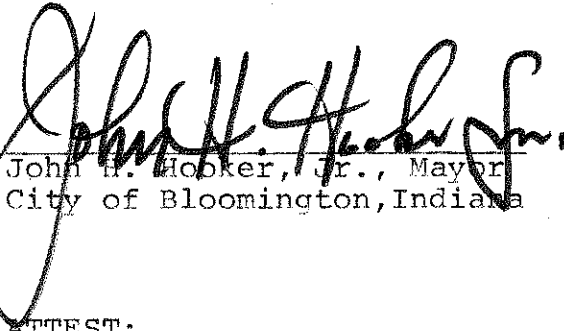
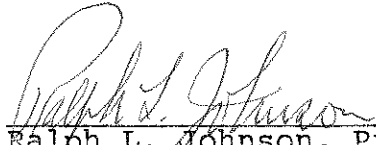


RESOLUTION NO. 71-40


A RESOLUTION CONCERNING THE LICENSING OF CITY LAND FROM THE BOARD OF PUBLIC WORKS OF THE CITY OF BLOOMINGTON, INDIANA TO THE BOARD OF PARKS AND RECREATION OF THE CITY OF BLOOMINGTON, INDIANA.

BE IT RESOLVED, That the Common Council of the City of Bloomington, Indiana, confirms and ratifies the license agreement entered into by the Board of Public Works and the Board of Parks and Recreation, both of the City of Bloomington, Indiana on the <sup>28</sup>~~30~~<sup>th</sup> day of December, 1971.

  
John H. Hooker, Jr., Mayor  
City of Bloomington, Indiana

  
Ralph L. Johnson, President  
Common Council of the City  
of Bloomington, Indiana

ATTEST:

  
Marian H. Tardy, City Clerk

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 28th 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 purposes 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 encumbrances which may exist against such properties.

SECTION 2 This license is granted for a term of twenty-five (25) years commencing upon December 28, 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  
Lloyd W. Olcott, President

Douglas Hatton  
Douglas Hatton, Vice Pres.

C. H. East, Secretary

Mrs. Arlen Packard  
Mrs. Arlen Packard, Member

Mrs. Robert Cairns  
Mrs. Robert Cairns, Member

BOARD OF PUBLIC WORKS

Raymond E. Long  
Raymond E. Long, City Engineer

F. Wilson Thrasher, Utilities Admr.

Howard A. Young  
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