

Types of Restrictions to Consider for Long-term Protection

The importance of the Collister Conservation Easement is that this natural forest and open meadow habitat is bordering the Chagrin River, which has been designated a State Scenic River by the Ohio Department of Natural Resources. Dan and Rindy Collister, founding stewards of Gates Mills Land Conservancy, understood the value of such a gift to the longtime preservation of our natural resources and to Gates Mills Village. When they sold their property in 2011 to David Van Curen, they had confidence in the continuation of this good stewardship.

David has a positive view of the conservation easement, “Having a property with a conservation easement didn’t change anything in my decision-making process to purchase it. The very attractive part of conservation easements is that the property will stay the way it is forever. I would definitely consider placing a conservation easement on other properties I’d be interested in purchasing.”

The Collister Conservation Easement, as most easements, maintains a portion of the property around the home, described as a footprint, as the owner’s, to manage without restrictions. For example, one could build a garage or pool within the described footprint if permitted by zoning. The remainder of acreage, outside of the footprint, would be protected in perpetuity by the specific restrictions described in the conservation easement. Restrictions are unique to the property and are dictated by the property owner as grantor of the easement. Once in place these restrictions would also apply to any subsequent owner. Thus, ensuring permanent protection of the scenic habitat.

Other types of restrictions are usually written into a Conservation Easement to protect the property in perpetuity against unforeseen circumstances. Restrictions for conservation easements can be defined exactly to your specifications and desired limitations, such as:

- No use of the acreage for purposes of density yield in any future development.
- No dumping of trash, toxins or other unsightly or offensive waste.
- No alteration of natural water courses or uses which impair water purity.
- No commercial recreational use, or other commercial use in violation of IRS provisions.
- No power lines or communication towers.
- No hunting without prior approval of the Grantee.
- No cutting or removal of trees except for maintenance of foot paths and trails.
- No construction of any dwellings or structures other than fences, gates or enclosures.
- No roads, filling, excavating, dredging, gas wells, mining of soil, rock, sand, loam, gravel, minerals, etc., or creation of dams or ponds or any other changes to the natural topography.
- Commercial timbering only approved to protect the Property's Conservation Values.
- Removal of imminent hazards, diseased trees and invasives along with toxic growth.
- Restoration of natural habitat or promotion of native vegetation.
- Permitted agricultural use, as long as it does not jeopardize the ecological health of the Chagrin River, and the right to maintain existing meadows.