

October 27, 2011 – SPECIAL MEETING
RECORD OF PROCEEDINGS

Minutes of BOARD OF TRUSTEES – BATAVIA TOWNSHIP –

The Board of Trustees of Batavia Township met for a special meeting on Thursday October 27, 2011 at the Batavia Township Community Center.

CALL TO ORDER

After the Pledge of Allegiance, Jennifer Haley, Fiscal Officer gave the roll call for the Board of Trustees. Present were: Mr. Cornett, Mr. Sauls, and Mr. Dowdney. Also present was Rex Parsons, Township Administrator and Denise Kelley, Zoning Administrator.

ANNEXATION DISCUSSION

Mr. Cornett introduced attorney John Korfhagen, who was hired for legal services by the Trustees to review the petition and compare it to all the requirements of the revised code. Mr. Korfhagen spoke concerning the issue. In the review, there is a question as to whether or not the petition establishes who the owners are of the property, which is the subject of this annexation; is there an ownership interest. There is no other case, no other situation in the state of Ohio where this situation exists. Because there is reasonable doubt, this has to go forth through the system to be determined.

If the Township approves the resolution, it gives the Clermont County Commissioners the authority to grant either the signed petition or grant moving the court into boundaries of the Village of Batavia.

Mr. Sauls motioned the Batavia Township Board of Trustees adopt **Resolution 10-5-2011**. Mr. Dowdney seconded the motion. On the roll being called:

Mr. Dowdney	yes	
Mr. Sauls	yes	
Mr. Cornett	yes	Motion carried

The commissioners have the authority under statute to locate the municipal court outside the village boundary

This is the only case The County Commissioners are the landowners. 190101 is specific legislation, and 770902 & 70902_ is general legislation. The question is this, on the 709023 petition, it is required to be signed by all the owners of the property seeking to be annexed. In this case it has been signed solely by Mr. Wiedenbein. It was not signed by Commissioners because under definition of owner in 70902, governments are excluded from the definition of owner. So the question is, is that exclusion effective against Clermont County who has been given specific and unique rights to determine where the municipal court shall be located. If the Township Trustees do not object - taking no action, then the issue is dead. If the Trustees file the objection, turn it over to the Commissioners, it is up to the Commissioners and the village.

ADJOURNMENT

With no further business to come before the Board, Mr. Sauls motioned to adjourn the meeting. Mr. Dowdney seconded the motion. Meeting adjourned.

Lee Cornett,
Chairman

Jennifer Haley,
Fiscal Officer