

**BOARD OF PARK COMMISSIONERS OF THE  
CLEVELAND METROPOLITAN PARK DISTRICT  
POLICY STATEMENT**

**SUBJECT:** Conservation Easement Stewardship Policy

**EFFECTIVE DATE:** November 30, 2017

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**I. PURPOSE:**

When the Board of Park Commissioners of the Cleveland Metropolitan Park District (Cleveland Metroparks) was established on July 23, 1917, the Park District began acquiring land interests to preserve the pristine landscape and create access to nature for the citizens of Cuyahoga County and Hinckley Township. Cleveland Metroparks has utilized a number of acquisition tools over its 100-year history to expand the Park District to over 23,000 acres of protected land. Fee acquisition of land has been the most commonly used method of preserving land, however beginning in 1996 the Park District began strategically acquiring Conservation Easements on properties containing significant natural resources.

Conservation Easements (CE) are voluntary legal agreements between a landowner and Cleveland Metroparks that permanently limit the use of the land to protect its conservation value. In cases where a property contains a high quality natural resource, and the property holder wishes to retain ownership of their land but desires to preserve the natural resource, a CE is negotiated by Cleveland Metroparks to ensure the resource is protected. The terms of these agreements vary by property owner and resources protected, however they generally permit the land owner to retain ownership of the property while placing specific restrictions upon the land preventing the disturbance of the landscape and natural resources. CEs grant access to Cleveland Metroparks to manage the natural resources, and in some cases, permit public access to the land. Between 1996 and 2017, Cleveland Metroparks has preserved nearly 500 acres of land using CEs.

To ensure that the terms of the agreements are met, Cleveland Metroparks must periodically inspect the properties protected by CEs. These inspections of land are intended to identify any activities that might endanger the undisturbed, natural, scenic, and open or wooded state of the protected property. Examples of land uses that may not be permitted include:

- Constructing buildings, roadways, or other improvements which affect the protected property.
- Clearing or harvesting of trees and vegetation.
- Manipulation or alteration of natural water courses, lake shores, wetlands or other water bodies.
- Storage of hazardous materials or equipment which may damage the land.
- Unauthorized drilling of Oil & Gas wells or other mining of mineral interests.
- ATV use and associated impacts on the landscape.

It is important for Cleveland Metroparks to identify any land use that conflicts with the recorded CE and address it immediately with the land owner to ensure that the landowner understands the terms of the agreement and halts any activity that may further damage the preserved natural resources.

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## **II. POLICY**

Cleveland Metroparks inspects lands protected by CEs at least once every three (3) years. These stewardship visits, as they are commonly called in the conservation profession, are conducted by the Conservation Program Manager in coordination with the Park Manager and are specific to the conditions of the CE at issue. Notification of the stewardship visit will be sent to the landowner and a date for the visit will be coordinated. A monitoring form of observations made during each visit is completed for each property during the visit. The completed form is utilized to document the conditions of the property and any activities that may conflict with the CE.

After each visit, a letter is drafted to the land owner using information documented with the monitoring form to outline the terms of the CE and summarize the observations made by the Conservation Program Manager. If a land use or activity exists that conflicts with the CE, it is documented within the letter and a follow-up meeting with the land owner is requested to review the CE and develop a plan to correct the conflicting land use.

In some instances, extreme violations with the CE terms and conditions may exist. Activities such as timber harvesting, permanent structure construction, destruction of wetlands, and other actions that cause permanent impacts to the preserved natural resources of the property may require restoration or restitution from the land owner. These instances will be reviewed on a case by case basis, and require engaging the Chief Executive Officer, Chief Legal and Ethics Officer, Chief Operations Officer, and Ranger Department to review the implications of the land use conflict.

Cleveland Metroparks utilizes CEs as a vital tool for conserving the natural resources of the region and will continue to enforce the recorded land use restrictions protecting these properties.

## **III. PROCEDURES**

The following procedures define the role of the Conservation Program Manager as the position responsible for Conservation Easement Stewardship:

- A. Stewardship Visit – The Conservation Program Manager, or designee, will inspect each CE held by Cleveland Metroparks at least once every three (3) years. Notice of the visit and coordination of the date and time will be made by the Conservation Program Manager. The property will be walked to identify any indication of unpermitted land use and a property inspection log will be kept using a standard monitoring form (Attachment A – monitoring form). The visits will be scheduled to ensure maximum visibility of land use.

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After each property visit, a report will be written outlining the findings. A letter will be drafted to the land owner that summarizes the findings of each visit.

B. Problem verification – If a problem or conflicting land use is identified upon the property, a follow-up phone call will be made to the land owner to verify the land use identified in the field. In many cases, the observed land use may not conflict with restrictions as originally interpreted (example: temporary drives or utility work that may indicate future restricted activity, but is found to be completed and restoration is underway). If a landowner is not compliant with the terms of the CE:

C. Problem resolution

1. With all CE restriction conflicts, a summary of the violations will be drafted by the Conservation Program Manager and included with the letter sent to the land owner stating that the restricted activity must be remedied. A copy of this letter will be provided to the Park Manager. A request for a follow-up meeting to review the conflicts will be made, during which an action plan for correcting the restricted activity will be made including a timeline for completion. The follow-up meeting is intended to be educational, not punitive, as many conflicts arise from a lack of information rather than a malicious intent. It is the responsibility of the land owner to remedy the issue as quickly as possible, regardless of whether he/she is the source of the violation or not. If the conflicting land use is originating from a neighboring land owner, the Conservation Program Manager will support the land owner of the preserved property with communicating the terms of the agreement and discussing a resolution to the conflicting land use.
2. The Park Manager will monitor the correction of the violation in accordance with the timeline set forth during the meeting with the land owner. If resolution of the problem has not been achieved, and no extenuating circumstances exist, then the problem, with the inspection log and letter, will be referred to the Ranger's Natural Resource Enforcement Team for a second letter, with a copy to the Conservation Program Manager and Park Manager.
3. If an acceptable resolution has not occurred after the fixed period established by the Park Ranger letter, then the violation, with inspection log, will be referred by written notice from the Park Ranger to Cleveland Metroparks Chief Legal & Ethics Officer, with written notice also to the Chief Executive Officer, Chief Operating Officer, and Park Manager. Follow-up, dependent upon the circumstances, will be initially determined by the Chief Legal & Ethics Officer and Chief Executive Officer, with notice to the Chief Operating Officer, Park Manager, and may include the initiation of legal action, up to and including criminal prosecution.

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D. Severe land use violation and resolution – In rare cases, the damage caused by a conflicting land use may require extreme reclamation and funds for restoration, or necessitate other restitution to Cleveland Metroparks. Examples of such violations are:

- Clear cutting of forest (timber harvesting);
- Filling in or destruction of wetlands;
- Oil & Gas well drilling; and
- Construction of permanent structures.

Such rare and extreme cases will be reviewed on a case by case basis and require engaging the Chief Executive Officer, Chief Operating Officer, Chief Legal and Ethics Officer and Ranger Department.

**IV. COMPLIANCE WITH POLICY AND PROCEDURES**

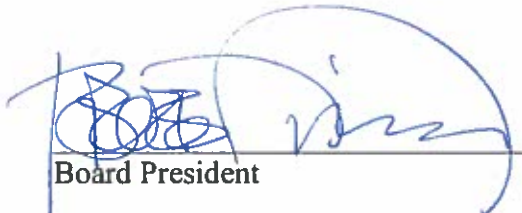
All owners of properties which Cleveland Metroparks owns CEs upon are expected to adhere to the terms and conditions agreed upon within the recorded CE agreement. Monitoring the compliance with these terms and conditions will be the responsibility of the Conservation Program Manager with assistance provided by the Park Manager to monitor progress of correcting violations. The Conservation Program Manager will provide CE documentation and stewardship visit logs as needed to the Chief Legal and Ethics Officer as conflicts are corrected and/or restitution is sought.

Recognizing the complexity and variability that each individual CE's terms and conditions may have, and that the ultimate goal is to protect Cleveland Metroparks natural resources and educate land owners, the Conservation Program Manager will have the leeway and flexibility to be subjective and review each property on a case by case basis.

References:

Approved:

  
\_\_\_\_\_  
Chief Executive Officer-Secretary

  
\_\_\_\_\_  
Board President

11/30/17  
\_\_\_\_\_  
Approval Date

11/2022  
\_\_\_\_\_  
Review Date



# Conservation Easement Checklist

PROPERTY INFORMATION	
Property Owner(s):	Hinckley Township (Wakefield Run HOA)
Did Owners Attend:	Check One: <input type="checkbox"/> (Yes) <input type="checkbox"/> (No)
Staff Name(s):	Isaac Smith
Address:	Wakefield Run Blvd/Boston Road Hinckley, OH 44223
Telephone number:	(000) 000-0000
Email Address:	generic@email.com
Reservation:	Hinckley Reservation
Deed/Agreement/ #:	Deed 1494
PPN(s):	1603B05029, 1603B06119, 1603B12017, 1603B24006
Stewardship Visit Date:	03/01/2018
Date of Previous Visit:	03/01/2016
Property Acreage (Deed):	143.48

ATTACHMENT & SITE VISIT CHECKLIST (check all that apply)	
<input type="checkbox"/>	Map Attached
<input type="checkbox"/>	Photos Attached
<input type="checkbox"/>	Property Boundary Visibly Marked
<input type="checkbox"/>	Property Accessible

OBSERVATIONS DURING VISIT (over for checklist of observed land use changes)

**OBSERVED LAND USE CHANGES**  
 (changes in land use that may conflict with recorded Conservation Easement)

<input type="checkbox"/>	Buildings, structures, billboards, or signs erected upon subject property	Type and description:
<input type="checkbox"/>	Filling, excavation, or changes in topography	Describe:
<input type="checkbox"/>	Removal or topsoil, sand, gravel, rock, minerals, or other materials	Describe:
<input type="checkbox"/>	Harvesting of timber or clearing of vegetation	Describe:
<input type="checkbox"/>	Construction of roads, trails or paths	Describe:
<input type="checkbox"/>	Spraying of herbicides or pesticides upon the property	Describe:
<input type="checkbox"/>	Erection or installation of transmission lines (electric power, telephone, natural gas, petroleum products, etc.)	Type and description:
<input type="checkbox"/>	Garbage, trash, or unsightly materials stored or disposed of on property	Describe:
<input type="checkbox"/>	Manipulation/Alteration of natural water courses, wellands, or other water bodies	Describe:
<input type="checkbox"/>	Evidence of hunting/trapping	Describe:
<input type="checkbox"/>	Evidence of ATV or other vehicle use	Describe:

**SUMMARY AND NEXT STEPS**

<input type="checkbox"/>	No Land Use Conflicts	Send standard letter
<input type="checkbox"/>	Pending Land Use Conflict(s) (more info needed)	Additional info required:
<input type="checkbox"/>	Land Use Conflict(s) Exist	Summarize: