

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

December 19, 1951

A meeting of the Board of Directors was held December 19, 1951, by and with the consent of each of the three Directors: John M. Holmes, W. T. Mathis and Frank Pryor, each of whom was present.

As the meeting was called for the specific purpose of adopting a

" RESOLUTION GRANTING ASSURANCES BY THE PUEBLO CONSERVANCY DISTRICT, PUEBLO, COLORADO, IN ORDER TO OBTAIN THE CONSTRUCTION OF AUTHORIZED FLOOD CONTROL WORK, ARKANSAS RIVER, PUEBLO, COLORADO."

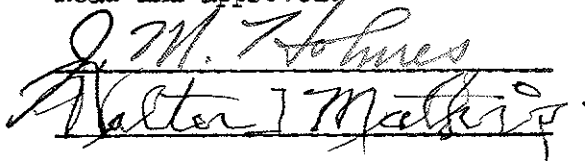
which had been prepared by the Army Corps of Engineers, reading of the minutes of the meeting of November 9, 1951, was deferred to the next meeting of Directors and also all business which might ordinarily have come before a meeting at this time was likewise deferred to the next meeting.

Mr. Pryor moved the adoption of the Resolution in question, copy of which is attached hereto and made a part hereof. Mr. Mathis seconded the motion and the Resolution was adopted.

Following the adopting of the Resolution, the meeting adjourned.

  
Secretary

Read and approved:

  
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RESOLUTION GRANTING ASSURANCES BY THE PUEBLO  
CONSERVANCY DISTRICT, PUEBLO, COLORADO, IN  
ORDER TO OBTAIN THE CONSTRUCTION OF AUTHORIZED  
FLOOD CONTROL WORK, ARKANSAS RIVER,  
PUEBLO, COLORADO

WHEREAS, the Corps of Engineers, Department of the Army, United States of America, did submit a report for flood control in the vicinity of Pueblo, Colorado under authorization of Committee on Flood Control, House of Representatives; and

WHEREAS, it has been determined that flood control construction work at Pueblo, Colorado, should be performed by the Corps of Engineers under the provisions of existing statutory authority; and

WHEREAS, such work will be undertaken by the United States of America only after assurances of local interests are granted:

NOW, THEREFORE, BE IT RESOLVED BY THE PUEBLO CONSERVANCY DISTRICT, PUEBLO, COLORADO, that there exists a need for the construction of certain flood control works to provide additional local flood protection for the area subject to inundation by back water from the Arkansas River at Pueblo, Colorado, and that said district realizes it is necessary to grant the Government assurances required by law and the report of the Chief of Engineers, Department of the Army, and in consideration thereof the said district does hereby pledge itself to assume responsibility for and guarantees unto the United States of America that it will:

- a. Provide without cost to the United States of America all lands, easements, and rights-of-way necessary for the construction of said project;
- b. Hold and save the United States free from damages due to such construction work;
- c. Protect the flood carrying capacity of the floodway between river miles 403 and 408 from future encroachments or obstructions;
- d. Preserve and maintain unimpaired the capacity of the old channel of the Arkansas River between the Southern Colorado Power Company's dam and the proposed levee crossing for the purpose of handling internal drainage;

e. Maintain and operate the works after completion in accordance with regulations prescribed by the Secretary of the Army, and

f. Obtain authorization from the City of Pueblo, Colorado, for the United States to install emergency positive cutoffs in all existing sewers over which the new levee will be constructed by the Corps of Engineers, if determined necessary by the Corps of Engineers.

That the lands, rights-of-way, and easements to be furnished by said district shall be those determined necessary by the United States; however, will be confined substantially to those as shown within the limit of right-of-way on Corps of Engineers, U. S. Army, Drawing No. AR-PC-1, Plate 1, Proposed Levee, Arkansas River Basin, Pueblo, Colorado, hereto attached and made a part hereof.

It is further understood that the Government is not to acquire, or require the conveyance of, any interest in the land other than a temporary right during construction of said project.

That the district, if required by the United States, will furnish evidence of conveyance to it of sufficient interests in the lands required for the right-of-way to satisfy the Government that it has sufficient title to protect the Government during the construction work. Further, the district will furnish excerpts from deeds or certified copies thereof, together with an opinion from its attorney, to substantiate its title and interest in said lands if and when required by the United States.

It is further understood that the guarantee by the district to the effect that the United States of America will be held free from damages due to the construction work is an assurance in the language of the flood control statute which is further an assumption of liability by the district for the protection of the United States of America from all claims for the value of property or property interests taken or destroyed in the construction of the project and is to be complete protection to the United States of America from any and all claims for damages to property or injuries to persons for which the federal government would be liable under the constitution and laws of the United States of America.

In granting these assurances the district further understands and agrees that the acquisition of lands, easements, and rights-of-way for said project, if any be required, not only includes the area for the site of actual construction of the proposed levee and other works required for the project, but also comprehends the relocation and reconstruction of utilities and other public or privately owned property and facilities necessary for the completion of said emergency work and the furnishing of all rights-of-way of lands required in connection with the project.

The Public Conservancy District, Pueblo, Colorado, does hereby adopt this resolution for the purpose of granting the assurances required by the United States of America for the construction of said flood protection work and it hereby authorizes and directs its Board of Directors to perform all acts deemed necessary and required by the United States of America to fulfill the assurances hereby made for and on behalf of the district, which acts are to include but not be limited to those hereinabove specifically enumerated.

PASSED AND ADOPTED this 19th day of December

1951.

WITNESSES:

Elbert D. Green

John M. Holmes Pres  
Director, The Public Conservancy District

Walter F. Dean

Frank Pugh  
Director, The Public Conservancy District

Elbert D. Green

V. J. Mathews  
Director, The Public Conservancy District