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RE: Township Park and/or Township Park District

This letter is written to you in order that the information contained herein will be forward to the township trustees to be used at your township meeting. I hope that this letter answers some of the questions the township may have. I have also enclosed the relevant statutes I believe that are applicable.

A township board of trustees is authorized to establish and develop a township park pursuant to Ohio Revised Code §§ 505.26 and 505.261. It must be noted there is a difference between a park and a park district.

The electors of the township may petition that a park district is established as opposed to merely a park pursuant to O.R.C. §511.18. The process for accomplishing this requires a petition signed by 10% of the total vote case in the most recent general election. Said petition is presented to the board of trustees who shall then certify such to the county court of common pleas. If the entire park district is contained within the unincorporated area of the township, the board of township trustees *shall* appoint the board of park commissioners. Otherwise, the court will determine who is to serve on the board of park commissioners.

A township park is maintained by the township trustees and is fully funded by township monies. A park district is funded by outside revenue sources; generally, this is done by levy but may also be accomplished by applying for grant money. It is my understanding that the trustees do not wish to have to levy the citizens of the township to support the park. Instead, they wish to use the funds that are

already in the township's coffers. It does not appear from a reading of the relevant statutes that the township may give monies to a park district. A gift or sale of land may take place but actual funds may not be exchanged, therefore any park district would need to find some form of funding external from the trustees. However, the township and a township park district may undertake a joint project, which I believe may be the best approach.

Pursuant to O.R.C. §755.16 a township and township park district may jointly acquire property for, construct, operate and maintain any parks. Contributions of money, land and services may be undertaken as the parties agree (i.e. by an agreement). Such agreement must specify the rights of the parties to the land and personal property contributed. Under this approach, the township and the park district may maintain the park jointly, but the township can fund the entire project with the park district overseeing day-to-day management.

The township should adopt a resolution creating a park district pursuant O.R.C. §511.18. It should mention in the resolution the geographical area to be the park district establishing the entire area is located in the township. The board of trustees then need to make three elector appointments to the park district board (see O.R.C. §511.19). The township also should create a writing (the agreement) between itself and the park district detailing the money, services and equipment to be provided.

If you have any further questions, feel free to contact me.

Sincerely,

Bradford W. Bailey
Hardin County Prosecutor