

ENCROACHMENT FAQ

January, 2018

BUCKEYE LAKE DAM

WHY IS OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) CONTACTING HOMEOWNERS ABOUT PROPERTY ENCROACHMENTS ALONG THE DAM AT BUCKEYE LAKE?

The Dam Improvement Project at Buckeye Lake includes the construction of a new residential sidewalk along the crest of the dam 4 feet lakeward of the state property line, as well as access corridors to accommodate emergency response vehicles and public access to the dam. Completion of the sidewalk and access corridors require the removal of any encroachments on state property in those areas.

A property boundary survey was completed as part of the project and the state property line has been clearly marked and encroachments noted. Letters are being sent to property owners who are encroaching on state property so that ODNR can resolve those issues and complete the sidewalk and access corridors in a timely manner.

As the project nears completion, ODNR will also be communicating with property owners who have encroachments on state property along the dam that do not impact the sidewalk or access corridors.

WHAT IS ODNR POLICY ON ENCROACHMENT ON STATE PROPERTY?

ODNR seeks to protect state property interests and resolve conflicts fairly and equitably. As encroachments are property specific, these conflicts are handled on a case by case basis with property owners. If you have a question as to whether you may be encroaching on state property feel free to contact us via email at BLDEncroachments@dnr.state.oh.us.

MANY OF THESE ENCROACHMENTS HAVE EXISTED FOR DECADES. WHY IS ODNR ACTING NOW?

The 2015 release of The U.S. Army Corps of Engineers report on Buckeye Lake forever changed the way ODNR approaches Buckeye Lake Dam. The report noted that the risk of catastrophic failure at normal pool was high and that the consequences of failure would involve significant economic damages and potential loss of life.

Since the report's release, ODNR's focus has been on the structural integrity of the dam and the safety of the public. Improvements to the dam will bring the structure up to modern dam safety standards and thus protect the community. To protect this investment, and state property interests, it is necessary to resolve all encroachments along the dam. The area between the state property line and the access path will be a dam performance monitoring zone to allow for inspections, data collection and other dam safety activities.

IF PROPERTY OWNERS HAVE USED AND MAINTAINED THIS LAND FOR MANY YEARS, DON'T THEY HAVE A RIGHT TO THAT LAND?

Notwithstanding the passage of time and an adverse occupation of the state's property, the state is not barred from asserting claims to its property.

If a property owner objects to the findings of the state property boundary survey, the owner may hire a professional surveyor and present any contrary findings to ODNR.

