

**CONNIE J. KLEMA, ATTORNEY AT LAW**

P.O. BOX 991  
Pataskala, Ohio 43062-0991  
TELEPHONE (614) 374-8488

[cklemaattorney@gmail.com](mailto:cklemaattorney@gmail.com)

March 8, 2019

TO ALL OWNERS OF REAL PROPERTY ADJACENT  
TO THE BUCKEYE LAKE STATE PARK DAM

RE: NOTICES FROM THE DIVISION OF PARKS AND WATERCRAFT  
REGARDING ENCROACHMENTS & LICENSURE

Dear Owners:

I am writing you in regard to certain notices that you have or will receive from the Division of Parks and Watercraft on behalf of the Department of Natural Resources. These notices will be in regard to two matters: (1) encroachments you may have on the State's property and your options to address them (this notice will only be sent to owners who have such encroachments and have not yet addressed them with the State), and (2) your right to enter into a license with the Division of Parks and Watercraft to have exclusive use of the State's property located between your property line and the State-owned sidewalk.

In 2018 I was hired by Buckeye Lake Region Corporation and was paid through the BLRC by Buckeye Lake residents to represent property owners on the dam. The State first notified 12 owners along the dam that had encroachments on the State's property that impeded the construction of the new sidewalks and emergency access lanes. The notices from the State in 2018 required the removal of the owners' encroachments with optional timelines and cost but gave no right to the owners to keep and maintain their improvements. Given the fact that many of the 12 owners' encroachments included portions of their homes, the requirement to remove them from the State property resulted in the owners seeking legal assistance, which is when I was hired.

I immediately met with legal counsel of the Ohio Department of Natural Resources to discuss the problems and issues related to removing a portion of one's home. Their legal counsel not only agreed to meet but continued to listen and consider the issues we discussed. After several months of communications and consideration, the legal counsel confirmed that ODNR would permit owners with structural house-fixed encroachments on the dam to have an option in addition to removal--- a lease that permitted owners to keep such encroachments on the State property with certain requirements. That lease is now one of the options you will be offered in the notice if you have house-fixed encroachments on the State property. The Lease is for 15 years, is renewable for additional 15 year terms, and transferable, so in the event you sell your property, the new owner will have the benefits of the same Lease.

In addition to the structural encroachments, I addressed another matter with the ODNR's legal counsel: use of the area of the State property located between the owners' property line and the new State-owned sidewalk. Having learned from many conversations with the owners along the dam that they had always used and maintained the property between the old sidewalk and their homes, I understood they were very concerned that they would now be cut-off from their use of that property and not be permitted to have chairs or flowers or walkways there. I discussed this matter with the ODNR legal counsel, including the history of how the owners had not only used this area, but maintained it and even had flower beds and lawn improvements that made the walkway area more beautiful. The ODNR agreed, and with that, decided to offer the owners the continued right to use the State property between the owners'/state property line and the State-owned sidewalk under a license agreement with each owner. The license will be recorded and confirms the owner's right of use and the terms of said use. All owners along the dam will receive this notice.

The negotiations resulted in an excellent outcome for all parties concerned, the residents the State/ODNR and the taxpayers. The ODNR is sending notices in regard to these two matters. If you have any questions regarding the notices, options, or terms, please contact me at the above email address or phone number. ODNR knows that I have provided this letter to you and agreed to permit my review of their notices to you.

Have a great day. Spring 2019 on Buckeye Lake is coming soon!

Sincerely,

  
Connie J. Klema