



House Civil Justice Committee
Opposition Testimony—House Bill 288
Brian Zimmerman, Cleveland Metroparks

Chairman Hambley, Vice Chairman Patton, Ranking Minority Member Brown, and members of the House Civil Justice Committee, I am Brian Zimmerman, Chief Executive Officer of Cleveland Metroparks and the Cleveland Zoo. Thank you for affording me the opportunity to testify today in opposition to HB 288. Before delving into the substance of our concerns on HB 288, I wanted to share with you some information about our organization.

Cleveland Metroparks is proud to offer visitors 18 "reservations" spanning close to 24,000 acres with more than 300 miles of trails, eight golf courses, eight lakefront parks and a nationally acclaimed zoo. We are proud to host approximately 18,000,000 visitors per year. We are also grateful for our relationship with the State of Ohio. As you may know, in June 2013 we entered into an agreement to take over 387 acres of lake front and our results have been phenomenal. Even so, we have strong concerns about HB 288.

Certainly, you have heard compelling and emotional testimony on this subject. We are not here to judge or speak to the specific circumstances of the issue pending in Mahoning County. We consider the Mahoning County issue a local (not a statewide) issue. Please know that, in general, we do not take this issue lightly. Rather, we feel it is of great import to take a step back and look at eminent domain regarding trails with a wider lens.

Year after year, the enjoyment of trails ranks #1 in our visitor surveys. Not only do our residents enjoy the use of the trails, but the 2018 Trust For Public Land Economic Benefits study demonstrates that our reservations and trails raise the value of nearby homes by \$155 million. Also, since 2012, Cleveland Metroparks has been able to bring in over \$24 million in grant funding for trails further supporting our local community.

Recreational trails are expanded based upon long range plans for park trails but even more importantly based upon requests from our constituents. Additionally, trails and expansion to trails are based upon significant, long term planning founded upon strong public interest and input. In rare situations, property owners object to the plan but even so, in the rare instances of objection, there are remedies currently in place for concerns. These statutory remedies are in place for the conflict surrounding HB 288, thus, a change in statute is not warranted in the instant case. Moreover, the changes proposed in HB 288 are unconstitutional and violate Article 1, Section 19 of the Ohio Constitution as shared with you by the Ohio Parks and Recreation Association in written testimony, and if passed will face legal challenges.

Two very recent examples showcase how eminent domain works as a very effective tool for public entities while not having to fully use the process. Specifically, as Cleveland Metroparks was working on two separate trails in very high demand, two corporate landholders were unresponsive to our multiple requests to negotiate an easement on a part of their property. Quite simply, our calls and letters went unanswered. Only after we informed the corporate entities of our eminent domain powers did they return our call, after which we were able to negotiate the necessary easements on their land so the project can move forward. In recent history, we have not had to utilize eminent domain, but rather we have negotiated with several landowners to acquire significant acreage. We must continue to possess the power of eminent domain as a “tool of last resort,” but an important tool to permit us to carry out our statutory purposes codified in Ohio law.

In sum, Cleveland Metroparks is opposed to HB 288. We stand by our commitment to the requests and desires of our constituencies. Our use of eminent domain has been limited and resolved without major controversy. Finally, we believe that remedies and a process for resolve are already embedded in the Constitution and the Ohio Revised Code. We are opposed to HB 288 because it attempts to address a remedy that is already in place for property owners.

At this time, I would be happy to address any questions you may have.