

RESOLUTION

BE IT RESOLVED By the Board of Directors of The Pueblo Conservancy District that the Official Plan of the District be amended by setting forth changes in detail in the construction of the barrier at Rock Creek Canyon and in the construction of the concrete railway bridge structure at Dry Creek as set forth in Supplement E-2 hereto attached; that said Supplement be and the same is hereby approved and confirmed as part of the Official Plan of The Pueblo Conservancy District.

That the officers of the District are hereby authorized to take the necessary measures to effectuate the purpose of this resolution.

Introduced by

A. J. Raber

OFFICIAL PLAN

Supplement B-2

Amending pages 14 & 22 of the Official Plan.

1. BARRIER

That the matter appearing on page 22 of the Official Plan under the heading "Atchison, Topeka & Santa Fe Railway" shall be supplemented to read as follows:

"The District obligates itself to construct a notch in or a conduit through the Barrier for The Atchison, Topeka & Santa Fe Railway Company in case and at the time said Railway Company is rebuilding or actually planning in good faith the immediate rebuilding of its railway line at the site of said Barrier, with the intention of operating its line through said Barrier; the plans for said conduit to meet the reasonable approval of both parties, and said conduit to be located along the present line of said Railway Company or along some other line mutually satisfactory. The District recognizes that the said Railway Company may have occasion to rebuild its line upon short notice, and that it may have to adopt every possible means to hasten the resumption of operation; therefore, the District agrees upon notice or demand from the Railway Company for the construction of the conduit (such notice or demand naming the time for completion of the conduit, facilities and connections thereat desired by the Railway, such time to be no earlier than the date within which said Railway Company may reasonably expect to complete such conduit, facilities and connections if said Railway Company should do the work itself) to advise said Railway Company within fifteen days from the time of service of such notice upon the District whether or not the District will undertake to construct and complete such conduit, facilities and connections within the time fixed. If the District does so undertake, it shall proceed with all possible diligence to complete the work. If the District advises that it will not so undertake, or fails to indicate within the period named, then said Railway Company may construct such work, and the District hereby gives its full consent in such event for the necessary entry upon its property, and for the necessary interference with said Barrier to accomplish the construction of said conduit, facilities and connections. Said

Railway Company shall keep an accurate account of all expenses incident to such work, including freight upon materials at tariff rate when material is necessarily shipped, and ten per cent for a supervision charge, and said Railway Company shall furnish the District with an itemized statement of such expense and accounts connected with the work. The actual cost of the work so calculated shall be paid by the District to the Railway Company if the Railway Company does construct the said conduits, facilities and connections."

3. RAILROAD BRIDGE STRUCTURE AT DRY CREEK

That the matter contained in the first paragraph appearing on page 14 of the Official Plan with reference to the relation of the Atchison, Topeka & Santa Fe Railway Company and the railway concrete bridge structure at Dry Creek Canyon shall be changed to read as follows:

"The District shall provide for the Atchison, Topeka & Santa Fe Railway Company a one-track concrete railroad bridge over Dry Creek at or near to the present line and bridge of said Railway Company over Dry Creek. Such bridge shall be a part of the concrete railroad bridge built by the District to carry the tracks of the Denver and Rio Grande Western Railroad System. Such bridge shall be constructed so that the line of the said Railway Company may pass over said bridge at a grade and elevation approximately the same as its present track and bridge at Dry Creek, and below the level of the levees, and the said Railway Company shall be furnished at said bridge with the same general character and condition of facilities with respect to its present single track as the District shall furnish the Denver and Rio Grande Western Railroad System; provided, however, that the District shall not be responsible for reasonable interruptions of operation necessarily caused by the construction of said bridge."

STATE OF COLORADO)
County of Pueblo) ss. IN THE DISTRICT COURT

In the Matter)
of)
THE PUEBLO CONSERVANCY DISTRICT)

O R D E R

This matter coming on to be heard upon the petition of The Pueblo Conservancy District for the approval of Supplement B-2 to the Official Plan of the District as said amendment appears in the files of this Court in the above entitled proceeding, and it appearing to the Court that said amendment has been duly adopted as part of the said Official Plan by the Board of Directors of The Pueblo Conservancy District, and the amendment therein contained does not materially modify the work set forth in the Official Plan of The Pueblo Conservancy District heretofore adopted, nor increase the resulting damages materially, or at all, nor increase the total cost of the work more than ten per cent above that estimated by the Official Plan, or at all, nor reduce the benefits appraised materially, or at all.

Now, Therefore, it is hereby Ordered that Supplement B-2 to the Official Plan of the District heretofore adopted, be and the same is hereby approved as part of the Official Plan of The Pueblo Conservancy District.

Done this _____ day of _____, A.D. 1924.

By the Court.

Judge.