

COUNCIL CHAMBER

City of Mentor

President of Council
02/06/2024

ORDINANCE NO. 24-O-014

AN ORDINANCE REAFFIRMING THE DESIGNATION OF CITY-OWNED PERMANENT PARCELS 35-A-006-0-00-001-0, 35-A-006-0-00-008-0, 35-A-006-0-00-009-0, AND 35-A-006-0-00-013-0 AS CONSERVATION PARK LAND, DIRECTING THE CITY MANAGER TO CONTINUE PLANNING EFFORTS IN FURTHERANCE OF THEIR CONSERVATION, ESTABLISHING POLICE AND SANITARY REGULATIONS FOR THE PROPERTIES, AND DECLARING AN EMERGENCY

WHEREAS, on December 10, 2019, the City acquired fee simple title to permanent parcel numbers 35-A-006-0-00-001-0, 35-A-006-0-00-008-0, 35-A-006-0-00-009-0, and 35-A-006-0-00-013-0, comprising a total of approximately 215 acres located in the city of Painesville (the "Property");

WHEREAS, the Property is currently in an undeveloped state, has significant vegetative cover, and contains areas of jurisdictional wetlands;

WHEREAS, acquisition of the Property occurred as part of a settlement reached in the matter of *City of Painesville, et al. v. City of Mentor*, Lake County Common Pleas Case No. 02CV002053, concluding 20⁺ years of litigation and resolving Mentor's long-standing concerns related to any future development of the Property, inclusive of both environmental and infrastructure impacts;

WHEREAS, pursuant to Charter and Code authority, the City Manager has, with the implicit assent of Council, seen to the management of the Property as public conservation lands while concurrently exploring opportunities both for its long-term preservation as well as the restoration and/or enhancement of its natural features, vegetation, and wildlife;

WHEREAS, in order to afford the City Manager, as well as the general public, an explicit statement of policy in regard to the Property, the Council desires to reaffirm its status and use as City park land devoted only to conservation use;

WHEREAS, in furtherance of the foregoing, the Council is concerned with unauthorized entry and other non-permitted activities taking place on the Property given its current undeveloped state;

WHEREAS, pursuant to § 715.50 of the Ohio Revised Code, a municipal corporation owning and using lands beyond its territorial limits for a municipal purpose may provide by ordinance all needful police or sanitary regulations for the protection of such property and may prosecute violations thereof in the municipal court of such municipal corporation; and

COUNCIL CHAMBER

City of Mentor



President of Council

02/06/2024

ORDINANCE NO. 24-O-014

Pg. 2 of 3

WHEREAS, to preserve the Property and to prevent adverse circumstances that may arise from any public entry onto the Property, the Council finds and determines that it shall remain closed to access by the general public such that any trespass or other non-permitted activities taking place on the Property shall be prohibited and prosecuted in accordance with law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MENTOR, COUNTY OF LAKE, STATE OF OHIO, THAT:

SECTION 1. It is hereby reaffirmed that permanent parcel numbers 35-A-006-0-00-001-0, 35-A-006-0-00-008-0, 35-A-006-0-00-009-0, and 35-A-006-0-00-013-0, comprising a total of approximately 215 acres located in the city of Painesville, are and shall remain part of the City of Mentor's inventory of park land to be managed only for conservation purposes.

SECTION 2. The Property is and shall remain closed to access by the general public. Any person found to be on the Property without express authorization of the City Manager shall be guilty of trespass.

SECTION 3. No person without express authorization of the City Manager shall deposit any soil, rock, or any other materials of any nature on the Property, nor shall they deposit vegetation on the Property.

SECTION 4. No person without express authorization of the City Manager shall remove any soil, rock, or any other materials of any nature from the Property, nor shall they remove vegetation from the Property.

SECTION 5. No refuse shall be deposited on the Property.

SECTION 6. No person shall start any fire upon the Property.

SECTION 7. No person shall fish and/or hunt any wildlife on the Property.

SECTION 8. The Director of Law is hereby authorized to prosecute any violation of the regulations set forth in this Ordinance.

SECTION 9. The City Manager is hereby authorized to post on the Property such conspicuous Notices as legally needed to enforce the police and sanitary regulations adopted by this Ordinance.

SECTION 10. Nothing contained in this Ordinance shall be interpreted as preventing the City Manager from exercising such natural resources management practices related to the Property as he should determine advisable and in furtherance of the Property's conservation use and preservation.

COUNCIL CHAMBER

City of Mentor



President of Council

02/06/2024

ORDINANCE NO. 24-O-014

Pg. 3 of 3

SECTION 11. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by § 121.22 of the Ohio Revised Code, all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

SECTION 12. That this Ordinance constitutes an emergency measure necessary for the peace, health, and safety of the City of Mentor and for the further reason that immediate passage is necessary in order to protect City property from trespass and other misuse, wherefore, this Ordinance must and shall take immediate effect in accordance with the provisions of Article III, § 3.10 of the Charter of Mentor.

President of Council

PASSED: _____

ATTEST: _____

Clerk of Council