Range 2, Springfield Township; thence along the north line of Section 19, North 79° 48' 50" East, 113.33 feet; thence South 3° 44' 50" West, 72.29 feet; thence South 17° 02' 18" West, 217.49 feet to the north right-of-way line for Access Road "H"; thence along the said north right-of-way line, South 89° 17' 59" West, 20.06 feet; thence South 6° 55' 30" East, 108.00 feet to the south right-of-way line for Access Road "H" and the east right-of-way line for Hall Road; thence along the easterly right-of-way line for Hall Road the following three courses and distances: South 3° 44' 50" West, 93.87 feet; thence South 7° 33' 46" East, 101.98 feet; thence South 3° 44' 50" West, 100.00 feet to a point in the limited access right-of-way for Interstate 275; thence along the said limited access right-of-way, North 86° 15' 10" West, 170.00 feet to the west right-of-way, North 3° 44' 50" East, 150.00 feet; thence leaving said right-of-way, North 14° 13' 04" East, 110.05 feet; thence North 3° 44' 50" East 250.00 feet; thence North 15° 25' 54" West, 121.76 feet; thence North 3° 44' 50" East, 52.81 feet to the north line of Section 25; thence along the said north section line, South 77° 03' 15" East, 111.43 feet to the point of beginning, containing 2.42 acres of ground of which 1.16 acres are in Section 19 and 1.26 acres are in Section 25.