



Western Reserve Land Conservancy

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VIA EMAIL DELIVERY

June 29, 2018

Russell Township Park District
Attention: Scott Wayt - Chair
P.O. Box 28
Novelty, OH 44072

RE: 2018 stewardship visit to the Upper Chagrin Preserve Addition conservation easement property owned by Russell Township Park District

Dear Scott,

On June 7th and June 21st I visited the Russell Township Park District's (the "Park District") Upper Chagrin Preserve Addition property in order to complete the 2018 stewardship visit. Every year Western Reserve Land Conservancy visits all properties over which we hold conservation easements. These yearly visits help us observe changes in the property over time and allow us to meet our stewardship obligation to ensure that the terms of the conservation easement are being upheld. This letter serves as a record of our 2018 annual stewardship visit.

On June 7, 2018 I met Howard Shanker at his house for the annual visit to his conservation easement (the Sperry CE). Howard and I walked to the northern end of his property adjacent to the neighbor at 13538 Sperry Road, Novelty, OH, 44072. The Geauga County auditor lists the owner of this property as Paul and Teri Szucs. The neighbor is not mowing on Howard's property, but they have expanded their mowing onto the Upper Chagrin Preserve Addition. I have attached photos from my visit and a map of the approximate area that is being mowed.

On June 21, 2018, park commissioner Dennis Suhay, our intern, and I visited the area behind 13538 Sperry Road again and confirmed that the neighbor is still mowing on the Park District's property. Mowing on the Park District's property in this location is a violation of the conservation easement because it disrupts the natural habitat among other things. In these situations, we recommend that the Park District send a letter to the neighbor requesting them to stop mowing. I have enclosed a suggested letter with attachments to send to the neighbor.

On June 21, 2018 Dennis, our intern, and I also parked at a neighbor's house on Fairmount and walked the remainder of the Upper Chagrin Preserve Addition property. We were pleased to see that there was no recent ATV activity on the Park District's property. The extensive trails that were observed last summer were still present but had not been used recently and were starting to grow back with vegetation.

Finally, we walked along the western boundary of the Park District's property adjacent to 9250 Fairmount Road. The owner of 9250 Fairmount is listed on the Geauga County Auditor's site as Leigh A. Hollingsworth, Trustee with a mailing address 1085 Rockside Rd. Ste 19, Cleveland, OH 44134. In the fall of 2017, the Park District hired Schwartz Land Surveying to complete a boundary survey and install boundary markers along this boundary in order to determine if activity on 9250 Fairmount was encroaching onto the Park District's property. We were able to use the boundary markers to confirm that there are three encroachments extending from 9250 Fairmount onto the Park District's property. See the attached map for the approximate location of each encroachment. Photos of each encroachment are included in this report too. I have enclosed a suggested letter with attachments to the owner of this property indicating that the tires and manure pile must be removed from the Park District's property and no more dumping should occur at the dump site.

Please let me know when you have made a decision about how to handle these issues. I am happy to provide more information and assistance if needed.

As always, feel free to call me if you have any questions regarding your conservation easement or our stewardship program.

Thank you for your continuing support of Western Reserve Land Conservancy.

Sincerely,



Pete McDonald
Director of Land Stewardship

Enclosures

1. 6/7/18 Monitoring Visit Map
2. 6/7/18 Photo Points Documentation
3. 6/21/18 Monitoring Visit Map
4. 6/21/18 Photo Points Documentation
5. Suggested letter with attachments to 13538 Sperry Road re: mowing encroachments
6. Suggested letter with attachments to 9250 Fairmount Road re: encroachments



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Feet



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2011 Aerial Photo (OSIP)
Map Created 6/7/2018 pmc

Upper Chagrin River Preserve Addition CE Property 6-7-2018 Monitoring Visit Map



WRLC Protected Properties



Mowed area - approximate



Parcels - Geauga Co.



Photo Points: 6/7/18



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CONSERVATION EASEMENT MONITORING REPORT

PHOTO POINTS DOCUMENTATION

PROPERTY NAME: Upper Chagrin River Preserve Addition

DATE OF VISIT: June 7, 2018

PHOTOS TAKEN BY: Pete McDonald

SIGNATURE:

DATE SIGNED: June 7, 2018

NOTES: On June 7, 2018 Howard Shanker and I walked to the northern end of his property adjacent to the neighbor at 13538 Sperry Road, Novelty, OH, 44072. The Geauga County auditor lists the owner of this property as Paul and Teri Szucs. The neighbor is not mowing on the Sperry CE (Howard's property), but they have expanded their mowing onto the Upper Chagrin River Preserve Addition, which is owned by the Russell Township Park District. The following photos document this mowing encroachment. See the attached map for the approximate location for each photo.



1. Looking northwest at a mowed/cleared area along the bank of the Chagrin River. The river is located to the left side of the photo and beyond the big tree.



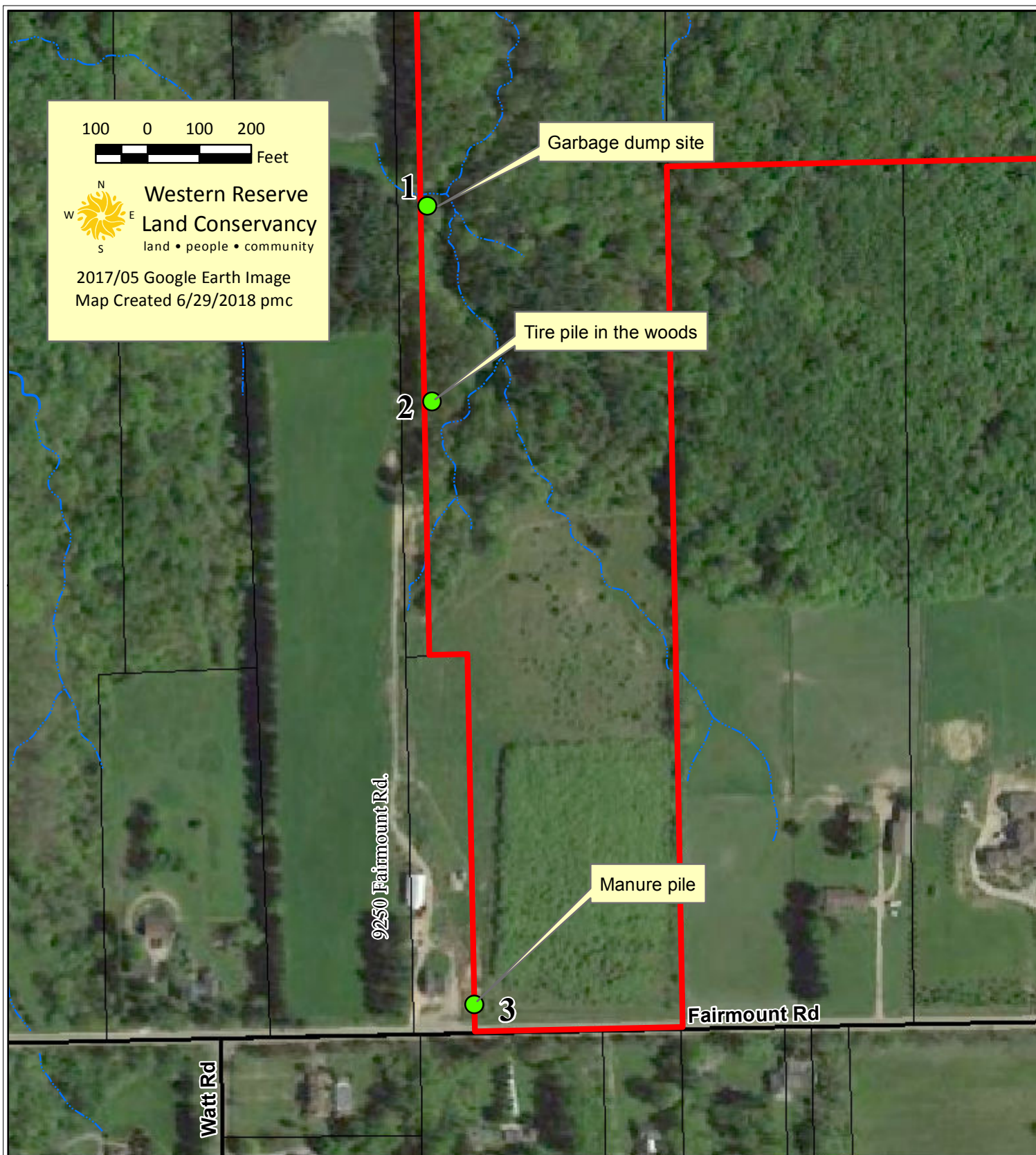
2. Looking southeast from the edge of the river back toward the path that leads to this cleared area from 13538 Sperry Road.








3. Looking north-northwest at the mowing encroachment area west of 13538 Sperry Road. The garbage pile on the right side of this photo is about where the Park District's property ends. The mowed area left of the garbage pile is the encroachment. The yellow circle shows the location of the path back to the mowed area by the river bank shown in Photos 1 and 2.



This is an additional photo looking east-northeast at the house on 13538 Sperry Road and the mowed area behind the house. The yellow line shows the approximate boundary of the park's property.



Upper Chagrin Preserve Addition: Monitoring Vist Map - 6/21/18

- | | | | | | | | |
|---|---|---|-------------------------|---|--------------------|---|--------------------------------|
|  | Upper Chagrin
Preserve Addition:
Russell Twp Park
District: ~112 acres |  | Parcels - Geauga
Co. |  | Roads - Geauga Co. |  | Chagrin River &
Tributaries |
| | |  | Photo Points | | | | |



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PROPERTY NAME: Upper Chagrin River Preserve Addition

DATE OF VISIT: June 29, 2018

PHOTOS TAKEN BY: Pete McDonald

SIGNATURE: 
DATE SIGNED: June 21, 2018

NOTES: On June 21, 2018 I confirmed three dumping encroachments coming from 9250 Fairmount Road. In the fall of 2017, Schwartz Land Surveying completed a boundary survey and installed boundary markers along the shared boundary with 9250 Fairmount. We were able to use the boundary markers to confirm that potential encroachments identified during past visits are in fact encroachments. The owner of 9250 Fairmount is listed on the Geauga County Auditor's site as Leigh A. Hollingsworth, Trustee with a mailing address 1085 Rockside Rd. Ste 19, Cleveland, OH 44134. See the attached map for the approximate location of each encroachment. Photos from previous years are included in this report.



Photo Point #1: This photo was taken in 2013 looking north-northwest at a dumpsite. At the time we did not know if the dumpsite was an encroachment. The land survey allowed us to make the determination that the portion of the dump in the far right side of this photo is on the park district's property. As of our 6/21/18 site visit, the dump is covered up with soil and stable.



Photo Point #2: Looking at a pile of tires on the Upper Chagrin Preserve Addition property. This photo was taken in 2016 at the location shown on the map. Based on the 2017 land survey by Schwartz Land Surveying, the tires are clearly on the park district's property.



Photo Point #3: Looking north at a large manure pile along the property boundary near Fairmount Road. This photo was taken on 6/21/18 during our most recent site visit. The survey stakes allowed us to determine that $\frac{1}{2}$ to $\frac{3}{4}$ of this manure pile is on the park district's property.

Date

Paul and Teri Szucs
13538 Sperry Road
Novelty, OH 44072

RE: Mowing encroachment on the Russell Township Park District's property

Dear Paul and Teri,

We are writing to request that you cease mowing on the Park District's property located behind your house at 13538 Sperry Road. We have enclosed recent documentation from Western Reserve Land Conservancy of the mowing encroachment. As you may know, the Land Conservancy holds a conservation easement on the property that prohibits habitat disturbances like this.

As a resident of Russell Township, you may enjoy the benefits of having this beautiful nature preserve adjacent to your home and "leave no trace" access to the preserve is allowed, but we hope you understand why we must ask you to refrain from mowing, using motorized vehicles on the property, or undertaking any other activity that disturbs the natural habitat.

We intend to visit the property several weeks after sending this letter in order to verify that the mowing has stopped. Please feel free to call me if you have any questions.

Sincerely,

Scott Wayt
Russell Township Park Commission – Chair
PHONE NUMBER

Enclosures

1. *2018 Monitoring Visit Map*
2. *Photo Point Documentation*



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CONSERVATION EASEMENT MONITORING REPORT

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1. Looking northwest at a mowed/cleared area along the bank of the Chagrin River. The river is located to the left side of the photo and beyond the big tree.



2. Looking southeast from the edge of the river back toward the path that leads to this cleared area from 13538 Sperry Road.



3. Looking north-northwest at the mowing encroachment area west of 13538 Sperry Road. The garbage pile on the right side of this photo is about where the Park District's property ends. The mowed area left of the garbage pile is the encroachment. The yellow circle shows the location of the path back to the mowed area by the river bank shown in Photos 1 and 2.



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Upper Chagrin River Preserve Addition CE Property 6-7-2018 Monitoring Visit Map



WRLC Protected Properties



Mowed area - approximate



Parcels - Geauga Co.



Photo Points: 6/7/18

Date

Leigh A. Hollingsworth, Trustee
1085 Rockside Rd. Ste 19
Cleveland, OH 44134

RE: Encroachments from 9250 Fairmount Road on Russell Township Park District's property in Russell Township, OH

Dear Leigh,

The Geauga County Auditor lists you as the owner of the permanent parcel with street address 9250 Fairmount Road. As you may know, Russell Township Park District owns the property directly adjacent to the east of your property. The purpose of this letter is to inform you that a land survey was completed last fall along our shared boundary. The land survey allowed us to verify that there are at least three encroachments extending from your property onto the Park District's property. We have enclosed recent documentation from Western Reserve Land Conservancy depicting the encroachments. Western Reserve Land Conservancy holds a conservation easement over our property. The encroachments violate the terms of the conservation easement; therefore, we are writing to work with you to resolve these issues.

We request the removal of the manure pile and tire pile from our property by the end of August 2018. We also request that no additional dumping occur in the area identified on the attached documentation from the Land Conservancy (Photo Point 1). Finally, we are rescinding any permission that may have been granted in the past to the owner of 9250 Fairmount Road to access or encroach on our property.

As a resident of Russell Township, you may enjoy the benefits of having this beautiful nature preserve adjacent to your home and "leave no trace" access to the preserve is allowed, but we hope you understand why we must ask you to refrain from encroaching on the property and/or undertaking any other activity that disturbs the natural habitat.

We intend to visit the property in September in order to verify that the items listed above have been addressed by the end of August 2018. Please feel free to call me if you have any questions or if you would like to meet at the property to understand the issues.

Sincerely,






Scott Wayt
Russell Township Park Commission – Chair
PHONE NUMBER

Enclosures

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2. *Photo Point Documentation*



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