

**BEFORE THE
NATURAL RESOURCES COMMISSION
OF THE
STATE OF INDIANA**

IN THE MATTER OF:

WESSELMAN WOODS NATURE PRESERVE:)	
AMENDMENTS TO:)	Administrative Cause
ARTICLES OF DEDICATION)	Number 24-NP-015

**REPORT OF HEARING OFFICER
WITH RECOMMENDATIONS TO NATURAL RESOURCES COMMISSION**

1. Introduction, Authority and Appointment of Hearing Officer

The Wesselman Woods Nature Preserve (Wesselman Woods) was originally dedicated by the Natural Resources Commission (Commission) in 1981. The Evansville Department of Parks and Recreation holds the fee simple ownership of Wesselman Woods and the Department of Natural Resources (Department) holds a non-exclusive easement over the property. The Evansville Department of Parks and Recreation and the Department of Natural Resources Division of Nature Preserves (Division) request amendment to Wesselman Woods’s dedication documents,¹ to correct the legal description and to allow Wesselman Woods to control and manage aggressive

¹ The dedication documents are the Articles of Dedication and the Master Plan executed in 1981. The Articles of Dedication memorialize the dedication of the preserve and contain the legal description of the property. The Master Plan, executed with the Articles of Dedication, sets out the specifics for management of the preserve and permitted and restricted activities within the preserve.

Ind. Code 14-31-1-13, regarding amendments to the Articles of Dedication, does not contain the term “master plan.” However, I.C. 14-31-1-3 defines “articles of dedication” as “the writing by which an estate, an interest, or a right in an area is formally dedicated as permitted by section 14 of this chapter.” The articles may:

- (1) Contain restrictions and other provisions relating to the following:
 - (A) Management.
 - (B) Use.
 - (C) Development.
 - (D) Transfer.
 - (E) Public Access.
 - (F) Other restrictions and provisions that are necessary or advisable to further the purposes of this chapter.

Combined, Wesselman Woods’s Articles of Dedication and Master Plan meet the statutory definition of Articles of Dedication. Amendment of the “Master Plan” is therefore properly considered under I.C. 14-31-1-13.

exotic and native plant species that are detrimental to the quality of Wesselman Woods. The Evansville Board of Park Commissioners voted to approve the amendments to the legal description and the Master Plan at its meeting on June 5, 2024. See Exhibit A, attached to this report.

On behalf of the Evansville Department of Parks and Recreation and the Division of Nature Preserves, Hellmich requested the Natural Resources Commission Division of Hearings (Commission) appoint a hearing officer on August 2, 2024.

Information Bulletin #72 (IB #72), published in the Indiana Register at <http://iac.iga.in.gov/iac/20140129-IR-312140022NRA.xml.pdf> outlines the procedure for appointment of a hearing officer to assist with the amendment of the nature preserve's dedication documents. IB #72, at Section 3(A) states:

(A) If the director of the department's division of nature preserves determines articles of dedication should be amended for a nature preserve, under the Nature Preserves Chapter, the division director shall use this information bulletin for guidance. Without further action by the Commission, the division director may elect to seek assistance from the commission's division of hearings in the conduct of or preparation for the hearing process.

...

(C) The division director may conduct the public hearing or may appoint another person to conduct the public hearing....

Upon Hellmich's request for the appointment of a hearing officer, Elizabeth Gamboa was appointed the hearing officer to provide assistance to the Department.

2. Proposed Amendments

Amendment to the Articles of Dedication (Articles) is requested to correct two errors in the legal description. The legal description in the Articles does not conform to the Public Land Survey section lines and does not close. The second call from the true point of beginning provides "thence South 18 degrees West for 285 feet." This should be "thence West 18 degrees South for 285 feet." The second correction is in the fifth call from the true point of beginning. The call "North 25 degrees East for 39 feet" should be "North 25 degrees West for 39 feet." A copy of the proposed Articles of Dedication are attached hereto as Exhibit B.

Paragraphs 4 and 11 of the Master Plan provide:

4. The custody, administration and management of the Nature Preserve shall be the responsibility of the Administrator pursuant to the Act, the Articles of Dedication for the Nature Preserve and this Master Plan. The Nature Preserve may be used for all purposes stated in the 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, except as otherwise provided in this Master Plan. All provisions of this Master Plan shall be interpreted in light of the basic intention of this Master Plan that the Nature Preserve shall remain in its natural ecological condition and be dedicated for the purposes of the Act and infurtherance [sic] of the public policy of the State of Indiana declared by the Act.

11. Except as provided in this Master Plan, (a) there shall be no removal or use of any natural material, product, or object in the Nature Preserve, (b) there shall be no intentional introduction of any material, product or object into the Nature Preserve.

Species of plants and animals which are declared as noxious, and aggressive exotics which are detrimental to the quality of the Nature Preserve, may be controlled and removed in accordance with State law, in consultation with the Department. Except for removal from established trails, there shall be no control of native plants or animals which are not noxious but may otherwise appear undesirable. There shall be no control of predators, rodents, snakes or other animals, even though they may appear harmful or undesirable.

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 purpose.

The request is to amend paragraphs 4 and 11 of the Master Plan as follows:

4. The custody, administration and management of the Nature Preserve shall be the responsibility of the Administrator pursuant to the Act, the Articles of Dedication for the Nature Preserve and this Master Plan. The Nature Preserve may be used for all purposes stated in the 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, except as otherwise provided in this Master Plan. All provisions of this Master Plan shall be interpreted in light of the basic intention that the Nature Preserve *shall be managed to maintain and/or restore its natural ecological conditions, in accordance with the purposes of the Nature Preserves Act.*

11. Except as provided in this Master Plan, (a) there shall be no removal or use of any natural material, product, or object in the Nature Preserve, (b) there shall be no intentional introduction of any material, product or object into the Nature Preserve.

Species of plants and animals that are considered noxious by State Law, as well as exotic and aggressive native species detrimental to the quality of the Nature Preserve, may be controlled. Plant control and removal shall be conducted using manual methods (such as chain saws, brush cutters, and hand tools), mowing, and/or prescribed burning.

The Master Plan is attached to this report as Exhibit C.

3. Public Hearing and Comment

As required by IC 14-30-1-16(b) and IC 14-30-1-16(c),² a notice of public hearing was published in the Evansville Courier, a newspaper of general circulation in the City of Evansville, on July 31, 2024. The public hearing was conducted as scheduled on September 11, 2024, at the Wesselman Woods Nature Preserve Nature Center, 441 North Boeke Road, Evansville, Indiana at 10:30 a.m. Hellmich was present on the behalf of the Department. Representatives of the Evansville Department of Parks and Recreation were also present. Derek Walsh (Walsh) Director of Natural Resources and Research for Wesselman Woods was present. Approximately twenty Wesselman Woods volunteers and members of the work crew attended the meeting. The meeting was conducted by Chloe Perkins. Hearing officer Gamboa was present at the meeting.

Hellmich began the meeting by explaining that the proposed amendments are necessary to allow the nature preserve flexibility to manage native and exotic plant species that have overtaken the preserve and endanger the natural balance of the forest. The original master plan prohibits the management of native plant species. According to Hellmich, native species such as pawpaw and spicebush are not preferred by deer. The over-grazing on other species has allowed the pawpaw and spice bush to proliferate and spread, interfering with the growth of shade-intolerant species of trees that comprise the forest's canopy. The proposed amendments to the Master Plan would

² (b) The notice must be published at least one (1) time in a newspaper printed in the English language with a general circulation in each county in which the nature preserve is located. The notice must do the following:

- (1) Set forth the substance of the proposed action.
- (2) Describe, with or without legal description, the nature preserve affected.
- (3) Specify a place and time not less than thirty (30) days after the publication for a public hearing before the commission on the proposed action.

(c) All persons desiring to be heard shall be given a reasonable opportunity to be heard before action by the commission on the proposal.

allow management of any aggressive native species that endanger growth of more favorable species. The goal is not to eradicate these species, but to manage them at an appropriate level to maintain the balance of species in the forest. Hellmich also explained that the legal description for the preserve property needs to be corrected.

Walsh explained that the goal is not to eradicate aggressive species, but to use management practices to maintain these species at an appropriate level so that shade-intolerant species of trees can be maintained and regenerate the forest canopy. Currently, the proliferation of pawpaw and spicebush are preventing the canopy trees from growing to maturity, causing gaps in the natural canopy. Deer do not typically graze on pawpaw and spicebush, allowing those species to grow. How the targeted species would be managed would depend on the species and the surroundings, and the use of herbicides would be minimized. Experts would be consulted on best management practices and the efforts would be assessed to determine the effectiveness of the practices.

Those present at the meeting were provided sufficient opportunity to provide comment both in favor of and opposed to the amendments. While several questions were asked of Hellmich and Walsh, no member of the public provided comment either for or against the amendments. No written comments were received by the Commission.

4. Analysis:

The requirements for amendment to a nature preserve's articles of dedication are found at Indiana Code 14-31-1-13, which provides in relevant part:

With the approval of the governor and upon the terms and conditions that the department determines, the department may, after the giving of notice and the holding of a public hearing under section 16 of this chapter, enter into amendments of articles of dedication upon a finding by the commission that the amendments will not permit:

- (1) an impairment;
- (2) a disturbance;
- (3) a use; or
- (4) a development;

of the area inconsistent with the purposes of this chapter. However, if the fee simple interest in an area is not held by the state under this chapter, an amendment may not be made without the written consent of the owner of the other interests in the area.

The purpose of the Nature Preserve Act is found in IC 14-31-1-7:

To secure for the people of Indiana of present and future generations the benefits of an enduring resource of areas, the state shall, acting through the department, acquire and hold in trust for the benefit of the people an adequate system of nature preserves for the following uses and purposes:

- (1) For scientific research in fields such as ecology, taxonomy, genetics, forestry, pharmacology, agriculture, soil science, geology, paleontology, conservation, and similar fields.
- (2) For the teaching of biology, natural history, ecology, geology, conservation, and other subjects.
- (3) As habitats for plant and animal species and communities and other natural objects.
- (4) As reservoirs of natural materials.
- (5) As places of natural interest and beauty.
- (6) As living illustrations of our natural heritage in which an individual may observe and experience natural biotic and environmental systems of the earth and the processes of the systems.
- (7) To promote understanding and appreciation of the esthetic, cultural, scientific, and spiritual values of the areas by the people of Indiana.
- (8) For the preservation and protection of nature preserves against modification or encroachment resulting from occupation, development, or other use that would destroy the natural or aesthetic conditions of nature preserves.

The City of Evansville provided its consent to the proposed amendments. See Exhibit A. In addition, the procedural requirements of notice and of holding of a public hearing have been met.

The proposed amendments do not cause an impairment, a disturbance, a use, or a development that is inconsistent with the purposes of the Nature Preserves Act. The amendments to the legal description are needed to accurately describe the area of the Nature Preserve. The changes to paragraphs 4 and 11 of the Master Plan allow management of native aggressive species that endanger the natural ecological balance of Wesselman Woods and ensure that the Preserve maintains an appropriate balance of canopy and understory growth. The amendments will allow Wesselman Woods to maintain the natural beauty of the Preserve in manner consistent with the purposes of the Nature Preserve Act. It is therefore recommended by the hearing officer that the amendments to the Master Plan and to the Articles of Dedication be approved.

A handwritten signature in blue ink that reads "Elizabeth Gamboa". The signature is fluid and cursive.

Dated: October 28, 2024

Elizabeth Gamboa
Hearing Officer
Natural Resources Commission



100 EAST WALNUT STREET • EVANSVILLE, IN 47713-1999 • (812)435-6141 • (812)435-6142 • TDD (812)436-4945
STEPHANIE TERRY
MAYOR

To Whom It May Concern:

The Board of Park Commissioners voted to approve the following corrections to the legal description in the Wesselman Woods articles of dedication on June 5, 2024.

The Evansville Department of Parks and Recreation requests corrections to the legal description. The corrections are as follows:

The second call from the true point of beginning stated as "South 18 degrees West for 285 feet" corrected to "West 18 degrees South for 285 feet" for this call.

The fifth call from the true point of beginning stated as "North 25 degrees East for 39 feet" corrected to "North 25 degrees West for 39 feet" for this call.

Please do not hesitate to reach out if any additional consent or clarification is needed.

Respectfully,

A handwritten signature in black ink that reads "Danielle Crook". The signature is written in a cursive style with a large, looped initial "D".

Danielle Crook
Executive Director
Department of Parks and Recreation



100 EAST WALNUT STREET • LOWER LEVEL • EVANSVILLE, IN 47713-1999 • (812)435-6141 • (812)435-6142 • TDD (812)436-4945
STEPHANIE TERRY
MAYOR

To Whom It May Concern:

The Board of Park Commissioners voted to approve the following amendment to the Wesselman Woods Articles of Dedication on June 5, 2024.

“All provisions of this Master Plan shall be interpreted in light of the basic intention that the Nature Preserve shall be managed to maintain and/or restore its natural ecological conditions, in accordance with the purposes of the Nature Preserves Act.

Species of plants and animals that are considered noxious by State Law, as well as exotic and aggressive native species detrimental to the quality of the Nature Preserve, may be controlled. Plant control and removal shall be conducted using manual methods (such as chain saws, brush cutters, and hand tools), mowing, and/or prescribed burning.”

We understand that as the largest urban old-growth forest in the United States, Wesselman Woods has faced challenges with deer overpopulation, and significantly impacted the regeneration of their understory. Currently, pawpaw (*Asimina triloba*) and spicebush (*Lindera benzoin*) dominate the understory. While native, these species are aggressive and hinder the growth of other essential plants needed for a healthy ecosystem (Appendix Item II).

Please see the attached minutes from the meeting for reference and do not hesitate to reach out if any additional consent or clarification is needed.

Respectfully,

Danielle Crook
Executive Director
Department of Parks and Recreation

**BOARD OF PARK COMMISSIONERS
CIVIC CENTER COMPLEX ROOM 301
KEVIN WINTERNHEIMER CHAMBERS
MEETING MEMORANDUM
JUNE 5, 2024**

TO SEE EACH MEETING IN ITS ENTIRETY VISIT
WWW.EVANSVILLE.IN.GOV

1. **ATTENDANCE:**
MICHELLE PETERLIN, DERRICK CLEON, JOHN BATES
ABSENT: JEROME STEWART, WAYNE KINNEY

2. **APPROVAL OF MEETING MEMORANDUM:**
APPROVED MAY 15, 2024 MEMORANDUM

MOTION: JOHN BATES
SECOND: DERRICK CLEON
APPROVED BY VOICE VOTE

3. **CONSENT AGENDA:**
APPROVED UMPIRE SERVICES AGREEMENT WITH DENNIS LABHART.

APPROVED PROFESSIONAL SERVICES AGREEMENT WITH THREE I ENGINEERING
FOR SWONDER ICE ARENA ROOFTOP HVAC PROJECT.

APPROVED AGREEMENT WITH PASS PEST FOR PEST CONTROL SERVICES AT
VARIOUS PARK FACILITIES.

APPROVED CONTRACCT FOR THE USE OF SWONDER ICE ARENA BY AN
INDEPENDENT SKATING PROFESSIONAL, NATHAN MOON.

APPROVED AGREEMENT FOR THE USE OF SWONDER ICE ARENA BY AN
INDEPENDENT CERTIFIED FITNESS INSTRUCTOR, PATRICK STRAW.

APPROVED SWONDER ICE ARENA SINGLE EVENT USE AGREEMENT WITH 3RD
LINE HOCKEY FOR AN ADULT HOCKEY TOURNAMENT.

MOTION: DERRICK CLEON
SECOND: JOHN BATES
APPROVED BY VOICE VOTE

4. **MISCELLANEOUS BUSINESS:**
APPROVED REQUEST TO GIVE PASSES FOR VARIOUS PARKS AMENITIES TO E-REP
FOR INCLUSION IN THEIR INCENTIVE PACKAGES USED TO ATTRACT NEW
RESIDENTS TO THE CITY.

MOTION: JOHN BATES
SECOND: DERRICK CLEON
APPROVED BY VOICE VOTE

APPROVED REQUEST TO INSTALL A HYDRATION STATION AT GARVIN PARK.

MOTION: JOHN BATES
SECOND: DERRICK CLEON
APPROVED BY VOICE VOTE

APPROVED REQUEST TO HOST A FATHER'S DAY EVENT AT SWONDER ICE ARENA.

MOTION: JOHN BATES
SECOND: DERRICK CLEON
APPROVED BY VOICE VOTE

APPROVED DEPARTMENT OF NATURAL RESOURCES REQUEST TO AMEND THE WESSELMAN WOODS ARTICLES OF DEDICATION.

MOTION: MICHELLE PETERLIN
SECOND: DERRICK CLEON
APPROVED BY VOICE VOTE

5. **REPORTS:**
DANIELLE CROOK -EXECUTIVE PARKS DIRECTOR
6. **ACCEPTANCE OF PAYROLL AND VENDOR CLAIMS**
MOTION: DERRICK CLEON
SECOND: JOHN BATES
APPROVED BY VOICE VOTE
7. **ADJOURNMENT:**

EXHIBIT B

**AMENDMENT TO
ARTICLES OF DEDICATION
WESSELMAN WOODS NATURE PRESERVE**

Pursuant to the provision of Chapter 266 of the Acts of 1967, as amended by the Acts of 1972, Public Law 107, and solely for the purposes set forth in said Act as of these Articles of Dedication, the City of Evansville, Park and Recreation Department, hereinafter referred to as Grantor, being the owner thereof, hereby dedicates to the Department of Natural Resources of the State of Indiana, hereinafter referred to as Grantee, under the provision of said Act, voluntarily and without consideration, (subject, however, to termination as hereinafter provided) a perpetual non-elusive easement in real estate herein called Wesselman Woods Nature Preserve located in Vanderburg County, Indiana, more particularly described as follow:

That part of the East Half (1/2) of Section 22 and the West Half (1/2) of Section 23 Township 6 South, Range 10 West, Vanderburgh County, Indiana, more particularly described as follows:
COMMENCING at a point on the East line of the West half (1/2) of Section 23 where said line crosses the Southern Railroad, thence West 40 feet; thence South 223 feet to the true point of beginning, thence North 42 degrees West for 284 feet, thence West 18 degrees South for 285 feet, thence North for 79 feet, thence North 40 degrees West for 20 feet, thence North 25 degrees West for 39 feet, thence North for 203 feet, thence North 40 degrees West for 72 feet, thence North 64 degrees West for 328 feet, thence North 43 degrees West for 164 feet, thence North 60 degrees West for 411 feet to a point 100 feet South of the centerline of Morgan Avenue, thence North 85 degrees West parallel with said centerline a distance of 164 feet, thence South 20 degrees West for 1172 feet to the Southern Railroad right of way, thence South 76 degrees West along said right-of-way for 1071 feet, thence South for 248 feet, thence South 10 degrees West for 419 feet to an established parking lot, thence North 80 degrees East for 75 feet, thence South for 131 feet, thence South 40 degrees West for 103 feet to the Nature Center gate, thence North 77 degrees East for 118 feet, thence South 80 degrees East for 344 feet, thence South 4 degrees East for 85 feet, thence South 85 degrees West for 157 feet to a point 10 feet East of the centerline of the Nature Center's Mini Trail, thence following 10 feet Southeast of said trail South 20 degrees West for 89 feet to a point just South of said trail's junction with the Nature Center's Main Trail, thence following 10 feet South of said Main Trail West for 92 feet and North 22 degrees West for 46 feet to a point 10 feet East of said trail's junction with the Nature Center's Edge Trail, thence following 10 feet East of this trail South 14 degrees West for 377 feet thence East 141 feet to a point 10 feet East of the Nature Center's Break Trail, thence following 10 feet Northeast of a series of paralleling trails South 80 degrees East for 49 feet, South 5 degrees West for 138 feet, South 12 degrees East for 135 feet, South for 75 feet, South 45 degrees West for 75 feet, South 35 degrees East for 315 feet, South 68 degrees East for 75 feet, South 75 degrees East for 164 feet, South 68

degrees East for 164 feet, South 75 degrees East for 128 feet, East for 39 feet, North 62 degrees East for 125 feet, South 55 degrees East for 141 feet, North 60 degrees East for 72 feet, South 32 degrees East for 164 feet, and South 35 degrees East for 128 feet to a point 1185 feet North of the South line of Section 23, thence East paralleling said Section line a distance of 1639 feet to a point 40 feet West of the East line of the West half (1/2) of Section 23, thence North paralleling said line to the true point of beginning.

EXCEPTING THEREFROM the 100 foot right-of-way of the Southern Railroad and a parcel of land described as follows:

Beginning at the Nature Center gate, thence following the Center's Booneville Trail North 77 degrees East for 118 feet, thence North 20 degrees East for 54 feet, thence North 45 degrees East for 984 feet, thence North 58 degrees East for 164 feet, thence North 72 degrees East for 164 feet, thence North 75 degrees East for 182 feet to the true point of beginning, thence South 5 degrees West for 62 feet, thence South 25 degrees West for 154 feet, thence South 6 degrees West for 121 feet, thence South 50 degrees West for 72 feet, thence North 67 degrees West for 112 feet, thence North 10 degrees East for 164 feet, thence North 7 degrees West for 115 feet to the Nature Center's Booneville Trail, thence Northeast along said trail to the true point of beginning.

Containing in all 197 acres, more or less.

Grantee hereby accepts such dedication and holds its estates, rights and interests hereunder in the Nature Preserve in trust for the People of the State of Indiana under the provision of the said Act.

The Nature Preserve shall be used, administered, managed, and protected by the Administrator (as defined in the Master Plan) under the General Property Regulations and the provisions of these articles of Dedication and of the Master Plan, which is attached hereto and made a part thereof for the Nature Preserve adopted by the Grantors, and Grantee, to be effective of the date last appearing below, all of which are on file in Grantee's office in Indianapolis, Indiana and the Grantor's office in Evansville, Indiana, (which Regulation and Master Plan are hereby approved and adopted by Grantors and Grantee as the rules and regulation of the Nature Preserve), together with such amendments of said Regulation or Master Plan as may be adopted by Grantee in writing and approved and adopted by Grantors and its successors and assigns in writing from time to time as are not inconsistent with the provision of said Act or these Articles of Dedication.

Grantee shall not grant any estate, interest or right in the Nature Preserve, or dispose of the Nature Preserve, or any part thereof, or any of its interest or rights therein, without Grantors and its successors and assigns prior written consent.

In the event that, in contemplation of a taking of the Nature Preserve or any part thereof for any other use, the Natural Resource Commission of the State of Indiana should find, after a public hearing, that an imperative and unavoidable public necessity exists for such taking and the Governor of the State should approve such taking, all as provided in Sections 8 and 9 of said Act, this dedication and all estates, rights and interests created by these Articles

of Dedication shall automatically terminate and be of no further force or effect as the area subject to such findings and approval.

Neither the uses and purposes for which the Nature Preserve is dedicated, nor the provisions of these Articles of Dedication shall expire or lapse or be deemed fully satisfied by virtue of compliance therewith for any period of time.

IN WITNESS THEREOF, The Evansville Park and Recreation Department and the Department of Natural Resources of the State of Indiana have caused these Articles of Dedication to be signed by their duly authorized officers on the respective dates appearing below.

DATED: _____

EVANSVILLE PARK AND RECREATION
DEPARTMENT

ATTEST:

Michelle Peterlin, President
Board of Park Commissioners

DATED: _____

STATE OF INDIANA
NATURAL RESOURCES COMMISSION

ATTEST:

Bryan W. Poynter, Chairman

Daniel W. Bortner
Director, Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF NATURE PRESERVES

Ronald P. Hellmich, Director

STATE OF INDIANA)
)
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ day of _____, 2024, Bryan W. Poynter, Chairman, Natural Resources Commission, Daniel W. Bortner Director, Department of Natural Resources, and Ronald P. Hellmich, 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.

My Commission Expires:

Notary Public

(Print or Type Name)

County of Residence: _____

Commission Number: _____

STATE OF INDIANA)
)
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the _____ day of _____, 2024, Michelle Peterlin, President of the Board of Park Commissioners, known by me to be such officer of Evansville Parks and Recreation Department and acknowledged their execution of the foregoing instrument to be their free and voluntary acts and deeds as such officer and for and on behalf of said Department.

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

My Commission Expires:

Notary Public

(Print or Type Name)

County of Residence: _____

Commission Number: _____

APPROVED AS TO FORM AND LEGALITY

APPROVED AND ACCEPTED

Dated: _____

Dated: _____

Todd Rokita
Attorney General, State of Indiana

Eric J. Holcomb
Governor, State of Indiana

Indiana State Land Office Use:

THIS DOCUMENT PREPARED BY:

Ronald P. Hellmich, Attorney at Law, Department of Natural Resources, 402 West Washington Street, Room 267, Indianapolis, IN, 46204

I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW:

Ronald P. Hellmich, Attorney at Law, Department of Natural Resources, 402 West Washington Street, Room 267, Indianapolis, IN, 46204

RETURN RECORDED INSTRUMENT TO:
Department of Natural Resources
Nature Preserves Division
402 West Washington Street, Room W267
Indianapolis, IN 46204

SEND TAX BILLS AND NOTICES TO:
Evansville Parks and Recreation Department
100 East Walnut Street
Evansville, IN 47713

EXHIBIT C

**AMENDMENT TO
MASTER PLAN
WESSELMAN WOODS NATURE PRESERVE**

The following is hereby adopted as the Master Plan for Wesselman Woods Nature Preserve, being dedicated as a nature preserve.

1. The boundaries of Wesselman Woods Nature Preserve, which is to be dedicated as a nature preserve and to which this Master Plan applies, are described in the Articles of Dedication for Wesselman Woods Nature Preserve, adopted by the City of Evansville Park and Recreation Department and the Department of Natural Resources of the State of Indiana. The Nature Preserve is owned by the City of Evansville Park and Recreation Department. This Master Plan applies to an area of old growth lowland forest.
2. The Nature Preserve is qualified for dedication under the Nature Preserves Act, pursuant to the Provisions of Chapter 266 of the Acts of 1967, as amended by Acts of 1972, Public Law 107.
3. As used in this Master Plan, “Department” means the Department of Natural Resources of the State of Indiana, or such other governmental agency as succeeds to its rights and duties (including particularly its rights and duties under the Act), and “Administrator” means the City of Evansville Park and Recreation Department, or such other organization as may succeed the City of Evansville Park and Recreation Department’s rights and duties.
4. The custody, administration and management of the Nature Preserve shall be the responsibility of the Administrator pursuant to the Act, the Articles of Dedication for the Nature Preserve and this Master Plan. The nature Preserve may be used for all purposes stated in the 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, except as otherwise provided in this Master Plan. All provisions of this Master Plan shall be interpreted in light of the basic intention that the Nature Preserve shall be managed to maintain and/or restore its natural ecological conditions, in accordance with the purposes of the Nature Preserves Act.
5. No additional easement or right-of-way or other intrusion, and no structure, development, impairment, disturbance, or use which is not permitted by this Master Plan shall be established or allowed to continue. Existing easement and rights-of-way will be permitted to continue along with inspection, maintenance, and upgrading activities provided that such necessary activities do not alter or destroy areas within the Nature Preserve. The Administrator and the Department must be informed prior to the initiation of any such work.
6. Boundary markers and boundary fence may be placed as needed around the perimeter.
7. No action shall be taken to alter natural growth or natural features in the Nature Preserve for the purposes of enhancing the beauty, neatness or amenities of the Nature Preserve or any part thereof.
8. Erosion and soil deposition may be controlled.

9. 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 with respect to the creation and maintenance of trails as permitted by this Master Plan and except with respect to extent permitted in paragraphs 11 and 13 below.
10. Trees or branches that constitute a safety hazard to persons on established trails or in any other authorized use area may be felled but shall be left to decompose naturally.
11. Except as provided in this Master Plan, (a) there shall be no removal or use of any natural material, product, or object in the Nature Preserve, (b) there shall be no intentional introduction of any material, product or object into the Nature Preserve.

Species of plants and animals that are considered noxious by State Law, as well as exotic and aggressive native species detrimental to the quality of the Nature Preserve, may be controlled. Plant control and removal shall be conducted using manual methods (such as chain saws, brush cutters, and hand tools), mowing, and/or prescribed burning.

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.

12. Water levels shall not be altered intentionally except when essential for the restoration and maintenance of natural conditions, or in regard to any existing legal ditches. All such alterations require the written approval of both Administrator and Department.
13. Existing foot trails may remain as located. Additional trails, boardwalks, trail marker signs and interpretive facilities may be established, the location and extent of such facilities to be determined pending the results of a vegetative study and inventory of the Nature Preserve, and in consultation with the Department. Existing road and public utility line right-of-ways may remain in the Nature Preserve.
14. The primary visitor activity in the Nature 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.

Scientific and educational activities may be permitted with the prior approval of the Administrator. Collecting permits will be issued only for scientific and educational purposes and only with the prior approval of both the Administrator and the Department. Such permits shall be reviewed and renewed annually if deemed necessary by the Administrator. The Administrator shall inform the Department as to all research on an annual basis, in order that the Department be properly informed as to the use of the Preserve.

Except as otherwise provided in the 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 Nature Preserve: grazing by domestic animals, farming, the gathering of firewood or other plant products, logging, mining and quarrying, the harvesting of fruits, nuts, mushrooms, fur bearers or other animals, the dumping, burying or spreading of garbage, trash or other waste material, picnicking, camping, swimming, fires, games, sports, the use of vehicles (except

for emergency and service uses), horseback riding, hunting, trapping, the removal, disturbance, molestation, or defacement of minerals, plants, animals, or natural features, and the gathering of specimens.

15. No change by the Department of Natural Resources or the Articles of Dedication and Master Plan shall be effective with respect to the Nature Preserve without the written approval of the Administrator.

16. Ingress and egress shall be allowed only at such locations and under such conditions as are established from time to time by the Administrator.

DATED: _____

EVANSVILLE PARK AND RECREATION
DEPARTMENT

ATTEST:

Michelle Peterlin, President
Board of Park Commissioners

DATED: _____

STATE OF INDIANA
NATURAL RESOURCES COMMISSION

ATTEST:

Bryan W. Poynter, Chairman

Daniel W. Bortner
Director, Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF NATURE PRESERVES

Ronald P. Hellmich, Director