



Ohio Administrative Code

Rule 164-2-05 Declaration of restrictions and long-term ownership or control.

Effective: February 15, 2024

(A) When clean Ohio funds are expended to purchase the ownership interest of real property, a declaration of restrictions shall be placed upon and recorded for all acquired real property. The declaration of restrictions, which are the principal mechanism for deed restricting the property in perpetuity, must be approved by the director and shall be perpetual and shall be strictly enforced.

(B) When clean Ohio funds are expended to purchase an easement or to make improvements to a riparian corridor or watershed owned by a person or a non-public entity, a conservation easement protecting the easement rights obtained or the improvements made shall be placed upon the real property from which the easement was obtained or upon which the improvements were made, and such easement shall be recorded. The conservation easement shall include the declaration of restrictions and must be approved by the director and shall be perpetual and shall be strictly enforced.

(C) An application for funds for the purchase of ownership interest of real property may include purchase of a conservation easement as a condition of a secondary funding source, for monitoring of the property, or other reasons as approved by the director. However, in such a case, the natural resource assistance council that scores the project application may only provide points for the ownership interest.

Real property interests obtained with clean Ohio funds shall remain in the long-term ownership, or the long-term control by the grant recipient. A transfer of ownership of real property or control of real property or a conservation easement cannot be made until the director has provided written consent to transfer ownership or control. A request to transfer ownership or control of a real property interests obtained with clean Ohio funds shall be made in writing to the director, which requests shall specifically delineate why the request is being made and how the proposed recipient of the real property interests would be able to promote the clean Ohio program through its ownership of the real property interests. If the director concludes that a transfer of a real property interest obtained with clean Ohio funds is not likely to be beneficial to the future use of the property for the purposes of the



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clean Ohio program, then the director may, in their discretion, deny the request to transfer.