



Ohio Administrative Code Rule 164-2-18 Protected real property exchange.

Effective: February 15, 2024

While an uncommon practice and discouraged by the commission, a grant recipient who owns real property that is protected by a clean Ohio deed restriction may make an application to the NRAC who approved the grant to remove the clean Ohio deed restrictions from a portion of the property in exchange for placing clean Ohio deed restrictions upon other real property (the "exchange") under the recipient's ownership.

(A) The NRAC shall review the application and may approve the application if it finds all the following:

- (1) The appraised value of the real property upon which the clean Ohio deed restrictions are to be placed must be greater than the appraised value of the real property whose clean Ohio deed restrictions are proposed to be removed. The appraisal of the real property that is currently restricted with clean Ohio deed restrictions shall be made without taking into consideration the clean Ohio deed restrictions.
 - (2) The exchange will not result in an exchange for property of a lesser value proportionate to the original investment of the grant award.
 - (3) The exchange is not based on the desire of the landowner to profit financially through the removal of the clean Ohio deed restrictions from the currently existing real property.
 - (4) The exchange will result in the achievement of greater conservation value to the public and provide the public with property that is of greater benefit to the public.
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