

RECORD OF PROCEEDINGS

100 LEAVES

MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS
OF THE PUEBLO CONSERVANCY DISTRICT

May 18, 1949

A Special Meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 West Fifth Street, at 2:00 P.M. o'clock on May 18, 1949.

Directors Present: John M. Holmes, W. T. Mathis and Frank Pryor

The minutes of the meeting of March 3, 1949, were read and approved.

Upon motion of Mr. Mathis, seconded by Mr. Pryor, the sale of Certificates listed below was approved because they were sold in a manner believed to be in the best interest of the District and the property holder:

Receipt Pages 399 - 405 inclusive.

Certs. Nos.	101184	19.94	Joe Suarez
	102334; 103605	178.49	M. D. Thatcher
	103544; 103701	100.15	Victor & Edith Plutt
	102296; 103575	26.30	E. & J. Santistevan
	2358; 56266; 58106; 59803;		
	61588; 64738; 70822; 75175;		
	77934; 90500; 87777; 85455;		
	88100; 90865; 92856; 94672;		
	96312; 97589; 98756; 99980;		
	101040	109.14	Arthur Baros
	96185; 96195; 96576; 97590;		
	98757; 99981; 101041	27.77	Arthur Baros
	59804; 61589; 70823; 75176;		
	77933; 90501; 87779; 85456;		
	88101; 90866; 92857; 94670;		
	96313; 97591; 98758; 99982;		
	101042	100.26	Arthur Baros

The following Vouchers were read and approved:

11435	Pueblo Title Guaranty Co.	7.50
11436	Pueblo Title Guaranty Co.	.55
11437	Elbert D. Greene	4.25
11438	J. E. Creel, Co. Treas.	.60
11439	Mountain States Tel & Tel Co.	7.26
11440	John M. Holmes	10.00
11441	Charles M. Rose (Mar)	100.00
11442	Elbert D. Greene (Mar)	199.50
11443	Collector of Internal Revenue	25.50
11444	Elbert D. Greene	50.00
11445	Western UNION	1.93
11446	Charles M. Rose	14.85
11447	Mercantile Printing Co.	103.50
11448	J. E. Creel, Co. Treas.	.50
11449	First National Bank of Pueblo	100,000.00
11450	Mountain States Tel & Tel Co.	7.75
11451	Eleanore M. Weckbaugh	100.00
11452	J. E. Creel, Co. Treas,	1.10
11453	Elbert D. Greene	8.05
11454	J. E. Creel, Co. Treas.	1.40

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11455	Charles M. Rose (Apr.)	100.00
11456	Elbert D. Greene (Apr.)	199.50
11457	Collector of Internal Revenue	25.50
11458	Elbert D. Greene	50.00
11459	J. E. Creel, Co. Treas.	1.00
11460	J. E. Creel, Co. Treas.	22.50
11461	Western Union	.61
11462	Elbert D. Greene	12.00
11463	First National Bank	9,547.50
11464	Charles M. Rose	26.50
11465	John M. Holmes	10.00
11466	W. T. Mathis	10.00
11467	Frank Pryor	10.00
11468	Charles M. Rose	150.00

Mr. Pryor moved and Mr. Mathis seconded a motion which was unanimously carried approving the purchase of \$100,000.00 U. S. Treasury Notes. Check No. 11449- April 19, 1949.

Mr. Holmes commented on the work the Blackburn Engineering Co., is doing in repairing the levee on the south side of the river west of the Union Avenue viaduct. He submitted to the Directors the weekly reports on this work made by S. F. Elliot, Engineer for the District. Elliot estimates the job is now about 40% completed and that the total cost will be near \$4000.00.

Mr. Mathis moved and Mr. Pryor seconded the motion which was unanimously carried that the renewal of the Fidelity Bond in the amount of \$25,000.00 on Elbert D. Greene as Secretary-Treasurer of the District be approved for the period May 29, 1949 to May 29, 1950.

Greene reported that on or about March 11th, he contacted each of the three Directors of the District and asked and received his consent to advising the Missouri Pacific Railroad Company that the District would convey to the Missouri Pacific a certain tract of land owned by the District in exchange for an Easement on a certain tract owned by the Railroad Company. A copy of a letter from the District to the Missouri Pacific Railroad Company regarding this exchange is attached hereto and made a part hereof.

Greene stated that the new levee is now about completed and requested that one of the Directors introduce a Resolution he had prepared authorizing the conveying to the Missouri Pacific Railroad Company the specified land. Mr. Pryor thereupon introduced the Resolution and moved its adoption. The motion was seconded by Mr. Mathis and unanimously carried. A copy of the Resolution is attached hereto and made a part hereof.

Greene reported that the Santa Fe Railroad Company need about 8/10ths of an acre of ground owned by the District just north of the east end of the West Fourth Street viaduct. He submitted a blueprint showing the location of this ground together with a legal description of the ground. This ground is needed by the Santa Fe in connection with the relocation of their switch yards. Mr. Pryor moved and Mr. Mathis seconded the motion which was unanimously carried authorizing Mr. Holmes and Mr. Greene to negotiate with the Santa Fe and sell them this ground.

RESOLUTION
TO SELL GROUND TO AT&SF RAILWAY CO.

RESOLUTION INTRODUCED BY MR. HOIMES AND UNANIMOUSLY APPROVED BY THE THREE DIRECTORS AT MEETING OF May 18, 1949.

WHEREAS, the AT&SF Railway Co., need about eight tenths of an acre of ground owned by The Pueblo Conservancy District just North of the East end of the West Fourth Street viaduct for use in connection with the relocation of their switch yards, and

WHEREAS, the sale of this ground to the Railway Co., will not in any way jeopardize the interest of The Pueblo Conservancy District, and

WHEREAS, from an investigation made by the President and the Secretary of the Pueblo Conservancy District it appears that \$150.00 would be a fair price for this ground.

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE PUEBLO CONSERVANCY DISTRICT: That said District convey to the AT&SF Railway Co., by quit claim deed in consideration of \$150.00, the following property, to-wit:

An irregular tract of land in the Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty-six (36), Township Twenty South (T20S), Range Sixty-five West (R65W) described as follows: Beginning at a point on the north line of West Fourth Street, which is nine hundred fifty-three (953) feet from the west line of the Thatcher and Gast's Subdivision, measured along the north line of said West Fourth Street; thence continuing west along the north line of West Fourth Street produced a distance of ninety-five (95) feet thence North 46 degrees, 20 minutes, 50 seconds West a distance of three hundred thirty (330) feet, more or less, to its intersection with the produced East line of Francisco Street; thence south along said produced East line of Francisco Street to its intersection with the northeasterly property line of the Colorado Railroad Inc. thence along said property line South 46 degrees, 20 minutes, 50 seconds East a distance of one hundred thirty-five (135) feet, more or less, to an angle point in said right of way line; thence South 60 degrees, 58 minutes East a distance of one hundred fifty-seven and four tenths (157.4) feet, more or less, to a point forty (40) feet northwest of the center line of the new West Fourth Street Viaduct on the northeast abutment of said Viaduct as constructed by the Pueblo Conservancy District; thence North 30 degrees 22 minutes East a distance of one hundred ten (110) feet, more or less, to the point of beginning; the area of the above tract of land being 0.6 acres, more or less; also all reversionary rights of the Party of the First Part in the County Road known as West Fourth Street and West Fourth Street Extension; and also all right, title and interest of the Party of the First Part in and to that part of Francisco Street extended which lies south of the center line of West Fifth Street extended and north of the above described northeasterly right of way line of Colorado Railroad, Inc., said portion of said street containing 0.2 acres, more or less.

And the President of the Pueblo Conservancy District is hereby authorized and directed to execute and deliver said Deed for and on behalf of the Pueblo Conservancy District.

J. M. Holmes

James P. ...

W. H. ...

March 11, 1949

Mr. H. H. Hopkins, Ass't. Superintendent,
Missouri Pacific Lines,
Pueblo, Colorado,

Dear Mr. Hopkins:

In conformity with your phone call to me from Heisington on March 10th, 1949, the Missouri Pacific Railroad Co., will grant the Pueblo Conservancy District the easement requested in the letter to Mr. Chapman dated 16 February 1949, the Pueblo Conservancy District will agree to convey to the Missouri Pacific Railroad Co., all the Conservancy District's right, title and interest to a strip of land now used for levee purposes which lies between the North line of Block 14, Stanton and Snyder's Addition and the Missouri Pacific's right-of-way.

I have contacted each of the three Directors of the District as well as the Attorney for the District and they have all agreed to your proposition and have authorized me to write this letter of confirmation.

The land which the Pueblo Conservancy District is to convey to the Missouri Pacific Railroad Co., is identified on the Conservancy District records as Parcel 210 and is described as follows:

"A tract of land in the N.W. 1/4 of the N.W. 1/4 of Sec. 6, T. 21 S., R. 64 W., more particularly described as follows:

For a place of beginning, commence at the N.W. corner of the said Sec. 6; thence Easterly along north line of said Sec., a distance of 852 ft.; thence south 900 ft.; thence east 130.89 ft. to a point on the line of corporate limits of The City of Pueblo, which is the south line of a tract owned by The Missouri Pacific Railroad; said point to be the place of beginning of description of parcel of land to be taken; thence north 28°00' east 670.0 ft., more or less, to a point which is 10.0 ft. at right angles S.Wly from the center-line of the Missouri Pacific Railroad tract; thence south 51°15' east 76.3 ft. to a point which is 10.0 ft. at right angles from the said track of the said railroad, and also 75.0 ft. at right angles S.Wly from the first described course; thence south 28°00' W., 616.0 ft. more or less, to aforesaid south line of the property of the Missouri Pacific Railroad; thence west on said south line a distance of 34.9 ft. to the place of beginning. Containing 1.107 acres more or less.

the herein described
Tract of Land

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#2, N. H. Hopkins.

The Pueblo Conservancy District agrees to convey the above described land to the Missouri Pacific Railroad Co., within thirty days after completion of the new levee. If for any reason the new levee should not be built, the Conservancy District will cancel the easement you grant and in that event, will not convey to you the land herein described.

The Army Engineers have asked for bids by March 22nd on the new levee and hope to let the contract very soon thereafter. The contract specifies that the contractor will commence work within 10 calendar days after receiving notice to proceed and will complete the work not later than 60 days after receiving the notice to proceed.

If the foregoing is not satisfactory, representatives of the Conservancy District will be pleased to meet with representatives of your Company to discuss such changes as you may desire.

Very truly yours,

Hilbert B. Greene, Secy-Treas.
THE PUEBLO CONSERVANCY DISTRICT

EDG/lmg

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RESOLUTION

WHEREAS, it was necessary for Emergency Levee Right-of-Way and Construction purposes to obtain from the Missouri Pacific Railroad Co. an Easement on a certain tract of land lying east of Runyon Field between the north line of Stanton and Snyder Addition and the Missouri Pacific Right-of-Way, and

WHEREAS, an old levee west of Runyon Field extending from the north line of Stanton and Snyder Addition to the Missouri Pacific Right-of-Way is on land owned by the Conservancy District which was previously acquired from the Missouri Pacific Railroad Co., and

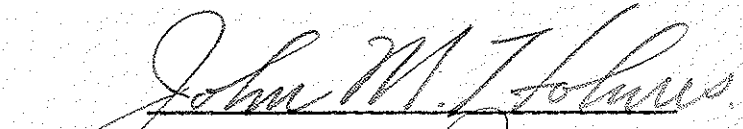
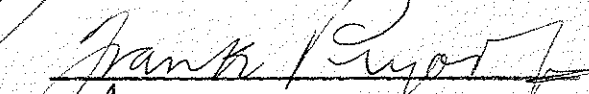
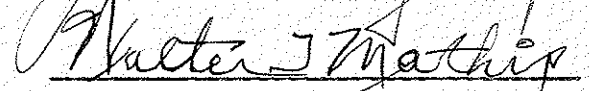
WHEREAS, neither the old levee west of Runyon Field nor the land on which it is situated will be useful to the Conservancy District when the new levee is completed,

NOW, THEREFORE, BE IT RESOLVED BY THE DIRECTORS OF THE PUEBLO CONSERVANCY DISTRICT: That said District in exchange for an Easement from the Missouri Pacific Railroad Co., on certain land East of Runyon Field convey to said Railroad Co. by Quit Claim Deed certain land west of Runyon Field, described as follows, to-wit:

A tract of land in the N.W. 1/4 of the N.W. 1/4 of Sec. 6, T. 21 S., R. 64 W., more particularly described as follows:

For a place of beginning, commence at the N.W. corner of the said Sec. 6; thence Easterly along north line of said Sec., a distance of 852 ft.; thence south 900 ft.; thence east 130.89 ft. to a point on the line of corporate limits of The City of Pueblo, which is the south line of a tract owned by The Missouri Pacific Railroad; said point to be the place of beginning of the herein described tract of land; thence north 28°00' east 670.0 ft., more or less, to a point which is 10.0 ft. at right angles S.Wly from the center-line of the Missouri Pacific Railroad tract; thence south 51°15' east 76.3 ft. to a point which is 10.0 ft. at right angles from the said track of the said Railroad, and also 75.0 ft. at right angles S.Ely from the first described course; thence south 28°00' W., 616.0 ft. more or less, to aforesaid south line of the property of the Missouri Pacific Railroad; thence west on said south line a distance of 84.9 ft. to the place of beginning. Containing 1.107 acres more or less.

And the President of the Pueblo Conservancy District is hereby authorized and directed to execute and deliver said Deed for and on behalf of the Pueblo Conservancy District.

Signed 9/18/49

In the minutes of the meeting of March 3, 1949, it is stated that Greene and Rose had been to Denver to confer with members of the House of Representatives regarding a bill which had been introduced authorizing the payment by the State of \$6,405.32 Conservancy Taxes on property which was owned by the State Hospital, part of which is being sold to the Santa Fe Railroad Company. Greene reported that at this meeting of May 18th, that this Bill had been passed by both the House and the Senate, and that in due course the State will pay this money to the District.

Mr. Pryor moved and Mr. Mathis seconded the motion which was carried approving the purchase from the O'Brien Printing Co., of three letter files to replace the files containing old records of the District. This motion also approved authorizing the O'Brien Printing Co., to try to sell the old files for the District.

Greene reported that at the request of Mr. Holmes, he had gone to Denver on May 9th, to attend the Supreme Court hearing of verbal arguments by Charles M. Rose, Attorney for the District, and Vasco Seavy, Attorney for The Florman Manufacturing Co. The case at issue had previously been decided in Florman's favor by Judge Leddy and the District had appealed it to the Supreme Court and it was this appeal which was being argued by Rose and Seavy. Greene reported that the Supreme Court now has this case under advisement and that a decision will be rendered in due course.

Greene reported that Highway 96 is to be rebuilt from the City limits to Rock Creek. This job is to cost about \$300,000.00; \$75,000.00 is to be paid by the County of Pueblo, \$75,000.00 by the State of Colorado and \$150,000.00 by the Federal Government. The State Highway Department proposes ~~use~~ gravel for this project be taken from land owned by the District in Section 36, T. 20 S., R. 66 W. Mr. Mathis moved and Mr. Pryor seconded the motion which was unanimously carried that Holmes and Greene be authorized to sell this gravel if upon investigation it appears that the interest of the District is not jeopardized by so doing.

There being no further business, the meeting adjourned.

Read and approved:

Elliot D. Hunt
Secretary

J. M. Holmes
W. J. Mathis
Frank Pryor

KNOW ALL MEN BY THESE PRESENTS:

That THE PUEBLO CONSERVANCY DISTRICT, a body corporate and a political subdivision of the State of Colorado, organized and existing under the Conservancy Act of Colorado, hereinafter called the grantor, in consideration of the sum of One Dollar and other valuable consideration to it in hand paid by SOUTHERN COLORADO POWER COMPANY, a corporation organized and existing under the laws of the State of Colorado, hereinafter called the grantee, the receipt of which consideration is by said grantor hereby acknowledged, does hereby grant and convey unto said grantee, its successors and assigns, forever, the right, privilege and easement to construct, operate and maintain its lines for the transmission of electrical energy, including the necessary poles, steel towers, wires, guys, stubs and other fixtures along, over, upon and across the following described property situate in the County of Pueblo and State of Colorado, to wit:

A strip of land, ten (10) feet in width, extending up the left bank of the Arkansas River, beginning at West Fourth Street viaduct on top of the levee and extending along the levee in such a manner as to reach the toe of the dirt fill, a distance of approximately six hundred (600) feet, thence approximately three thousand two hundred fifty (3,250) feet along the toe of the dirt fill coincident with the D & RGW Railroad yard lighting pole line, thence continuing approximately one thousand (1,000) feet along the toe of the dirt fill to West Eleventh Street at Dry Creek, thence across Dry Creek to the West Boundary of the Southeast quarter of the Southwest quarter of Section 26.

The above described strip begins at the center line of the West Fourth Street viaduct in the Southwest quarter of the Northwest quarter of Section 36 and traverses the Northwest quarter of the Northwest quarter of Section 36, Northeast quarter of the Northwest quarter of Section 35, Northwest quarter of the Northeast quarter of Section 35, Southwest quarter of the Southeast quarter of Section 26 and Southeast quarter of the Southwest quarter of Section 26 all in Township 20 South, Range 65 West of the Sixth Principal Meridian.

Provided always that the easement hereby granted shall always be subject and subservient to the purposes of the grantor to which the property over which said easement is granted shall be devoted by said grantor, and in case said easement shall ever be inconsistent with such purposes of the grantor, said grantee will at the request of the grantor remove its poles, lines and fixtures from said strip of land hereinbefore described at its own cost and expense; and said grantee shall assume all liability for personal injury or death or for property damage arising or growing out of the easement hereby granted.

IN WITNESS WHEREOF said grantor has caused its corporate name to be hereunto subscribed by its President, and its corporate seal to be hereunto affixed and attested by its Secretary, this 28th day of October, A.D. 1949.

ATTEST:

THE PUEBLO CONSERVANCY DISTRICT,

By John M. Holmes
its President.

Elbert D. Greene
Its Secretary

STATE OF COLORADO)
COUNTY OF PUEBLO) ss.

The foregoing instrument was acknowledged before me this 28th day of October, A.D. 1949, by John M. Holmes as President and by Elbert D. Greene as Secretary of THE PUEBLO CONSERVANCY DISTRICT.

My commission expires May 16 1950.
WITNESS my hand and official seal.

Barbara Greene
Notary Public.