

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

SUBJECT: Property Line Encroachment Policy

EFFECTIVE DATE: December 15, 2022

I. PURPOSE

Cleveland Metroparks consists of over 24,000 acres of park land and has several hundred miles of property boundaries and thousands of neighbors. While Cleveland Metroparks property lines are respected by many adjoining landowners, encroachments onto Park District property do occur. An encroachment is defined as the unauthorized use of Cleveland Metroparks property, typically for the private benefit of an adjacent property owner.

Examples of encroachments include, but are not limited to, the following:

- Structures erected on Cleveland Metroparks property (e.g., buildings, sheds, garages, fences, invisible pet fences, decks, playhouses, play equipment, stairs, bridges, lean-tos, deer stands, etc.)
- Cutting or maintaining vegetation on Cleveland Metroparks property (e.g., mowing vegetation, cutting or killing trees, planting vegetation, including planting hedges or trees for privacy, etc.)
- Landscaping and private use areas on Cleveland Metroparks property (e.g., private trails, ATV trails and use, patios, firepits, picnic tables and other outdoor furniture, gardens, ballfields, sport areas, parking spaces, etc.)
- Storage of materials on Cleveland Metroparks property (e.g., firewood, trash and compost bins, machinery, tools, construction materials and equipment, landscaping materials and equipment, boats, RVs, cars, etc.)
- Disposal of materials on Cleveland Metroparks property (e.g., dumping of grass clippings, leaves, brush, and other yard waste, dumping of trash and other refuse, etc.)

Encroachments damage the natural resources Cleveland Metroparks is tasked with protecting, limit public access to public lands, and detract from public enjoyment of public lands. As a steward of these public lands, it is necessary for Cleveland Metroparks to attentively monitor its park boundaries for encroachments and restore encroached upon areas to park use for public good.

II. POLICY

Cleveland Metroparks regularly inspects its property boundaries to identify encroachments. These regular inspections are conducted by Park Managers and Park Operations staff, as they regularly manage and maintain Park District property and are recognized as the first line of defense against property line encroachments. Additional support is provided by the Real Estate Division, which monitors property boundaries and areas of concern using GIS, aerial photography, and field inspections.

As encroachments are identified and verified, Cleveland Metroparks staff will contact the property owner suspected of the encroaching activity and request a resolution to the issue. A significant percentage of property line encroachments are due to property owners not knowing the location of the

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property line or not knowing the negative impacts caused by encroachments. It is, therefore, the Park District's policy that the encroachment resolution process begins as an educational process, rather than a punitive one. Cleveland Metroparks created the Good Neighbor Guide, attached as Exhibit A, to educate the public on how to be a good neighbor to the Park District and the important role neighbors can play in preserving natural resources and public enjoyment of public lands.

III. PROCEDURES

A. Property line inspection

Cleveland Metroparks will inspect the property boundaries for each Reservation at least once every three (3) years. The triennial property line inspections will be conducted by the Real Estate Division using GIS and aerial photography to identify and document potential encroachments.

In addition to the property line inspection process, Cleveland Metroparks staff, through day-to-day park operations, will periodically identify, or be notified of, encroachments on park property. Cleveland Metroparks staff will notify the Real Estate Division and Park Manager upon discovery of a suspected encroachment.

B. Problem verification

Upon identification of a suspected encroachment, the Real Estate Division, with support from the Park Manager, will inspect property boundaries to field verify that an encroachment exists. A log of the inspection will be kept, including the date of the inspection, a description of the issue, and photo documentation of the issue. If an area is difficult to access in the field, aerial imagery may be used for documentation of an encroachment.

Cleveland Metroparks Surveyors can assist in delineating park boundaries to help verify encroachments. Natural Resources staff are also available to assess impacts to the Park District's natural resources by encroaching activities.

C. Problem resolution

1. In all property line violations, the Real Estate Division or Park Manager will mail, or personally deliver, a standard letter to the suspected encroaching property owner describing the type of encroachment(s) identified and requesting a resolution to the problem within a reasonable period of time. A copy of the Good Neighbor Guide will be attached to the encroachment letter (Attachment A). The Real Estate Division, in coordination with the Park Manager, will keep an inspection log documenting the encroachment, correspondence with the property owner suspected of the encroaching activity, and the resolution of the issue.

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Appeal - If the property owner receiving a letter wishes to challenge the existence of an encroachment, they may hire a surveyor, or obtain other professional services, at their own cost.

2. The Real Estate Division or Park Manager shall monitor compliance with the established resolution deadline outlined in the encroachment letter. If a resolution to the problem has not been achieved within the given deadline, then a follow-up letter will be mailed to the encroaching property owner.
3. If an acceptable resolution still has not occurred after the deadline given in the follow-up letter, then, based on the discretion of the Real Estate Division and the Park Manager, the problem may be elevated to the Cleveland Metroparks Police Department and/or the Cleveland Metroparks Legal Department, with attention to the Chief Executive Officer or Chief Operating Officer.

Severe or actively occurring encroachments may be elevated directly to the Cleveland Metroparks Police Department and/or the Cleveland Metroparks Legal Department, where necessary.

Cleveland Metroparks retains the right to directly resolve unauthorized encroachments on Park District property at any time and for any reason (eg., demolishing structures, removing stored materials, cleaning up dumped materials, etc.). Cleveland Metroparks will assess costs associated with resolving encroachments against the encroaching property owner.

IV. DESTRUCTION OF VEGETATION AND NATURAL RESOURCES

When the Park District's vegetation and natural resources are damaged by encroaching property owners, Cleveland Metroparks may seek compensation for the value of the destroyed natural resource. The most common example of destruction of vegetation is a neighboring property owner cutting trees on Cleveland Metroparks property. To determine the value of damaged or destroyed vegetation, the Natural Resources Division will utilize the *Guide for Plant Appraisal, 10th Edition, Revised* (or subsequent editions), published by the Council of Tree and Landscape Appraisers, or other methodology in line with best practices for the valuation of vegetation and natural resources. As part of the encroachment resolution process, the appraised value of the damaged vegetation will be requested from the encroaching property owner, and the funds will be added to the Cleveland Metroparks Legacy Fund. Cleveland Metroparks uses the Legacy Fund to purchase trees and plants to help create a healthy environment for wildlife and preserve and enhance the natural beauty of Cleveland Metroparks.

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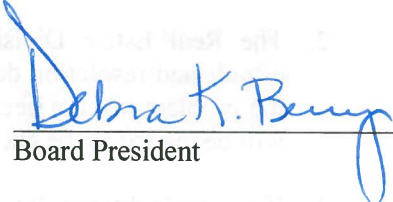
References:

Replaces and Supersedes: Property Line Encroachment Policy – 11/30/2017

Approved:



Chief Executive Officer-Secretary



Board President

12-15-27
Approval Date

December 2027
Review Date



Exhibit A – Good Neighbor Guide

Cleveland Metroparks

Good Neighbor Guide

The primary mission of Cleveland Metroparks is protecting nature, connecting communities, and inspiring the conservation of our world. The Park District serves as a steward to over 24,000 acres of land in 18 reservations, including 8 golf courses and the Cleveland Metroparks Zoo.

Neighbors living adjacent to Cleveland Metroparks Reservations play an important role in the Park District's conservation mission. Cleveland Metroparks has hundreds of miles of property boundaries and thousands of neighbors. The goal of the Good Neighbor Guide is to educate Cleveland Metroparks' neighbors on how they can support the Park District's conservation goals by being attentive to their property boundaries.

The Good Neighbor Guide supplements the Cleveland Metroparks Property Line Encroachment Policy, which guides how the Park District monitors its property boundaries and resolves issues with encroaching property owners. An encroachment is defined as the unauthorized use of Cleveland Metroparks property, typically for the private benefit of an adjacent property owner. The Good Neighbor Guide seeks to prevent encroachments from occurring on Park District property by stating the Park District's expectations for neighboring property owners.

Encroachments onto Park District property damage natural resources and detract from public enjoyment of public lands. Encroachments can include, but are not limited to, the following:

- Erecting structures on Cleveland Metroparks property (e.g., buildings, sheds, garages, fences, invisible pet fences, decks, playhouses, play equipment, stairs, bridges, lean-tos, deer stands, etc.)
- Cutting or maintaining vegetation on Cleveland Metroparks property (mowing vegetation, cutting or killing trees, planting vegetation, including planting hedges or trees for privacy, etc.)
- Landscaping and creating private use areas on Cleveland Metroparks property (private trails, ATV trails and use, patios, firepits, picnic tables and other outdoor furniture, gardens, ballfields, sport areas, parking spaces, etc.)
- Storage of materials on Cleveland Metroparks property (firewood, trash and compost bins, machinery, tools, construction materials and equipment, landscaping materials and equipment, boats, RVs, cars, etc.)
- Disposal of materials on Cleveland Metroparks property (dumping of grass clippings, leaves, brush, and other yard waste, dumping of trash and other refuse, etc.)

Cleveland Metroparks neighbors can assist in the preservation of the Park District's natural resources by avoiding the types of encroaching activities listed above. The first step in being a good neighbor is knowing your property boundaries. Other ways to be a good neighbor can include planting native plants in your garden, utilizing rain barrels to capture rainfall, and keeping pets contained on your property to prevent them from disturbing wildlife and park users.

If you are a neighbor to the Park District and have questions regarding the Cleveland Metroparks Property Line Encroachment Policy, Good Neighbor Guide, or Cleveland Metroparks property boundaries, please contact Cleveland Metroparks at 216-635-3200 or generalinfo@clevelandmetroparks.com. Maps of the Cleveland Metroparks are also available at www.clevelandmetroparks.com and on the Cleveland Metroparks mobile app.