

Ohio State Parks
John Hunter, Acting Chief
2045 Morse Rd. C-3
Columbus, OH 43229

Canal Lands Memorandum

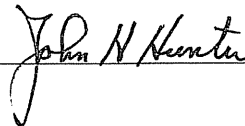
DATE: 11-17-09
TO: John Hunter, Acting Chief
FROM: Mary Fitch, Canal Lands Coordinator
RE: Proposed Canal Land Sale in Fairfield County: South Central Power

The South Central Power Company has asked to purchase a Canal Lands parcel in Fairfield County. Per Canal Lands Real Estate Policy and Procedures, information about the sale was posted online for thirty calendar days. Seventeen comments were received (attached). Also, a South Central Power Company representative attended and spoke about this issue at a Central Ohio Greenways (COG) meeting on 11-13-09. I attended this meeting and answered questions.

The South Central Power Company representative has verbally agreed to accept title to the property with a trail easement. Based on this, comments received and discussion at the COG meeting, I recommend that Ohio State Parks proceed with the proposed sale, but with the caveat that a permanent trail easement be included with the new deed to South Central Power Company.

Per Canal Lands Real Estate Policy and Procedures, the Chief must review this sale and respond within 14 calendar days - in this case by December 1st, 2009. The Chief's recommendation and rationale must then be posted on the ODNR website, and additional comments accepted. At the end of this process, the ODNR Director may recommend for or against the sale.

I recommend this sale with terms described above:



Date: 11/23/09

I recommend against this sale:

Date:

After review of the documents associated with the proposed transfer, I see no reason the transfer should not occur.

Sean Chapman, Village Administrator
Village of Spencerville
116 S. Broadway Street
Spencerville, Ohio 45887

website - www.spencervilleoh.com

10/18/09

Mary:

Good afternoon!

Thank you for your e-mail message and information. I appreciate the information regarding the requested canal lands conveyance for the canal lands in Violet Township in Fairfield County.

I reviewed the information and offer the following comments:

-After reviewing the information form and the map, I disagree with some of the answers, specifically questions 1, 3, 8 and 18.

-Question number 1, since the Ohio & Erie Canal and Towpath are historic resources, **the answer to number 1 should be Yes.**

-Question number 3, If the proposed land is transferred to Columbus Southern Power and the Transfer Station is constructed, all remnants of the historic Ohio & Erie Canal and Towpath will be destroyed. **That answer should be Yes.**

-Question number 8, while there might not be a trail connection proposed at this time, according to the map you provided, there is considerable amount of public ownership of the Ohio & Erie Canal to the west of the proposed land transfer. If I am reading the map correctly and you include the currently owned ODNR canal lands, about 1/2 of the land on the map is in public ownership, and the other 1/2 of the land on the map is in private ownership. In addition, the land to the east is not identified after the private ownership, so it may also be in public ownership as well. **Given the opportunity for potential linkages, the answer to number 8 should be Yes.**

-Question number 18, again given the amount of current public ownership, there is opportunity for connectivity. If there are no plans currently, that does not mean there might not be plans in the future. However, if the public land is conveyed now, the opportunity for future trail connections is lost. **The answer to number 18 should be Yes.**

As a member of the Canal Lands Review Committee that assisted with the development of the current policy in place, I understand and recognize the need to balance resource conservation with community and economic development. However, I believe that this proposed parcel transfer represents the purpose and essence of the need to maintain public ownership of canal

lands for potential linkages. If the proposed lands are sold, there will be greater pressure and justification to sell the remaining public lands, since the previous publically owned canal lands have already been sold. Rather than selling the public lands, I encourage us to seek ways to link the publically owned lands to Canal Winchester.

One of the reasons I feel very strongly about this issue, is because we are facing this very issue in Tuscarawas County as we seek to connect the Ohio & Erie Canal Towpath Trail to Stark, Summit and Cuyahoga Counties. Unfortunately, most of the canal lands in Tuscarawas County were sold to private owners over the past 50 years by our state government, and now, 50 years later, we are trying to make those connections. **Instead of repeating our mistakes, I strongly suggest that we consider the implications of our decisions on future generations. While I recognize that some folks may not think 2 acres is a big deal. However, 2 acres here, and 2 acres there, and pretty soon, it adds up to a lot of public land that future generations will appreciate it.**

Mary, I do not support the proposed land transfer.

Those are my thoughts. I would be interested to hear what others think, specifically Rory Robinson with the National Park Service, Mr. Strayer with Canal Winchester, Rhonda Borders with Rails to Trails, Dick Kudner with Maumee Valley Heritage Corridor, David Fey with Fairfield County Park District, Oliver Seikel, Nancy Gullick, Terry Woods and Jack Gieck with the Canal Society of Ohio.

Thank you for the opportunity to comment and I look forward to hearing from you.

Take care.

Dan Rice

Daniel M. Rice
President & Chief Executive Officer
Ohio & Erie Canalway Coalition
520 S. Main Street, Suite 2452
Akron, Ohio 44311

www.ohioeriecanal.org

Hi Mary:

I tried to use the e-mail address on your original mailing and it didn't send.

Let's see if this works.

I vote "Yea" on your proposed Fairfield County Canal Lands transfer.

Terry K. Woods, Director
American Canal Society

Mary,

I have some reservations about this transfer. It seems that knowing the growth that has gone on in that area, there may be the potential for recreational use of this parcel. It also appears from the older plat maps, that a widewater had existed in this area. If that is the case, that is an even stronger case for preservation. Once construction begins, that history will be destroyed.

I would like to see more thought and review put into this proposed transfer. As it stands now, I believe that I would vote not to approve this one.

Andy Hite,
Historic Site Manager
Piqua Historical Area (Johnston Farm)

From: Kevin Haver
Sent: Monday, October 19, 2009 11:31 AM
To: 'mary.fitch@dne.state.oh.us'
Subject: Canal land transfer-Stark/Tuscarawas Counties

Good Morning. Not being familiar with the actual site and nearby corridor system, I will yield to those who are closer to the parcel. In general, however, I believe that if the potential exists for public use, it should be retained in public control. Thank you for the opportunity. Kevin L. Haver, Director. Johnny Appleseed Metro Park District www.jampd.com

Mary,
We do not support this transfer. I will not reiterate the great points that Dan and others have made. I will add, however, that past experience with rail-trail conversions—more specifically, the numerous missed opportunities to enhance the quality of life of area residents via the development of trails and greenways along these precious thoroughfares once they were sold to private interests, etc.—has taught us many lessons the hard way. Once these lands are transferred to private interests, the benefits associated with potential critical trail connectors are essentially lost forever to the general public. We certainly understand the need to generate a revenue stream, but I strongly believe that canal lands, much like railroad corridors, warrant an extra level of protection due in part to their historic legacy, but also to the potential impact they can have well into the future on the welfare of individuals, local economies, and our environment. They are, for lack of a better word, "special" and should be treated as such. I think it would a travesty to see a piece of land so rich in history and future potential become just another local eyesore. Again, we do not support this transfer.

Rhonda L. Border-Boose
Director
Rails-to-Trails Conservancy Midwest Office
10 S. High Street
Canal Winchester, OH 43110

Mary,

I agree with Rhonda and Dan.

I would put in one caveat. I could support the transfer if Columbus Southern (is that AEP these days?) agrees in the transfer documents to allow for future trail use and to the most stringent of protections. We in Fairfield County are living with the lost opportunities created by transfers of canal land and rail corridors and I do not want to see another lost opportunity be created here.

Ira S Weiss
11735 Eddington
Pickerington OH 43147

Hey all,

I'm not sure if you know, but if they notified Dave Fey, he probably doesn't know about it.

We should make sure ODNR is aware of this, and that he probably hasn't been "officially" (e.g. via registered letter) notified.

I also agree with Ira -- there should be some sort of conveyance to FHTA/Fairfield County Parks of a trail easement.

Bob
Bob Williams, RLW Consulting

Mary, others,

First, thanks for providing the opportunity to review this proposal!

I will keep my comments brief as most of what I would say, has been said. I just want to add my voice to those that have stated that when and where ever possible, the canal lands should remain in the public domain, or at least require public access in perpetuity... for all the reasons already stated!

Thanks again,

Rory

RIVERS, TRAILS AND CONSERVATION ASSISTANCE

"The Community Assistance Arm of the National Park Service"
Rory Robinson, Outdoor Recreation Planner
2179 Everett Road, Peninsula, OH 44264

Ms Fitch,

I am very much against the transfer of **any** publicly owned canal land in the foreseeable future.

I was part of the group in Fairfield County who helped develop our recently passed Active Transportation and Open Space Plan. Because of the previous transfer of portions of the canal lands to private hands, we had to recommend less desirable routes for future multi-use paths.

As our state has only recently begun to recognize and fund alternative transportation routes, I would not support transferring any canal land, which is ideal for bike routes, until a complete bike/ped system is on the ground state-wide.

If the state could come to an agreement with Columbus Southern Power that would allow future trail development on the property, I would **consider** supporting it. However, at this point, I am not confident that the future development of a trail would be possible after reviewing their proposal.

I, as well as others, would very much like to see a trail connection between Canal Winchester and Lancaster. Until a definite route is determined, I would hate to see any public land transferred to private hands. The fact that this particular portion of canal land is bordered by private land now, does not preclude trail development in the future. It just makes it more difficult. And placing more land into private hands would only worsen the situation.

Peggy Portier

Pickerington, OH 43147

Mary and All,

MECCA can not support the proposed canal land transfer. I echo the same reasons as Dan Rice and others for retaining potential trail linkages.

Thanks,

Neal
L. Neal Brady
Executive Director
Miami and Erie Canal Corridor Association
PO Box 246
New Bremen, OH 46869-0246

Ladies and Gentlemen:

Speaking for the Canal Society of Ohio as its President, the organization cannot approve of the proposed transfer of the Canal Lands in Fairfield County to the Columbus Southern Ohio Power Company for the reason so well stated by Dan Rice.

Thank You

Michael E. Morthorst

Mary Fitch,

Thank you for seeking comment on this property. I appreciate your careful review of potential land transfers. I was gratified to note that you had refused several requests out of hand for various public trust issues. Regarding this parcel, because it is land locked, I understand how you may have viewed it as possibility for transfer. However, I believe this transfer would not be in the best interest of protecting the public trust. And it is the public trust which I believe is the state's primary role in the canal lands.

The role of the state in protecting the public trust was emphasised by the members of the canal lands advisory group. For nearly 18 months in 2004 and 2005, this stakeholder committee established by Sam Speck addressed the issue of transfer of canal lands. This committee was established in order to prevent the reoccurrence of what the state experienced in the 1990's when many large tracks of land were transferred out of public ownership into the private sector.

At that time, we were told by various representatives from several divisions of ODNR that the purpose of potential transfers was to divest the state of useless, small parcels which had no potential value to the state. While trails and recreation were major uses which could be impacted by such divestitures, there were other uses noted including water quality protection, water source protection, stormwater storage, education and historic preservation.

The canal lands were held in trust by the State of Ohio until someone in governmental authority decided that these lands had no public value. Even though the transfer generated some income to state budget, time has demonstrated that this thinking was a gross mistake which has cost local communities millions of dollars in lost recreational and trail lands. And this thinking should not be resurrected.

This parcel is one quarter of mile long. That is not a small and insignificant parcel.

The state of Ohio should only sell those lands which meet the small and useless criteria. When the canal lands advisory group was meeting, there was discussion of initiating a planning process to decide which parcels met this criteria. The state should explore this planning process. With income at all state agencies down, the temptation to sell off holdings in order to balance the buget must be diligently resisted in order to prevent further loss. Just because lands in the public trust may have value outside the public domain is not reason enough to sell them.

As I am no longer with Ohio Greenways, I do not represent any stakeholder organization in this process. These opinions are my personal beliefs and those of someone who actively participated in the canal lands advisory process. My hope is that we do not lose the history of that process or its intentions.

Elaine Marsh

Ms Fitch,

After hearing from the South Central Power Company representative today at the Central Ohio Greenways Forum, I would like to amend my previous comments regarding the proposed canal land transfer near Waterloo in Fairfield County.

The power company seems very willing to provide an easement for a multi-use trail if one should ever be developed in that area. As long as that stipulation is included in the sale/transfer agreement, I would have no problem supporting the land transfer to South Central Power.

Thank you for coming to the meeting to help clarify the confusion surrounding this matter.

Peaav Portier

Pickerington, OH 43147

Mary,

It was great seeing you today.

I concur with Peggy's comments and also favor the transfer of canal land near Waterloo in Fairfield County to South Central Power as long as a permanent easement for a multi-use trail is included in the sale/transfer agreement.

Ira S Weiss

Pickerington OH 43147

Mary,

Perhaps in the sale agreement to South Central Power, something should be mentioned about maintaining the hydraulics across the property as it is now. Hung Thai would know about this. Hydraulics was NOT mentioned in another sale and the new owner has filled in the canal causing problems as mentioned in my previous email to you this evening. Tnx.

Richard (Rick) Adamson
BT State Trail Coordinator
BTA Executive Board
Ohio Forest Stewardship Committee, ODNR

From:

To: may.fitch@dnr.state.oh.us

Subject: Canal land sales

Date: Mon, 16 Nov 2009 09:51:25 -0500

Good Morning Ms. Mary Fitch,

Please attatch these comments per our phone conversation this morning. Thank you.

ODNR has made use of a permanent easement clause, previously with canal properties sold to private individuals, yet currently there are no available summary reports for public review to discern if properties were sold with either a reversionary clause or easement clause, or both.

It is preferred by Ohioans that both the ODNR reversionary clause and public right easement clause be used in concert as the preferred contract insertions of state canal land sales to private entities.

Regards,
Patricia Keller

CANAL LANDS CONVEYANCE REVIEW FORM

FILE #O-2317 **COUNTY:** Fairfield **STATION #** **Plat #** 147 & 148

LOCATION OF PARCEL: Violet Township

SQ FT/ACRES: 2.19 acres

APPLICANT'S NAME: Columbus Southern Power; John Kantner, Atty

ADDRESS: 5 W Waterloo Street

CITY: Canal Winchester **ZIP:** 43110 **PHONE #:** 614/834-5917

INTENDED PURPOSE: To build a transfer station.

BACKGROUND INFORMATION: Columbus Southern Power (CSP) has been leasing the subject parcel. CSP already owns land that is contiguous to the subject canal parcel. CSP would like to build a transfer station once the acquisition is completed.

PERTINENT INFORMATION:

- | | | |
|--|------------|-----------|
| 1) Are there any historical features on or near the parcel of land that will be conveyed? If Yes, Explain _____ | Yes | <u>No</u> |
| 2) Is the canal parcel having any usage as a waterway, water supply or water control that is reflective of its historical purpose? | Yes | <u>No</u> |
| 3) Will the proposed conveyance diminish the significant historical canal features near or on the parcel? | Yes | <u>No</u> |
| 4) Is there local preservation support to protect the parcel to be conveyed? | Yes | <u>No</u> |
| 5) Does the parcel to be conveyed have any wetland qualities or is a part of a wetland? | Yes | <u>No</u> |
| 6) Does the proposed conveyance preserve the habitat values of the land? | Yes | No |
| 7) Does the proposed conveyance preserve the use as in floodplain management, storm water retention, water quality, or water supply functions? | Yes | <u>No</u> |
| 8) Will the proposed conveyance conflict with proposed or potential recreational trails in statewide, regional, county or local plans? | Yes | <u>No</u> |
| 9) Have local recreation agencies been contacted concerning the proposed conveyance? | <u>Yes</u> | No |

Name of Office or Officials: **David Fey, Fairfield County Park District**

10) Are there any structures/encroachments on the proposed parcel? Power line over and poles along the subject parcel.	<u>Yes</u>	No	
11) Are there any environmental concerns/issues with the land? Any Documentation? Explain Unknown	Yes	No	<u>N/A</u>
12) Will the proposed conveyance conflict with established regional and or community planning activities?	Yes	<u>No</u>	
13) Does the local entity support and have the capability to oversee and/or manage the proposed conveyance? CSP will manage the subject parcel	<u>Yes</u>	No	
14) Is applicant an adjoining property owner?	<u>Yes</u>	No	
15) Is there a potential title or sale issue associated with this land? If Yes, Explain Unknown	Yes	No	<u>N/A</u>
16) Does applicant have a lease, license, or easement?	<u>Yes</u>	No	
17) Is there any unpaid lease/license fee?	Yes	<u>No</u>	
18) Is the canal land part of a potential trail/greenway? No connectivity	Yes	<u>No</u>	
19) Are there any structures on the land? What type of structures? Power line and poles	<u>Yes</u>	No	
20) Have local public officials been notified of possible conveyance? See answer to question 9	<u>Yes</u>	No	
21) Is property a potential liability to state due to environmental hazard, nuisance or others? Explain _____	Yes	<u>No</u>	
23) Were pictures taken of property	<u>Yes</u>	No	

CANAL LANDS REAL ESTATE STAFF RECOMMENDATION:

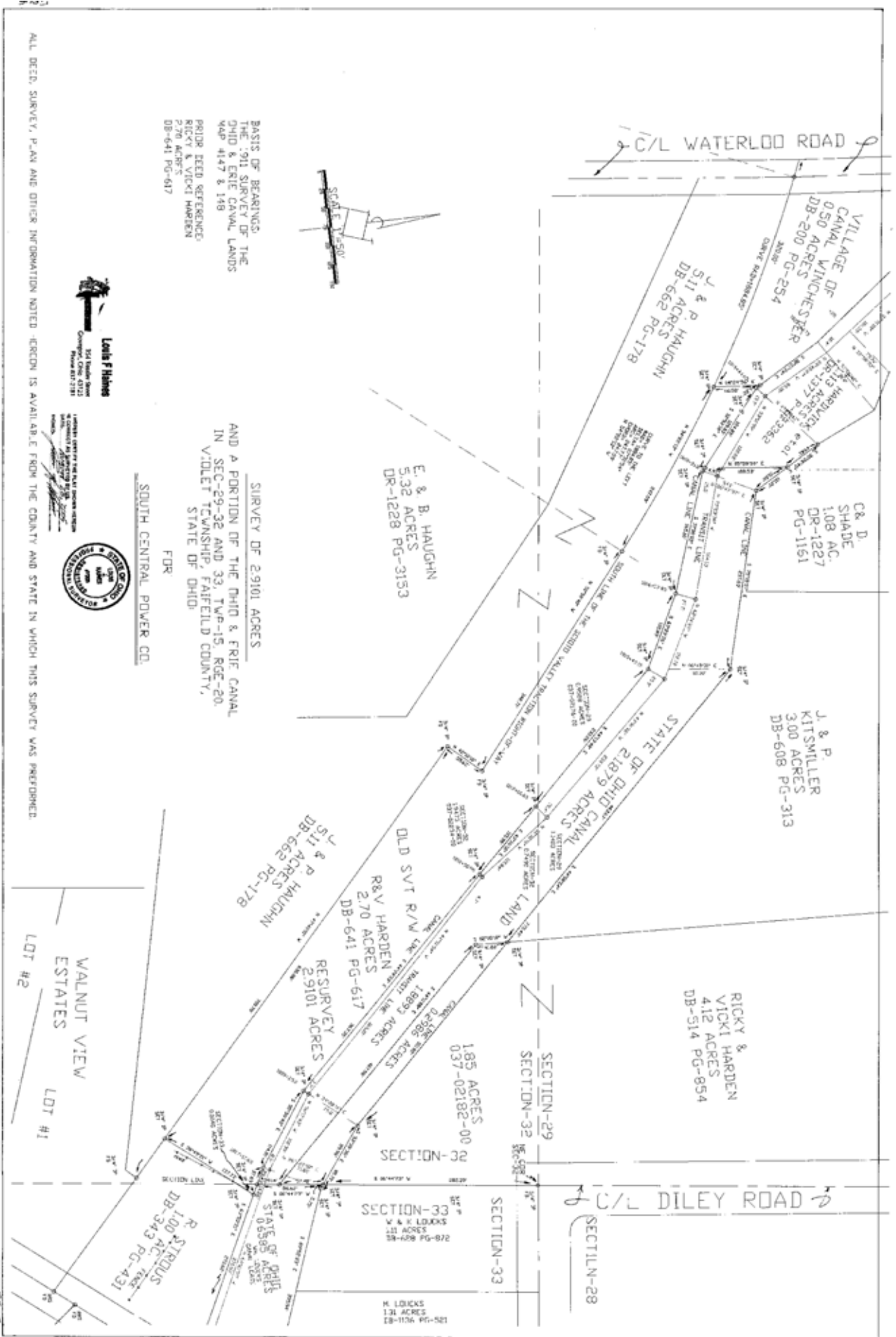
Go through the public review process.



LEGEND

- Canal land now in private ownership
- Canal land now in public ownership (other than ODNR)
- Canal land owned by ODNR

Note: All ownership locations shown are approximate.

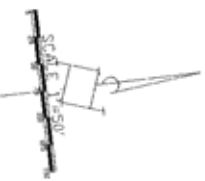


BASIS OF BEARINGS:
 THE '911 SURVEY OF THE
 CHIO & ERIE CANAL LANDS
 MAP 4147 & 148

PRIOR DEED REFERENCE:
 RICKY & VICKI HARDEN
 2.76 ACRES
 DB-641 PG-617

SURVEY OF 2,910.1 ACRES
 AND A PORTION OF THE CHIO & ERIE CANAL
 IN SEC-29-32 AND 33, TWP-15, RGE-20,
 VIOLET TOWNSHIP, FAIRFIELD COUNTY,
 STATE OF OHIO.

FOR
 SOUTH CENTRAL POWER CO.



E. & B. HAUGHN
 5.32 ACRES
 DR-1228 PG-3153

J & P. HAUGHN
 5.11 ACRES
 DB-662 PG-178

R & V HARDEN
 2.70 ACRES
 DB-641 PG-617

RESURVEY
 2,910.1 ACRES

1,869.9 ACRES

1.85 ACRES
 037-02182-00

H. LICKS
 1.31 ACRES
 EB-1134 PG-581

VILLAGE OF
 CANAL WINCHESTER
 DB-200 PG-254

C & D.
 SHADE
 1.08 AC.
 DR-1227
 PG-1161

J & P.
 KITSMILLER
 3.00 ACRES
 DB-608 PG-313

RICKY &
 VICKI HARDEN
 4.12 ACRES
 DB-514 PG-854

WALNUT VIEW
 ESTATES
 LOT #1
 LOT #2

ALL DEED, SURVEY, PLAN AND OTHER INFORMATION NOTED - HEREON IS AVAILABLE FROM THE COUNTY AND STATE IN WHICH THIS SURVEY WAS PERFORMED.







