



## Ohio Administrative Code Rule 164-2-27 Utility easements.

Effective: February 15, 2024

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Utility easements may be granted after the deed restrictions are recorded, if the deed restrictions provide for the specific utility easement being granted.

(A) An applicant may request that the deed restrictions provide for specific utility easements that support permitted uses on the real property pursuant to the clean Ohio program and its application. If a utility easement is sought after the applicant and commission have entered into a project agreement, a request to grant the utility easement may be made to the director for consideration and approval at the director's discretion.

(B) A request for permission, after the recording of the deed restrictions or at a point in time after the project agreement has been entered into by the applicant and the commission, to grant a utility easement must be supported by evidence that the provision of the utility is for the public good and is consistent with the public purpose for acquiring the land, benefits either the community-at-large or a larger scale public purpose, it provides a clear and direct benefit to the property owner/grant recipient, it will have little or no impact on conservation values and/or reparation to the property, and written support is provided from the property owner/grant recipient.

(C) Costs associated with the provision of utility service are not eligible for funding from the clean Ohio program and shall not be a qualified expenditure for the applicant's match funding.

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