

Landscaping in Tree Lawns, Rights-of-way, and Easements

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Bowling Green residents take much deserved pride in the beauty and diversity of trees, shrubs, ground covers, and flowers through their parks, along city's rights-of-way, and in the tree lawns and boulevards within residential neighborhoods. This natural beauty has not been happenstance. For 26 consecutive years Bowling Green has been designated as a "Tree City USA" community. Note the newly placed signs signaling the achievement at the major entrances into the city.

The innovative and resourceful efforts by the City Arborist (e.g., hundreds of new trees, prudent pruning, and removal of hazard trees and diseased trees, etc.) and the Parks and Recreation Department (e.g., the development of Simpson Park), working in close cooperation and with dozen's of citizen volunteers, are making Bowling Green more beautiful and interesting place in which to live.

These similar activities have earned our city 13 consecutive "Growth Awards" from the ODNR Division of Forestry and Tree City USA Organization. From the planting of improved replacement trees along Main Street to the rich diversity of flowers and trees in the "triangle" at Pearl, Wintergarden, and Bowling Green West, city residents have witnessed amazing expansion of natural beauty. Future awards are virtually assured by such current projects as the renovation and beautification of Raney Playground on Sand Ridge Road and Bellard Park on Kenwood Boulevard.

Encouraged, perhaps, by the beautiful and obvious result of the arborist and parks programs throughout our community, we also note that the exuberance of some residents has led them to plant trees, shrubs, flowers, and grasses in some rights-of-way, easements, and other public places. While these private efforts are understandable, and arguably quite beautiful, virtually all communities including Bowling Green, have ordinances in place that control the use of public places. These ordinances are designed to secure public safety and to assure aesthetic and practical uniformity.

A right-of-way is any strip of land---whether surface, overhead, or underground---that is granted by deed, plat, or easement for public use. Roadways, sidewalks, ditches, electric power, telephone and cable lines, gas, water and sewer lines are all examples of uses allowed by the city ordinances. Rights-of-way are public places

that include any property owned or held by the city, or any area which the city has a right or easement to maintain trees.

A tree lawn, the unpaved portion of street right-of-way, is normally the green space between the sidewalk and curb or edge of street pavement. Boulevard islands, typically located at entrances to and exits from residential areas, are the portions of divided streets that are unpaved, public property owned or held by the city. Similarly, cul-de-sac islands are also owned or held by the city. Public utilities, both overhead and underground, use public places as a practical matter, and the city has the right to restrict, manage, control planting, as well as to restrict the use of possible deleterious substances, including stone, bricks, and similar items used that obstruct access to air and water to the roots any of trees located in any of these areas.

Lastly, the ordinance relevant to planting in public places addresses safety issues. Because traffic visibility is a major concern, especially at residential intersections, there specific restrictions on plantings within what is called a “visibility triangle.” Essentially the lines of this triangle extend 25 feet from the corner lot in both directions, and then diagonally between the 25 feet points. No plantings of any kind – flowers, grasses, or trees – may be planted within this triangle.

What does all this mean to residents who might wish to dig up some of their tree lawns or other public places to plant flowers, grasses, or trees? Please do not do it! While there are some point’s ambiguities or lack of specificity in the ordinances as currently written, these issues will soon be addressed by the city. Meanwhile, we should all continue to enjoy: (1) the city’s increasingly diverse and bountiful plantings in our public places, and (2) the beauties of our own gardening efforts within the confines of our private properties.