

**DEPARTMENT OF
PUBLIC SERVICE**

CDV Committee Members

Roger H. Rousse
Director

RE: Conservation Easements

Telephone
248.656.4685
FAX
248.656.4758

Billing / Account
Information
248.656.4688

Engineering Services
248.656.4640

Pathways
248.656.4640

Roads
248.656.4685

Water / Sewer
248.656.4685

A recent incident involving the complicated sale of a home has brought to our attention the need to resolve enforcement issues associated with encroachment onto easements. The home sale became complicated when the potential purchaser conducted a boundary survey and determined that a concrete deck, landscaping and trees had been placed in an adjoining conservation easement during the construction of a below ground swimming pool. It turned out that field adjustments were made during the construction that moved these items into the easement without the knowledge or approval of the Building Department. Upon inspection of nearby properties it was determined that other property owners had also encroached onto the conservation easement. A preliminary estimate places the number of encroachments in the City above 100 although a complete review has not taken place.

Conservation easements for trees, natural features and native grasses have been required by the Planning Commission for a number of years. Most easements create wetland setbacks and buffers between sensitive areas and home sites. The conservation easements are intended to preserve green spaces in their natural state. In some cases the conservation easements are placed over private property, in others, the easement adjoins subdivision lots.

Conservation easements have been issued to Homeowners Associations, The Michigan Department of Environmental Quality, The Oakland Land Conservancy and the City of Rochester Hills. In some cases, all four organizations have jurisdiction over the properties.

The following questions have been raised in response to this issue:

1. Which City Department did the Planning Commission expect to maintain the easements?
2. Who should the easements be conveyed to?
3. What criteria are used for making decisions about what can be done within the easement?
4. Is there an appeal process?
5. What are the penalties for violation?
6. Are there restoration requirements?
7. How would revenue be generated to fund maintenance activities?
8. Should signs or other markings be required to identify boundary limits?
9. Should a policy on maintaining the easements be prepared?
10. Should the City handle these easements proactively or reactively?

City Hall
General Information
248.656.4600

Pat Somerville
Mayor
248.656.4664

Please consider these and other questions you have that might impact the issues be discussed. Contact me should you wish to discuss the issues in greater depth.

Thank You

Roger H. Rouse
Director