

LOCAL GOVERNMENT LAW

FOREWORD

In an age of rapid legal development, it is not unusual to find that the significance of changes in any one field are often overlooked. An excellent example of this is the social upheaval in American urban life. Constantly increasing total population, and the even greater growth of urban population has created an indescribably complex society. The result is that "municipal" law, in the traditional sense of the law of municipalities, is being forcibly changed to "urban" law. Even while subjects such as governmental contracts and tort liability are developing apace, the emphasis in study is shifting to matters such as land use controls, co-operative governmental action and the financing of public improvements.

Municipal law was once almost exclusively the province of attorneys in elected governmental positions. Now, the difficult social problems brought on by our urban life are becoming also private legal problems. Many of these problems are fundamental in the daily human activities of the electorate as well as the elected. For example, the enactment of stringent building, housing, zoning, and subdivision controls, and the increasingly important subject of urban renewal. For further example, the expansion of governmental units both in quantity and in jurisdiction, and the shifting of control over law-making and implementation from traditional bodies to newly created agencies.

To cover the new developments in established fields and also the new fields in urban law is beyond the capacity of a law journal. The objectives of this symposium must be more modest.

The most basic matter in urban law is to identify how decisions are being made in reacting to the problems of our society. Dean Fordham in his article prepared for this issue of the Journal has provocatively highlighted the trends and the questions in modern political and legal processes.

Since our population has spilled far beyond the confines of our cities, simply providing a means of governing the urban sprawl is a problem by itself. Attention is therefore given to the broader problems of incorporation and annexation, and to the specific problems of Ohio's annexation laws.

In 1948, Volume 9, Number 2 of the OHIO STATE LAW JOURNAL made a significant contribution to Ohio municipal law. The unique Ohio constitutional "home-rule" provisions had in great measure lain fallow for 35 years. A comprehensive review of their theory and operation in that issue brought these provisions forcibly to the atten-

tion of the bar and judiciary. The substantial increase in judicial action involving home-rule attests to the impact of that symposium.

Several of the important aspects of home-rule covered in the previous symposium are updated in this issue. In deference to the interest in public improvement finance, particular attention has been given to taxation, indebtedness and utilities. However, space obviously must control the comprehensiveness of our home-rule coverage. It is the hope of this Journal that in subsequent issues we will be able to complete our review of the significant developments in Ohio home-rule.