

RECORD OF PROCEEDINGS

100 LEAVES

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

April 25, 1958

A Meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 East Fifth Street, Pueblo, Colorado, at 10:00 o'clock A.M., April 25, 1958.

Directors Present: John M. Holmes, W T. Mathis & L. M. Rhoades
Engineer Present: S. F. Elliot

The Minutes of the Meeting of March 21, 1958, were read and approved.

The following Vouchers were read and approved:

12983	Herman Klipfel, Postmaster	3.00
12984	Rufus Stephens	19.55
12985	Mountain States Tel & Tel Co.	17.63
12986	Charles M. Rose	100.00
12987	John M. Holmes	127.07
12988	Elbert D. Greene	88.98
12989	Director of Internal Revenue	8.40
12990	Colorado State Treasurer	22.05
12991	Colorado State Treasurer	1.11
12992	Southern Colorado Power Co.	4.61
12993	S. F. Elliot and V. R. Blackburn	125.00
12994	Middelkamp Agency Co.	7.50
12995	Pueblo Cons. District, Spec. Acct.	300.00
12996	Pueblo Gas and Fuel Co.	8.49
12997	Simon F. Elliot	25.00
12998	O'Brien Printing & Sta. Co.	36.21
12999	John M. Holmes	10.00
13000	W. T. Mathis	10.00
13001	L. M. Rhoades	10.00
13002	S. F. Elliot	10.00
13003	Mountain States Tel & Tel Co.	19.54

Pursuant to a motion passed by the Directors of the District at the meeting of March 21, 1958, regarding the District granting an Easement to the City of Pueblo for a right-of-way down the old river channel east of South Main Street. A Resolution and also a Grant of Easement was prepared by Attorney Rose.

Copy of said Resolution and Grant of Easement is attached hereto and made a part hereof. The Resolution was introduced by Mathis and its adoption moved. Rhoades seconded the motion for adoption, which was unanimously carried.

RESOLUTION

Whereas the City of Pueblo has requested the conveyance of an easement in land for street purposes as described in the copy of conveyance hereto attached.

And whereas the land so required by the city for street purposes and the construction and maintenance of said street is not inconsistent with the Official Plan of the District but is supplemental thereto and of advantage to the district,

Now therefore, be it resolved by the Directors of the Pueblo Conservancy District: that upon the filing of a plan and specifications showing the construction contemplated by the City of Pueblo satisfactory in all respects to the Pueblo Conservancy District, the President of the District be and the same is hereby authorized and directed to execute the conveyance hereto attached.

STATE OF COLORADO)
) ss.
COUNTY OF PUEBLO)

I hereby certify that the resolution hereto attached is a true and correct copy of a resolution unanimously adopted by the Board of Directors of The Pueblo Conservancy District at a meeting of said Board in the office of said District, held March 21, 1958, as the same appears from the records of said District in my possession as Secretary thereof.

Witness my hand and the seal of said District this 31st day of January, 1959.


Secretary
The Pueblo Conservancy District.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that in consideration of performance of the conditions hereinafter set forth, the Pueblo Conservancy District, a public corporation, does hereby grant unto the City of Pueblo, a municipal corporation, an easement in and to and upon the following described land in Pueblo County for the public purposes of a paved street and highway to be constructed and maintained in accordance with the engineering plans therefor heretofore filed with the District, to wit:

Beginning at the south corner of Lot 35, Block 3, Moore's Subdivision according to the recorded plat thereof;
Thence south $53^{\circ} 49' 30''$ east along the southwest line of said Block 3, a distance of 194.47 feet to a point on the southwest line of said Block 3, said point being located 19.47 feet southeasterly of the west corner of Lot 43;
Thence south $89^{\circ} 56' 30''$ west, a distance of 160.72 feet;
Thence north $53^{\circ} 49' 30''$ west, a distance of 557.73 feet;
Thence north $45^{\circ} 20' 30''$ east, a distance of 75.97 feet to a point on the southwest line of Block 4, Central Pueblo;
Thence along the southwest line of said Block 4 on a bearing of south $53^{\circ} 49' 30''$ east, a distance of 3.88 feet to the south corner of said Block 4;
Thence north $45^{\circ} 20' 30''$ east along the southeast line of Block 4, a distance of 20.26 feet;
Thence south $53^{\circ} 49' 30''$ east, a distance of 473.69 feet to the south corner of Lot 35, said corner being the point of beginning, containing 1.3392 acres, more or less.

This grant of easement is made subject to the following conditions:

- (1) The easement herein granted shall be wholly subject to the rights of the Southern Colorado Power Company, heretofore granted by the grantor herein.
- (2) The grantee shall hold the Pueblo Conservancy District harmless from any and all claims arising from such construction and use; and hereby releases the Pueblo Conservancy District from any and all future claims against the District arising from the construction and maintenance of said street.
- (3) The grantee shall pay the full cost of any damage to or interference with the works of the district arising from the construction or maintenance of said street.
- (4) The grantee shall maintain said street without obstruction to or interference with the works of the District.
- (5) The grantor herein shall have access to its works over, across and upon the easement herein granted.

(6) Upon abandonment or change of the public use above specified, all title to easement in lands hereby conveyed shall convert to the District.

Nothing herein shall be construed as a relinquishment of any statutory powers of the District; and the existence and maintenance of said public street and the easement hereby conveyed shall be subject to the future exercise of such powers of the District, at the expense of the City of Pueblo, to the extent that said street or lands are affected by the exercise of such powers of the District.

Done this 29th day of June, ¹⁹⁵⁹1958, pursuant to a resolution of the Directors of the Pueblo Conservancy District.

Pueblo Conservancy District

BY _____
President

STATE OF COLORADO }
COUNTY OF PUEBLO } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 1958, by John M. Holmes, President of the Pueblo Conservancy District, a public corporation.

Witness my hand and official seal.

Notary Public

My commission expires _____.

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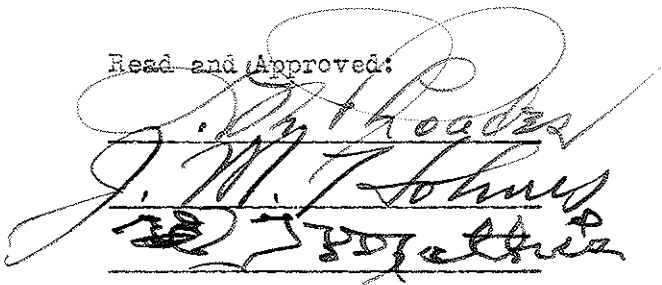
A Resolution authorizing the Pueblo Conservancy District to intervene "IN THE MATTER OF SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT" in the District Court was introduced by Rhoades, who moved its adoption. Mathis seconded the motion for the adoption of the Resolution and the motion was carried.

Copy of Resolution is attached and made a part hereof. Copy of the Petition of Intervention is also attached hereto and made a part hereof.

There being no further business, the meeting adjourned.


Secretary

Read and Approved:



RESOLUTION

Be It Resolved By The Directors Of The Pueblo Conservancy District:

Whereas it is the considered judgment of the Directors that it is inevitable and indispensable, now or hereafter, that waters of the Arkansas River shall be conserved, used, and supplemented in the public interest; that a governmental public corporation organized for that purpose is a preferable instrumentality for the accomplishment of the same; that the works, purposes, future plans and obligations of the Pueblo Conservancy District are likely to be affected by such Arkansas River development, and that it is advantageous to the Pueblo Conservancy District that use-status of such stream be permanently established.

Now Therefore Be It Resolved By The Directors Of The Pueblo Conservancy District: That the District petition for intervention in the proceeding pending in the District Court of Pueblo County, for the formation of the Southeastern Colorado Water Conservancy District; and that such intervention be limited to the formation of the said Water Conservancy District, and upon entry of decree therefore, that the Pueblo Conservancy District be dismissed as intervening party in said proceeding.

*Exhibit and certified copy of
Resolution recorded in County Clerk's
office Feb. 18, 1959. Book 1386
Page 297 Reception # 9006647.*

STATE OF COLORADO)
) SS
COUNTY OF PUEBLO)

IN THE DISTRICT COURT

NO. 2407

PETITION OF INTERVENTION

IN THE MATTER OF SOUTHEASTERN)
COLORADO WATER CONSERVANCY)
DISTRICT)

Comes now the Pueblo Conservancy District, and making application for intervention in the above entitled matter, shows to the Court in the premises:

1. That the Pueblo Conservancy District is a public corporation organized and existing under and by virtue of the laws of the State of Colorado (Colorado Revised Statutes-1953, Chapter 30).
2. That pursuant to purposes for which it was formed The Pueblo Conservancy District has constructed protective works against flooding by waters of the Arkansas River; that such works traverse the City of Pueblo and extend easterly and westerly beyond the boundaries thereof.
3. That the flood protection works aforesaid were constructed and paid for at a cost of several million dollars, collected under the taxing powers of the District and are wholly adequate for the protection from flood waters of the Arkansas River, within the territory involved.
4. That the jurisdiction, powers and duties of the Pueblo Conservancy District with respect to the purposes for which it was created, are continuing and governmental powers, obligations, and jurisdiction.
5. That it is the considered judgment of the Directors of the Pueblo Conservancy District that it is inevitable and indispensable that the waters of the Arkansas River be used, conserved and supplemented in the public interest; that to effect such purposes, a governmental public corporation is

a preferable instrumentality; and that any such development of the Arkansas River may likely affect the works, future plans, and obligations of the Pueblo Conservancy District.

6. That is to the advantage of the Pueblo Conservancy District to secure as soon as possible the formation of an governmental authority such as the proposed Southeastern Water Conservancy District, to the end that a permanent use-status of said stream as a whole be determined.

7. That in the premises, the interest of the Pueblo Conservancy District is limited at this time to the formation of the proposed Water Conservancy District, and such interest as intervener does not include any interest, in the organization, plans, or operation of the District; and accordingly this application for intervention is made conditionally that nothing herein, or an intervention if permitted, shall prejudice the rights, powers and duties of the Pueblo Conservancy District; and that upon final decree of Court establishing the aforesaid Water Conservancy District, or denying such establishment, the Pueblo Conservancy District be dismissed hence with the same effect as though no intervention had been ordered or applied for.

Wherefore the Pueblo Conservancy District prays that an order of intervention be entered herein in accordance with the terms of this application.

Charles M. Rose
Attorney for Pueblo Conservancy
District

STATE OF COLORADO)
COUNTY OF PUEBLO) ss

John M. Holmes, being first duly sworn states that he is the President of the Pueblo Conservancy District, has read the above application for intervention and knows the contents thereof and that the same are true to the best of his knowledge, and as authorized by resolution of the Directors of the Pueblo Conservancy District.

John M. Holmes, President
Pueblo Conservancy District

Subscribed and sworn to before me this ____ day of ____ A.D.
1958. My commission expires:

Notary Public