

Requirements for Township-to-Township Mergers

Overview

Each board of township trustees of the townships proposing to merge must adopt a joint resolution approved by a majority of the members of each board. This resolution must propose to place the question before each of the township's voters at the next regular election.

If the merger is approved by a majority of voting citizens, then township trustees for each township proposing to merger must enter into a merger agreement that contains the specific terms and conditions of the merger. The townships must do this within 120 days after approval of the merger by the electors.

This web site includes a sample merger agreement, which includes the requirements found in Ohio Rev. Code § 523.04. That statute provides that, at a minimum, a merger agreement should contain the terms referenced in the sample agreement. This is not an exhaustive list of potential terms. There could be other necessary terms/conditions, depending on the particular situation of each merging township.

Townships seeking to merge should consult legal counsel to ensure that all necessary terms are incorporated in the merger agreement.

The merger agreement and a copy of the joint resolution shall be filed with the township fiscal officer of the new township. The merger agreement will become effective on this date of filing.

In the event that the townships to be merged fail to enter into a merger agreement within 120 days following approval of the merger by electors, the statutory default rules of Ohio Rev. Code § 523.06 will govern. Additionally, in the event that the townships to be merged enter into a merger agreement, but fail to incorporate all of the required terms/conditions provided for in Ohio Rev. Code 523.04, the default provisions will apply to the extent not provided for in the merger agreement. This web site also includes a list of the statutory default rules.