

OHIO PUBLIC WORKS COMMISSION

ADVISORY

CLEAN OHIO PROGRAM - LONG TERM OWNERSHIP & CONTROL REQUIREMENTS:

Land, or rights in land acquired with funds from the Clean Ohio Conservation Fund shall remain in the ownership and control of the grant recipient in perpetuity. Any future transfer of ownership and control must be approved in writing by the Director of the Ohio Public Works Commission.

Grant recipients shall, at the time of transfer of land or rights to land to the grantee, record deed restrictions or conservation easements which are commensurate with the nature and purpose of the lands, or interests in lands, acquired as stated in the respective project application.

Proposed deed restrictions or conservation easements shall be submitted to the Director of the Ohio Public Works Commission for written approval prior to the disbursement of Clean Ohio Conservation Fund monies for the proposed acquisition.

Recorded restrictions and conservation easements shall be perpetual and may not be modified or extinguished without the advance written approval of the Director of the Ohio Public Works Commission.

A copy of the recorded deed restrictions, or conservation easement, shall be provided to the Director within thirty (30) days of their recording.

Failure to record deed restrictions or conservation easements approved by the Director within the 30 day time period stated above shall require the grantee to make immediate repayment of all Clean Ohio Conservation Fund monies disbursed for the project.

Any future modification or breach of the recorded deed restrictions or conservation easement that occur without the advanced written approval of the Director of the Ohio Public Works Commission shall result in the imposition of a penalty on the entity responsible for the breach equal to twice the Clean Ohio Conservation Fund monies disbursed for the project, plus compounded interest at six percent (6%) per annum or twice the appraised value of the property or easement, which ever is greater.

Penalties received by the Commission shall be deposited into the Clean Ohio Conservation Fund, or other similar fund of the State as determined by the Director and used for similar purposes.

In accepting a grant from the Clean Ohio Conservation Fund the grantee agrees to the conditions stated above as well as the full enforcement authority of the Director of the Ohio Public Works Commission.

Released: March 19, 2002

Status: Ongoing

Distribution: Interested Parties