Committee 12/12/90 4-0
2nd Reading 12/19/90 8-0

RESOLUTION 90-42

TO EXPRESS COMMON COUNCIL APPROVAL OF AND SUPPORT FOR THE DEDICATION OF THE GRIFFY WOODS NATURE PRESERVE

WHEREAS, the City owns much of the land around Griffy Lake; and

WHEREAS, the Utilities Service Board has an interest in all water resources held by the City; and

WHEREAS, the Parks and Recreation department administers Griffy Lake under a lease agreement with the Utilities department; and

WHEREAS, the Bloomington Board of Park Commissioners and the Utilities Service Board have both agreed to dedicate 240 acres of Griffy Woods as a State Nature Preserve; and

WHEREAS, the Indiana Department of Natural Resources considers Griffy Woods an excellent area for dedication as a State Nature Preserve considering its natural state and the proliferation of indigenous flora and fauna; and

WHEREAS, the Department of Natural Resources will hold the property in trust for the People of the State of Indiana under the provisions of the Nature Preserve Act; and

WHEREAS, the Griffy Woods Nature Preserve shall be administered, managed and protected by the Bloomington Parks Administrator;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

The Common Council does hereby express its approval of and support for the creation and dedication of 240 acres of Griffy Woods as a State Nature Preserve, hereinafter entitled the Griffy Woods Nature Preserve. Said Nature Preserve shall be governed by the Indiana Nature Preserve Act, and the Articles of Dedication and the Master Plan for the Griffy Woods Nature Preserve, the latter two of which are attached hereto and made a part hereof.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19 day of December, 1990.

Iris Kiesling

IRIS KIESLING, President
Bloomington Common Council

ATTEST:

Patricia Williams

PATRICIA WILLIAMS, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 21st day of December, 1990.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This Resolution expresses Common Council approval of and support for the dedication of 240 acres of Griffy Woods, which partially surrounds Griffy Lake, as a State Nature Preserve.

Signed copies to
Parks Dept
DNR
Utilities

MASTER PLAN FOR
GRIFFY WOODS NATURE PRESERVE

The following is hereby adopted as the Master Plan for Griffy Woods Nature Preserve being dedicated as a nature preserve:

1. This Master Plan applies to a nature preserve containing mesic upland and ravine forest communities which support a number of rare native plants. It is owned by the Utilities Department of the City of Bloomington and is currently administered by Bloomington Parks and Recreation under lease agreement with the Utilities Department. It is located in Bloomington Township in Monroe County, Indiana, a more detailed description being contained in the "Articles of Dedication" for Griffy Woods Nature Preserve of which this Master Plan is a part and to which it is attached.

The management, custody and use of the Nature Preserve shall be the responsibility of the Bloomington Parks and Recreation Department (the Administrator) pursuant to the Nature Preserves Act, the Articles of Dedication of the Nature Preserve, the Master Plan, and lease agreement.

The Nature Preserve may be used for all purposes stated in the Nature Preserves Act, but subject to the provisions of this Master Plan. Action required or permitted by this Master Plan may be taken only by the Administrator, or by parties designated in writing by the Administrator for particular actions. All development and natural area management on the Nature Preserve shall require the joint approval of the Director of the Division of Nature Preserves and the Administrator.

All provisions of this Master Plan shall be interpreted in the light of the basic intention of this Master Plan that the Nature Preserve shall be managed to maintain and/or restore its natural ecological conditions and be dedicated for the purposes of the Nature Preserves Act and in furtherance of the public policy of the State of Indiana declared by this Act. In the case of this Nature Preserve, the main purpose of the dedication is to preserve and restore natural forest communities and the associated rare native plants for scientific, educational, and recreational use.

2. The following developments, structures and facilities may be permitted within the Nature Preserve:

a. Boundary markers and boundary fences may be placed as needed around the perimeter. Such developments should be installed with the least possible disturbance to the soil, plants and animals.

b. Foot trails, foot bridges, boardwalks, trail markers, interpretive signs, observation sites and ditch or stream crossings may be constructed and maintained after

sufficient study is completed to help determine proper placement. Existing trails and roads may be maintained at the discretion of the Administrator.

3. Management activities within the Nature Preserve shall be governed by the following rules:

a. No use shall be incompatible with the protection of Griffy Lake as a resource for drinking water.

b. Bloomington Utilities employees or agents and their equipment will be permitted access to all areas provided their activity is essential for the purposes of maintaining the lake as a drinking water source and maintaining the Utilities existing water distribution system.

c. Water levels of the lake may be altered as needed by the water treatment facility of the City of Bloomington Utilities Department.

d. Erosion and soil deposition may be controlled. In particular, erosion control measures may be undertaken to protect the shoreline of Griffy Lake.

e. No action shall be taken to alter natural growth or natural features in the Nature Preserve for the purpose of enhancing the beauty, neatness and amenities of the Nature Preserve or any part thereof.

f. There shall be no cutting of grass, brush or other vegetation, thinning of trees, removal of dead wood, opening of scenic vistas or planting, except as allowed in sections 2a, 2b, 3b, 3i, 3j, 3k, and 3l of this Master Plan.

g. There shall be no removal or use of any natural material, product or object from the Nature Preserve and there shall be no intentional introduction of any material, product or object into the Preserve except as permitted in sections 2a, 2b, 3d, 3j, 3k, and 3l.

h. Except as permitted in sections 3j and 3k, all fires shall be brought under control as quickly as possible. After a fire, there shall be no clean-up, fire hazard reduction or replanting except for safety purposes.

i. Trees or branches that constitute a safety hazard to persons on established trails or in any other authorized use areas may be felled but shall be left to decompose naturally.

j. Species of plants and animals which are considered noxious by State Law, and exotics and aggressive native species which are detrimental to the quality of the Nature Preserve, may be controlled in accordance with State Law. In the case of plants, the control and removal shall be by manual methods (chain saws, brush cutters and hand tools) and/or prescribed burning. Herbicides proven to be effective and safe in natural areas management may be used in conjunction with such manual methods

only if directly applied to cut stumps or to the species to be eradicated. Herbicides and pesticides that are regulated federally for safe drinking water standards (under the Clean Water Act, Safe Drinking Water Act or any forthcoming regulation) shall not be used. In the case of animals, the control and removal shall be by the most current, acceptable methods, and in the most humane way possible.

k. Control of biotic succession by artificial means may be undertaken only if 1) preservation of a particular species is determined by the Administrator and Division to be consistent with the purpose of the Nature Preserve and/or 2) such control is necessary for the maintenance or restoration of natural communities present when the Nature Preserve was dedicated. Acceptable control measures are the same as those allowed in section 3h.

l. Except as permitted in sections 2a, 2b, 3i, 3j, 3k and 3l, native plants and animals may be introduced, re-introduced or removed from the Nature Preserve under the conditions listed below. All such actions shall require the written permission of the Director of the Division of Nature Preserves.

Species of plants or animals may be re-introduced into the proper habitat of the Nature Preserve if 1) they are documented, either by specimens or reliable reports, to have occurred there in the past, or 2) they presently occur within, but are nearly extirpated from, the Nature Preserve. In order to minimize the possibility of introducing non-native ecotypes into the area, the source of the organisms to be introduced should be within a 100 mile radius of the Preserve.

Species of plants or animals which do not now or are not known to have occurred within the boundaries of the Nature Preserve may be introduced only if they 1) are listed as endangered or threatened on a national level by the U.S. Fish and Wildlife Service, 2) are currently being considered for such a listing, or 3) represent a population of a species, which is listed as rare, threatened or endangered in Indiana according to the most current listing by the Department of Natural Resources. Such species must come from populations which are under the threat of immediate destruction. In order to insure the integrity of the existing natural communities within the Nature Preserve, such introductions should be made only if no reasonable alternate areas can be found in which the species may be introduced.

Species of plants or animals may be introduced into disturbed areas of the Preserve for the purpose of re-establishing a native natural community or improving a degraded natural community which exists at the time of the Dedication of this Preserve. Only species which would normally occur in this type of natural community may be

introduced. Any such community establishment must be initiated within 10 years of the date of Dedication of this area.

Individual specimens of certain species may be removed from the Nature Preserve for the purpose of re-establishment in a similar community type in another nature preserve or in a high quality natural community provided that sufficient individuals of the species are present so that this removal does not endanger the population. Other potential sources should always be explored before allowing a species to be removed from the Preserve. In the case of plants, the removal of seeds for planting elsewhere shall take precedence over the removal of entire plants.

4. Human use of the Nature Preserve shall be governed by the following regulations:

a. Ingress and egress shall be allowed only at such locations and under such conditions as are established from time to time by the Administrator. The Administrator may control the amount of visitor usage at his or her own discretion.

b. The primary visitor activities in the Preserve shall be walking, observing and nature study. These activities shall be permitted only to the extent that the Preserve can tolerate them without substantial deterioration. Visitors without permits for research or collecting activities shall generally be permitted only on trails and may otherwise be restricted in movement when deemed advisable.

c. Scientific and educational activities may be permitted only to the extent that the Preserve can tolerate them without substantial deterioration. Collecting, Research and Educational Permits may be issued only for scientific or educational purposes by the Administrator or the Division of Nature Preserves. The Administrator shall provide the Division of Nature Preserves with an annual report of such permits issued.

d. No structure, easement, right-of-way or other intrusion, development, impairment, disturbance or use which is not permitted by this Master Plan shall be established or be allowed to continue, excepting only the continuance of a use or uses of easements which use existed on the date of this dedication.

e. A strip of land whose exact dimensions will be determined by necessity at the time(s) bordering Dunn Street on the west side of the Nature Preserve may be dedicated by the owners as a public road right-of-way for future road widening or other public improvement or an easement for public utility installation if needed. This strip shall not exceed 50 feet from the existing centerline of Dunn Street, except along the portion of Dunn Street north of Kenwood Place, where improvements to the vertical

and horizontal geometry of the street and/or necessary public utility relocation may require in excess of 50 feet from centerline.

f. Except to the extent permitted in this Master Plan, the following activities are prohibited, but their inclusion herein shall not restrict the right of the Administrator to prohibit other activities it considers inconsistent with this Master Plan or the purposes of the Preserve: timbering, grazing by domestic animals, farming, the gathering of firewood or other plant products, mining and quarrying, drilling for oil or gas, the harvesting of fruits, nuts, mushrooms, fur bearers or other animals, the dumping, burying or spreading of garbage, trash or other waste materials, camping, lighting of fires, participating in games or sports (not including fishing), off trail activities (including but not limited to orienteering and military maneuvers), the use of vehicles (except for emergency and service uses or lake control use as permitted in Section 3b), horseback riding, hunting, trapping, the removal, disturbance, molestation or defacement of minerals, plants, animals or natural features and the gathering of specimens except by permit.

g. No boat shall be allowed to be drawn up to the bank and moored or stationed at any time (with the exception of boats in use for city services). No person may be permitted to get in or out of a boat along the shoreline (with the exception of city personnel on official business).

IN WITNESS WHEREOF, the Bloomington Parks and Recreation Department and the Department of Natural Resources of the State of Indiana have adopted this Master Plan as of the ___ day of _____, 199___.

STATE OF INDIANA
NATURAL RESOURCES
COMMISSION

ATTEST:

_____

JAMES H. LAHEY, CHAIRMAN

_____
JAMES M. RIDENOUR,
SECRETARY

CITY OF BLOOMINGTON

ATTEST:

_____
TOMILEA ALLISON, MAYOR

Patrice Williams
_____
PAT WILLIAMS
CITY CLERK

CITY OF BLOOMINGTON
UTILITIES DEPARTMENT

ATTEST:

_____
PAMELA F. LOHMANN, PRESIDENT
UTILITIES SERVICE BOARD

_____
RICHARD L. EHERENMAN
VICE PRESIDENT
UTILITIES SERVICE BOARD

CITY OF BLOOMINGTON
PARKS AND RECREATION
DEPARTMENT

ATTEST:

_____
LESLIE J. COYNE, PRESIDENT
BOARD OF PARK COMMISSIONERS

_____
RICHARD ZABRISKIE,
VICE PRESIDENT
BOARD OF PARK COMMISSIONERS

This instrument prepared by Stephen L. Lucas, Attorney at Law.

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
COUNTY OF)

The undersigned, being duly sworn on oath says, that he is the contracting party, or that he is the representative, agent, member, or officer of the contracting party, that he has not, nor has any other member, employee, representative, agent or officer of the firm, company, corporation or partnership represented by him, directly or indirectly, entered into or offered to enter into any combination, collusion or agreement to receive or pay, and that he has not received or paid, any sum of money or other consideration for the execution of the annexed contract other than that which appears upon the face of the contract.

_____
Signature

_____
Printed Name

_____
Title

_____
Company

Before me, a Notary Public in and for said County and State personally appeared_____, who acknowledged the truth of the statements in the foregoing affidavit on this ___day of _____, 199___.

Residence County:

_____
Notary Public

_____
My Commission Expires:

_____
Print Name

ARTICLES OF DEDICATION FOR
GRIFFY WOODS NATURE PRESERVE

Pursuant to the provisions of IC-14-4-5, and solely for the uses and purposes set forth in such Chapter, the City of Bloomington, hereby dedicates to the Department of Natural Resources of the State of Indiana, under the provisions of said Act, voluntarily and without consideration, a perpetual non-exclusive easement in the following described real estate (Herein called "Nature Preserve") located in Monroe County, Indiana:

> That part of the West Half (W1/2) of the Southwest Quarter (SW1/4) of Section Twenty-two (22), Township Nine (9) North, Range One (1) West, lying South of Griffy Reservoir;
>
> ALSO that part of the East Half (El/2) of Section Twenty-one (21), Township Nine (9) North, Range One (1) West lying South of Griffy Reservoir, the Western boundary being the East right-of-way line of Dunn Street as located on this date which coincides in part with the Quarter Section line for the Southeast Quarter (SE1/4) of Section Twenty-one (21), Township Nine (9) North, Range One (l) West;
>
> ALSO that part of the West Half (W1/2) of Section Twenty-one (21), Township Nine (9) North, Range One (1) West lying between the East right-of-way line of Dunn Street as of this date and Griffy Reservoir and lying South of the dam as shown on the attached Exhibit "A;"
>
> EXCEPTING therefrom a strip of land whose exact dimensions will be determined by necessity at the time(s) bordering Dunn Street on the west side of the Nature Preserve may be dedicated by the owners as a public road right-of-way for future road widening or other public improvement or an easement for public utility installation if needed. This strip shall not exceed 50 feet from the existing centerline of Dunn Street, except along the portion of Dunn Street north of Kenwood Place, where improvements to the vertical and horizontal geometry of the street and/or necessary public utility relocation may require in excess of 50 feet from centerline.
>
> EXCEPTING therefrom a ten (10) acre square located in the Southwest Quarter (SW1/4) of the Southwest Quarter (SWl/4) of the Southeast Quarter (SE1/4) of Section Twenty-one (21), Township Nine (9), North, Range One (1) West.
>
> Containing in all two hundred forty (240) acres, more or less.

The Department of Natural Resources, State of Indiana, hereby accepts such dedication and holds its estates, rights, and interest, hereunder in the Nature Preserve in trust for the People of the State of Indiana under the provisions of said Act.

The Nature Preserve shall be used, administered, managed, and protected by the Administrator, (herein designated by the City of Bloomington as the Bloomington Parks and Recreation Department), under the guidelines established in the Griffy Lake Long-Range Use and Management Plan and as defined in the Master Plan, a copy of which is

attached and made a part of these articles of Dedication. The Nature Preserve shall be further controlled by the General Use Regulations of the Department of Natural Resources, as found in 310 IAC 5, together with subsequent amendments to the Master Plan or Regulations not inconsistent with the provisions of IC 14-4-5 or these Articles of Dedication. The Department of Natural Resources shall not grant nor encumber any estate, interest or right in the Nature Preserve except upon compliance with IC 14-4-5.

IN WITNESS THEREOF, the authorized representatives of the parties have affixed their signatures on the respective dates appearing below:

GRANTORS
CITY OF BLOOMINGTON

DATED_____

ATTEST:

_____
TOMILEA ALLISON, MAYOR

Pat Williams
PAT WILLIAMS
CITY CLERK

CITY OF BLOOMINGTON
UTILITIES DEPARTMENT

ATTEST:

_____
PAMELA F. LOHMANN, PRESIDENT
UTILITIES SERVICE BOARD

_____
RICHARD L. EHERENMANN
VICE PRESIDENT
UTILITIES SERVICE BOARD

CITY OF BLOOMINGTON
PARKS AND RECREATION
DEPARTMENT

ATTEST:

_____
LESLIE J. COYNE, PRESIDENT
BOARD OF PARK COMMISSIONERS

_____
RICHARD ZABRISKIE,
VICE PRESIDENT
BOARD OF PARK COMMISSIONERS

STATE OF INDIANA
NATURAL RESOURCES
COMMISSION

DATED:_____

ATTEST:

_____
MICHAEL J. KILEY, CHAIRMAN

_____
PACTRICK R. RALSTON,
SECRETARY

DEPARTMENT OF NATURAL
RESOURCES

_____
PACTRICK R. RALSTON, DIRECTOR

DEPARTMENT OF NATURAL
RESOURCES
DIVISION OF NATURE PRESERVES

_____
JOHN A. BACONE, DIRECTOR

THIS INSTRUMENT WAS PREPARED BY STEPHEN L. LUCAS, ATTORNEY AT LAW.

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared the ____day of _____, 199___, Michael J. Kiley, Chairman, Natural Resources Commission, Patrick R. Ralston, Secretary, Natural Resources Commission, and Director, Department of Natural Resources, and John A. Bacone, Director, Division of Nature Preserves, Department of Natural Resources, all respectively known by me to be such officers of the Department of Natural Resources, and acknowledged their execution of the foregoing instrument to be their free and voluntary acts and deeds as such officers and for and on behalf of said Commission.

IN WITNESS THEREOF, I have hereunto set my hand and seal.

_____
Notary Public

My Commission Expires:

_____
(Print or Type Name)

_____

County of Residence:_____

STATE OF INDIANA)
SS:
COUNTY OF MONROE)

Before me, a Notary Public in and for said County and State, personally appeared this ____ day of _____. 199___, Tomilea Allison, Mayor of the City of Bloomington, and Pat Williams, City Clerk, Pamela F. Lohmann, President, Utilities Service Board of the City of Bloomington, Richard L. Eherenmann, Vice President, Utilities Service Board of the City of Bloomington, Leslie J. Coyne, President, Board of Park Commissioners of the City of Bloomington, and Richard Zabriskie, Vice President, Board of Park Commissioners of the City of Bloomington, all respectively known by me to be such officers of the City of Bloomington, and acknowledged their execution of the foregoing instrument to be their free and voluntary acts and deeds as such officers and for and on behalf of said City.

IN WITNESS THEREOF, I have hereunto set my hand and seal.

_____
Notary Public

My Commission Expires:

_____
(Print or Type Name)

_____

County of Residence:_____

STATE OF INDIANA)
SS:

_____
(Print or Type Name)

_____

County of Residence:_____

APPROVED AS TO FORM AND LEGALITY:

DATED:_____

_____
LINLEY L. PEARSON
ATTORNEY GENERAL OF INDIANA

APPROVED AND ACCEPTED:

DATED:_____

_____
EVAN BAYH
GOVERNOR OF INDIANA

LICENSING OF CITY PROPERTIES

WHEREAS: The Licensor owns and controls tracts of land used by it for the location of reservoirs thereon, and

WHEREAS: The Licensor Owns and controls areas adjacent and contiguous to such reservoirs, and

WHEREAS: The Licensor has determined that its purpose for the ownership of said reservoirs and lands is compatible with the use of said facilities for recreation purposes, and

WHEREAS: It has been determined that the Licensee is the proper public body to develop and maintain such facilities for recreational purposes.

NOW, THEREFORE, BE IT RESOLVED this agreement is made this 23th day of December, 1971, by and between the Board of Public Works of the City of Bloomington, Indiana (hereinafter called the "Licensor") and the Board of Parks and Recreation of the City of Bloomington, Indiana (hereinafter called the "Licensee"), with the ratification of the Common Council and approved by the Mayor of the City of Bloomington, Indiana.

WITNESSETH:

SECTION 1 The Licensor for and in consideration of the performance of the covenants herein contained, mentioned and contained to be kept and performed on the part of the Licensee, its successors and assigns, grants to the Licensee the right to enter upon, develop, operate and maintain for recreational pruposes the following properties owned or controlled by the Licensor:

Lake Lemon Properties (Bean Blossom Reservoir) - Part of Sections 27, 28, 33, 34, 35 - Township 10 North, Range 1 East; Part of Sections 3, 2, 1 - Township 9 North, Range 1 East, Part of Section 31 - Township 10 North, Range 2 East.

Griffey Lake Reservoir Properties - Part of Sections 21, 22, 23 - Township 9 North, Range 1 West.

Twin Lakes Properties - Part of Section 6 - Township 8 North, Range 1 West.

Leonard Springs Properties - Part of Sections 23, 24 - Township 8 North, Range 2 West.

Subject to such easements, rights-of-way, and other liens and encumberances which may exist against such properties.

SECTION 2 This license is granted for a term of twenty-five (25) years commencing upon December 23, 1971, and expiring on December 27, 1996, (unless this License shall sooner terminate as hereinafter provided in which case the term shall expire on the effective date of such termination). The Licensee shall retain the right to renew this License for an additional twenty-five years under the same conditions as contained herein.

The Licensee hereby covenants and agrees that its rights shall be only such as are specifically set forth herein and that it will keep and perform the terms, covenants and conditions hereof.

SECTION 3 The Licensee agrees that the Premises have been licensed to it and are accepted by it solely for the purpose of establishing recreational facilities for the public in the City of Bloomington and surrounding areas, subject to the express condition, that the primary use and management of said properties shall be, as a water resource of the City of Bloomington as determined by the Licensor.

As a further condition no water shall be taken or caused to be taken from any Reservoir or streams tributary thereto by the Licensee unless the written consent of the Licensor shall have first been obtained.

As a further condition swimming shall be permitted in the reservoirs only at sites designated or authorized by the Board of Parks and Recreation.

SECTION 4 At any time and from time to time during the term of the License, Licensee may install, maintain, change, alter and replace on the Licensed Premises such Facilities as Licensee may deem necessary or desirable in connection with the recreational uses of the Premises, and the same shall become a part of the Licensed Premises.

SECTION 5 During the term of the License, Licensee shall, at its own cost and expense, keep and maintain the Licensed Premises and Licensee's Facilities in good order and in a neat, clean and safe condition, and will not create or permit to continue any condition on the Premises which is detrimental to the use of any reservoir for public water supply purposes.

SECTION 6 Anything in the License to the contrary notwithstanding, the License and Licensee's rights hereunder are subject to all incidents of the use by the Licensor of the reservoirs for public water supply and allied purposes, including but not limited to Licensor's right to raise the water level in the reservoirs if deemed necessary by the Licensor to increase the storage capacity thereof, to meet the demands of the service area, and Licensor may enter upon the Premises at any time for the purpose of taking any action required for such maintenance and operation of the reservoirs for water supply purposes. The Licensee shall engage in no activity hereunder that in any way interferes with said purposes and the Licensor shall be under no duty to maintain the water in any reservoir at any particular level or to do any other act with respect to the condition or use of the reservoirs or the surrounding areas.

Anything in the License to the contrary notwithstanding, this License and Licensee's rights hereunder are subject and subordinate to the terms of Ordinance No. 65-33, 1965.

BOARD OF PARKS AND RECREATION

Lloyd W. Olcott, President

Douglas Hatton, Vice Pres.

C. H. East, Secretary

Mrs. Arlen Packard, Member

Mrs. Robert Cairns, Member

BOARD OF PUBLIC WORKS

Raymond E. Long, City Engineer

F. Wilson Thrasher, Utilities Admr.

Howard A. Young, City Controller

This agreement ratified by the Common Council of the City of Bloomington this 28th day of December, 1971.

Ralph L. Johnson, President

Approved this 28th day of December, 1971.

John H. Hooker, Jr., Mayor

Attest:

Marian H. Tardy, City Clerk