

MINUTES OF THE JANUARY 16, 2008 REGULAR MEETING OF THE PUEBLO CONSERVANCY DISTRICT

Directors Present: Sandstrom, Farley, Haynes

Also Present: Administrator Rick Kidd, Counselor Don Banner

With a quorum present, the Pueblo Conservancy District board meeting was called to order at 8:07 am.

Minutes -- The Minutes of the December 19, 2007 Regular Meeting were reviewed. Farley moved to approve the Minutes. The Minutes were approved as posted.

Treasurer's Report:

The draft accountant's report for December 2007 was reviewed. Kidd explained that this is a draft report because the District is on an accrual basis and we need to receive and account for all of the year-end expenses, etc. Farley moved to receive and file the accountant's report contingent upon the final reporting. Motion passed.

Bills -- The following bills were posted for review and approval

\$ 250.00	MBD&G, Accountant fees
\$ 115.53	Aquila, Electricity
\$ 300.00	Don Banner, Attorney fees
\$ 400.00	Kidd Engineering, Administrator/Engineer fees
\$ 55.41	Sandstrom, Director's Fee
\$ 55.41	Haynes, Director's Fee
\$ 55.41	Farley, Director's Fee
\$ 4,000.00	Colorado Dept of Corrections, Tree and brush clearing
\$ 330.48	U.S. Treasury, 944 Payroll withholdings

Sandstrom reported that the Department of Corrections reduced their bill by approximately half after giving us credits for firewood that they were able to sell. The crew was also able to make more progress than had been expected. It is anticipated that they will be back in February. Farley moved to approve payment of the monthly bills. Motion passed.

Appraised Benefit -- Sandstrom said that he found the listing of appraised benefits in the court records. Folder #8 in Box #2 contains a report to the Director's with the Plan and Cost. Box #3 Folders 10-15 contain the legal descriptions and appraisals, with values. Kidd reported that he has talked with Robert DeHerrera, with Pueblo County GIS. He has not tried to correlate the appraisal Excel spreadsheets with County records yet. He hopes to have an opportunity soon. Haynes moved to award the \$250 reward for finding the record books to Rick Kidd. Motion passed.

4th Street Bridge -- Kidd has been trying to coordinate a meeting with Wayne Trujillo (CDOT) and Gus Sandstrom. He is still waiting on a return call from Trujillo. After discussion, Farley moved to proceed with executing the CDOT agreement, but to keep pursuing a correct and tied-in legal description for the entire area utilized by CDOT. Motion passed.

HARP -- Sandstrom proposed that the District try to make up some of what we could not pay for in past years. We are currently paying about \$60,000 per year. Sandstrom proposed the District paying their engineer about \$6000 to develop a maintenance plan and the contributing another \$12,000 of funding to go directly into the HARP maintenance program. Haynes expressed a concern about PCD paying the engineer directly and would prefer to pay all \$18,000 to HARP based upon the hope of being able to get the assessment program in place. Banner said that it

January 16, 2008 Minutes, Page 2 of 2

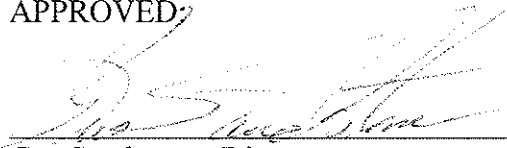
may be splitting hairs as to authority to pay the engineer directly. He thinks that the District has the legal authority to do it. After additional discussion, Haynes said that she is now okay with Kidd doing up to \$6000 of in-kind work. Sandstrom is to talk with Steve Arveschoug about the best way to pay Kidd. Haynes so moved. Motion passed.

Levee – Kidd presented some pictures that he took of the condition of the concrete slabs. The slabs are starting to move down the slope. Some areas are buckling up and others are collapsing into the void spaces below. He feels that we need to install some pins to hold the slabs in place while we consider what to do to fix the piping situation. Kidd is to get some costs together and invite the Corps of Engineers up for another meeting with us.

April Meeting – Farley said that she will be out of Town. It was agreed to reschedule the meeting for April 23, 2008.

There being no further business to come before the Board, the business meeting was adjourned at 8:50 a.m.

APPROVED:



Gus Sandstrom, Director



Kathleen Farley, Director



Valerie V. Haynes, Director

THE PUEBLO CONSERVANCY DISTRICT

NOTICE OF MEETING

DATE: JANUARY 16, 2008 (Wednesday) AT 8:00 A.M.

PLACE: SOUTHEASTERN COLORADO HERITAGE CENTER,
201 WEST B STREET, PUEBLO, COLORADO

AGENDA

1. ROLL CALL
2. APPROVAL OF DECEMBER 19, 2007 MINUTES
3. TREASURER'S REPORT
 - a. ACCOUNTANT REPORTS – DECEMBER
 - b. PAYMENT OF BILLS
4. APPRAISAL OF BENEFIT AND ASSESSMENT BOOKS
5. RIVER CLEAN-UP PROGRESS
6. CDOT EASEMENT FOR 4TH STREET BRIDGE
7. OTHER BUSINESS AS MAY BE BROUGHT BEFORE THE BOARD
8. ADJOURNMENT

Future meetings scheduled for:

February 20	March 19	April 16	
May 21	June 18	July 16	August 20
September 17	October 15	November 19	December 17

PUEBLO CONSERVANCY DISTRICT
BALANCE SHEET - GENERAL FUND ONLY
DECEMBER 31, 2007 AND DECEMBER 31, 2006

	<u>12/31/2007</u>	<u>12/31/2006</u>
ASSETS		
VECTRA BANK CHECKING	\$ 44,778	\$ 42,348
VECTRA BANK MONEY MARKET	11,738	11,593
BROKERAGE MONEY MARKET ACCOUNTS	17,205	65,804
COLOTRUST INVESTMENT	25,000	25,000
WACHOVIA SECURITIES INVESTMENT	587,678	528,952
PIPER JAFFRAY INVESTMENT	52,817	341,889
ACCRUED INTEREST		4,805
BOOK INVENTORY		-
	<u>1,039,216</u>	<u>\$ 1,020,391</u>
TOTAL ASSETS		
LIABILITIES AND FUND EQUITY		
ACCOUNTS PAYABLE	\$ -	\$ 625
PAYROLL TAXES PAYABLE	165	330
DEFERRED INCOME	<u>1,042</u>	<u>1,042</u>
	<u>1,207</u>	<u>1,997</u>
TOTAL LIABILITIES		
RESERVE FOR EMERGENCIES	6,000	6,000
DESIGNATED FOR SUBSEQUENT		
YEAR'S EXPENDITURES	176,356	156,376
UNDESIGNATED	<u>855,653</u>	<u>856,018</u>
	<u>1,038,009</u>	<u>1,018,394</u>
TOTAL FUND EQUITY		
TOTAL LIABILITIES AND FUND EQUITY	<u>\$ 1,039,216</u>	<u>\$ 1,020,391</u>

SEE ACCOUNTANTS' COMPILATION REPORT

PUEBLO CONSERVANCY DISTRICT
COMPARATIVE STATEMENT OF REVENUE AND EXPENDITURES
ACTUAL AND BUDGET - GENERAL FUND
FOR THE ONE AND TWELVE MONTHS ENDED DECEMBER 30, 2007
AND THE TWELVE MONTHS ENDED DECEMBER 31, 2006

	ACTUAL				
	CURRENT MONTH	YEAR TO DATE	2007 BUDGET	UNUSED BUDGET	2006 ACTUAL
REVENUES					
INTEREST INCOME					
COLOTRUST	\$ 100	\$ 1,181	\$ -	\$ -	\$ 1,224
MONEY MARKET ACCOUNTS	75	1,67	-	-	1,550
WACHOVIA SECURITIES	2,571	27,106	-	-	29,739
PIPER JAFFRAY	1,098	1,779	-	-	13,413
UNREALIZED GAINS (LOSSES)	(12,276)	(6,288)	-	-	(2,309)
TOTAL INTEREST INCOME	(8,432)	17,521	30,000	(17,521)	43,617
LEASE PAYMENTS	208	2,500	2,500	-	2,700
OTHER INCOME	-	17,368	-	(17,368)	-
COST OF SALES	-	-	-	-	(6,290)
TOTAL REVENUES	\$ (8,224)	\$ 19,389	\$ 32,500	\$ (34,889)	\$ 40,027
EXPENDITURES					
80 LEGAL FEES	300	2,600	7,000	3,400	8,833
81 DIRECTORS FEES	180	2,160	3,000	840	2,160
82 FICA TAXES	-	-	240	240	165
83 ENGINEER/ADMINISTRATIVE	200	4,400	4,800	400	4,800
90 AUDIT & BOOKKEEPING	250	2,750	3,000	250	2,700
92 INSURANCE/BONDS	-	2,908	2,500	(408)	2,034
96 OFFICE EXPENSE	1,454	2,276	650	(1,626)	264
97 OFFICE RENT	-	500	500	-	1,420
100 PROFESSIONAL FEES	-	-	8,000	8,000	3,462
APPRAISAL	-	-	60,000	60,000	-
103 TRAVEL	-	-	250	250	-
105 REPAIRS & MAINTENANCE	116	8,814	90,000	81,186	24,982
PIPING REPAIRS	-	-	75,000	75,000	-
108 CONTINGENCIES	-	-	500	500	-
109 EMERGENCY REPAIR	-	-	20,000	20,000	-
110 CAPITAL IMPROVEMENTS	-	-	25,000	25,000	-
111 PLANNING & DEVELOPMENT	-	-	5,000	5,000	-
112 HARP - O & M	-	20,000	20,000	-	50,000
113 SALES TAX	-	-	-	-	-
TOTAL EXPENDITURES	2,700	47,408	325,440	278,032	100,820
EXCESS (DEFICIENCY) OF REVENUES OVER EXPENDITURES	\$ (10,924)	\$ 19,981	\$ (292,940)	\$ (312,921)	\$ (60,793)

SEE ACCOUNTANTS' COMPILATION REPORT

PUEBLO CONSERVANCY DISTRICT
INVESTMENTS
12/31/2007

1/15/2008 5:41 PM

BROKER	DESCRIPTION	MATURITY DATE	RATE	PAR VALUE	BALANCE 12/31/2006	ADDITIONS	MKT VALUE CHANGE	REDEMPTION SALES	BALANCE 12/31/2007	INTEREST RECEIVED 12/31/2007
<u>CASH ACCOUNTS</u>										
VECTRA BANK	Money Market Account				11,592.88	1,436.00	-	-	11,738.31	147
PIPER JAFFRAY	Money Market Account				8,703.05	2,735.00	-	-	11,435.55	41
WACHOVIA SEC.	Evergreen Money Mkt Fund				57,100.92	125,937.35	-	177,268.24	5,769.64	604.73
TOTAL CASH ACCOUNTS WITH BROKERS										
					77,396.85	128,172.35	-	177,268.24	28,943.50	1,167.48
<u>INVESTMENTS</u>										
COLOTRUST	Acct. 7081 - PLUS		6.240%		25,000.00	-	-	-	25,000.00	1,291.36
TOTAL COLOTRUST										
					25,000.00	-	-	-	25,000.00	1,291.36
<u>WACHOVIA SEC.</u>										
	FNMA 05-27 GA REMIC MULTICLASS CMO	4/25/2034	5.500%	45,000.00	10,000.00	-	(394.52)	60,999.14	40,713.77	4,378.20
	FHLMC 3040 CA REMIC MULTICLASS CMO	9/15/2019	5.000%	10,000.00	10,000.00	-	-	-	30,237.30	(88.54)
	FHLMC 3334 VW RETAIL LOTTERY	9/15/2036	6.250%	30,000.00	2,194.00	30,157.50	79.80	-	32,122.08	1,800.00
	FHLMC 2646 LL RETAIL LOTTERY	8/15/2033	5.600%	78,000.00	34,173.35	-	(72.00)	-	33,993.36	1,980.00
	FHLMC 2688 DD RETAIL LOTTERY	11/15/2033	5.000%	36,000.00	8,000.00	-	(180.00)	-	45,682.21	2,908.34
	FHLMC 2804 UC REMIC MULTICLASS CMO	11/15/2033	6.000%	80,000.00	104,527.30	-	1,109.94	20,000.00	144,406.50	9,000.00
	FHLMC 3004 GG RETAIL LOTTERY	7/15/2034	5.000%	150,000.00	113,757.30	-	(3,861.00)	-	13,774.69	868.38
	FHLMC 3133 MB REMIC MULTICLASS CMO	1/15/2036	6.000%	56,000.00	49,494.00	-	(734.73)	4,464.19	49,928.50	2,750.00
	FNMA 05-16 WD REMIC MULTICLASS CMO	1/15/2035	5.000%	50,000.00	49,170.00	-	434.50	-	47,407.50	2,874.96
	GNMA 06-27 WE REMIC MULTICLASS CMO	6/15/2036	5.000%	50,000.00	-	50,006.00	(1,762.50)	2,000.00	46,130.40	2,116.30
	FHLMC 3230 BB REMIC MULTICLASS CMO	4/15/2037	5.750%	30,000.00	-	54,391.62	(1,875.60)	8,498.07	46,519.90	965.02
	FHLMC 3264 UU REMIC MULTICLASS CMO	4/15/2037	5.000%	20,000.00	-	32,087.50	626.35	-	31,728.96	229.33
	FHLMC 3290 WA REMIC MULTICLASS CMO	12/15/2036	6.000%	30,000.00	30,000.00	-	(358.54)	30,000.00	25,033.25	-
	FHLMC 3357 AA REMIC MULTICLASS CMO	6/15/2037	5.150%	30,000.00	-	25,000.00	33.25	-	587,678.42	31,322.76
	NATIONAL CITY CD	5/2/2008	5.200%	25,000.00	-	-	-	-	291.78	87.14
	WORLD SAVINGS BK FSB CD				528,952.25	191,642.62	(6,955.05)	125,961.40	118,602.00	360
TOTAL WACHOVIA SEC.										
					1,729.94	-	(84.37)	1,353.79	99,813.00	3,950
<u>PIPER JAFFRAY</u>										
	GNMA POOL #24920	6/15/2008	8.250%	120,000.00	113,568.00	-	5,034.00	-	129,756.90	5,199.96
	FEDL HOME LN MTG CORP FREDDIENOTES	6/15/2009	3.000%	100,000.00	96,688.00	-	3,125.00	-	4,353.19	373.88
	FEDL NATL MTG ASSN INVT NOTES B/E	6/20/2010	4.000%	130,000.00	124,677.80	-	5,079.10	-	352,816.87	13,260.94
	FEDL NATL MTG ASSN INVT NOTES B/E	6/24/2011	4.000%	-	5,225.72	-	88.86	961.39	965,495.29	45,875.06
	FHLMC #170217	3/1/2017	8.000%	-	-	-	-	-	994,438.79	47,042.54
TOTAL PIPER JAFFRAY										
					341,889.46	-	13,242.59	2,315.18	1,326,904.94	132,690.94
TOTAL INVESTMENTS										
					895,841.71	191,642.62	6,287.54	128,276.58	1,326,904.94	132,690.94
TOTAL ALL ACCOUNTS										
					973,238.46	320,457.61	6,287.54	305,544.82	1,326,904.94	132,690.94

PUEBLO CONSERVANCY DISTRICT

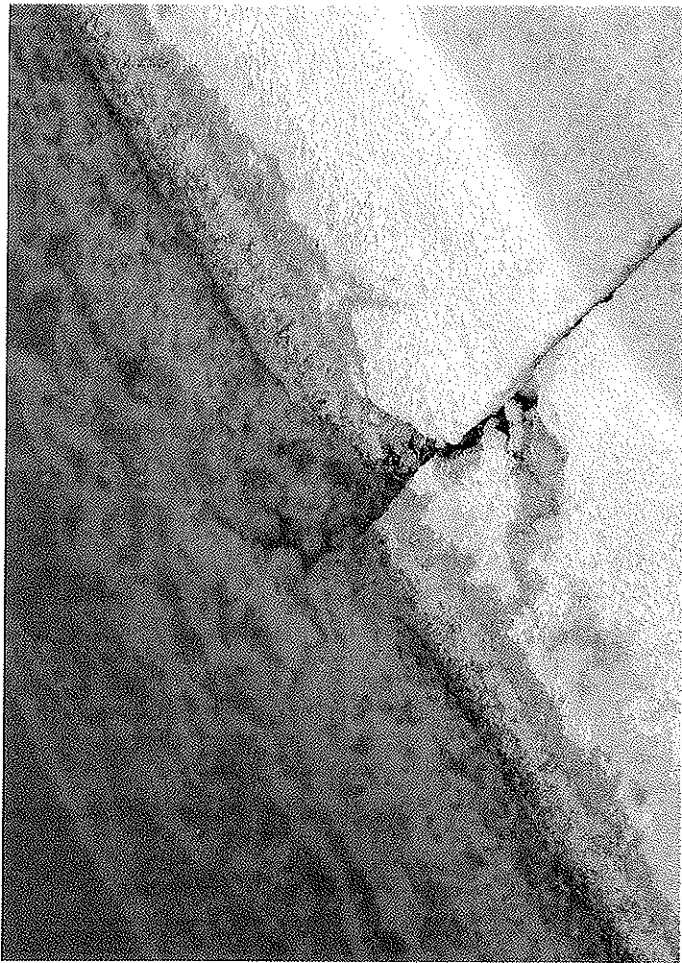
DECEMBER 2007 - JANUARY 2008

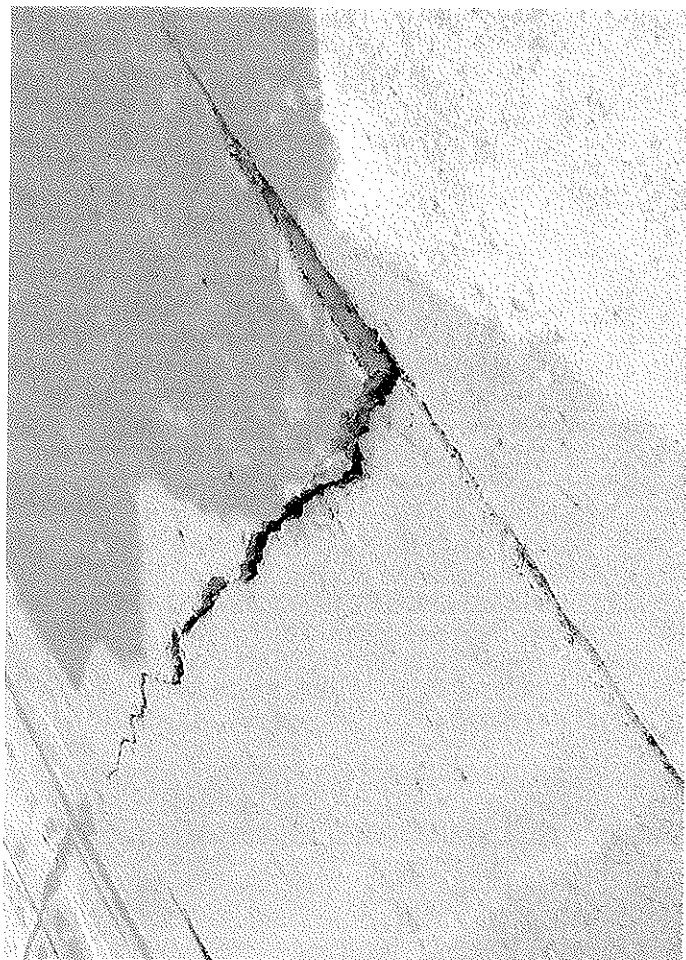
RECEIPTS

VENDOR	ITEM	AMOUNT
First Clearing, LLC	Interest Payment	\$ 2,114.57
First Clearing, LLC	Interest Payment	\$ 250.00
First Clearing, LLC	Interest Payment	\$ 269.36
UBS	Interest	\$ 1,097.25
Wells Fargo - Colotrust	Dividend	\$ 101.57
		\$ 3,832.75

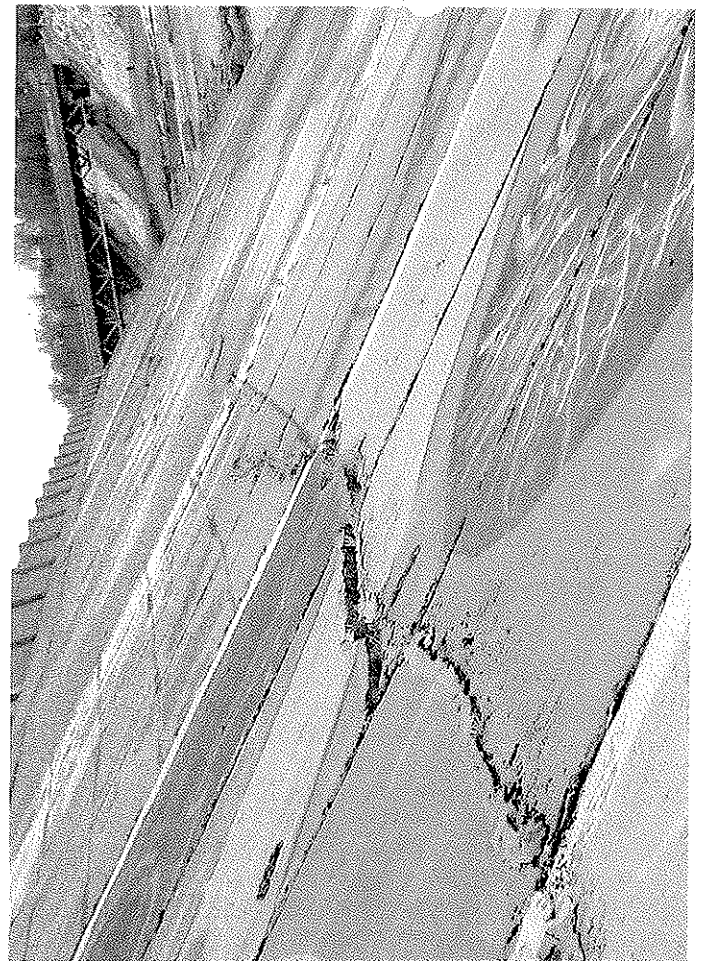
DEBITS

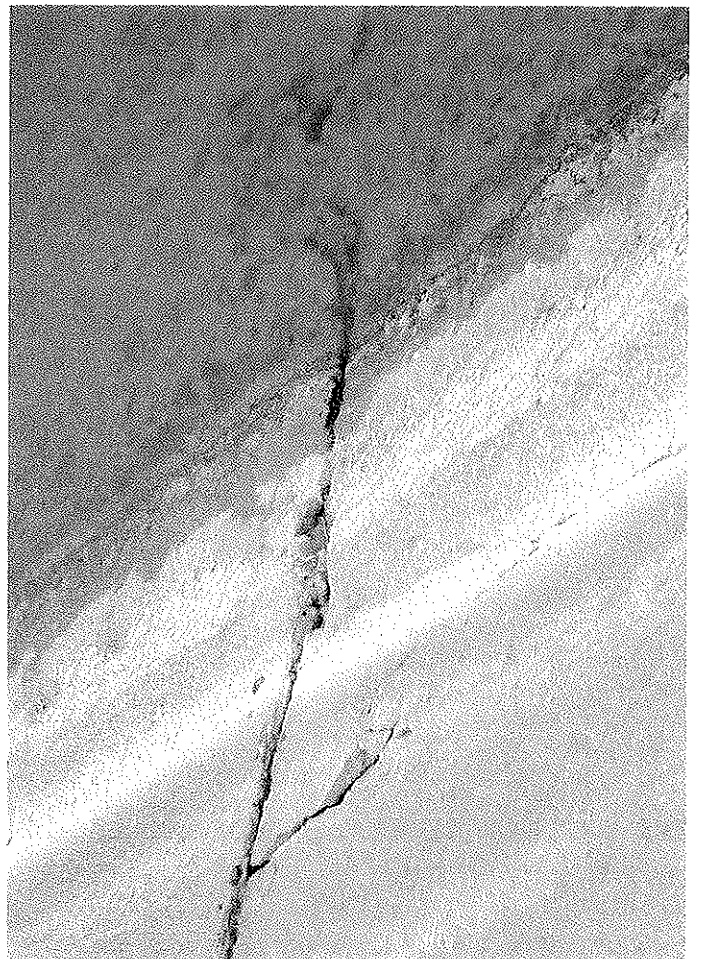
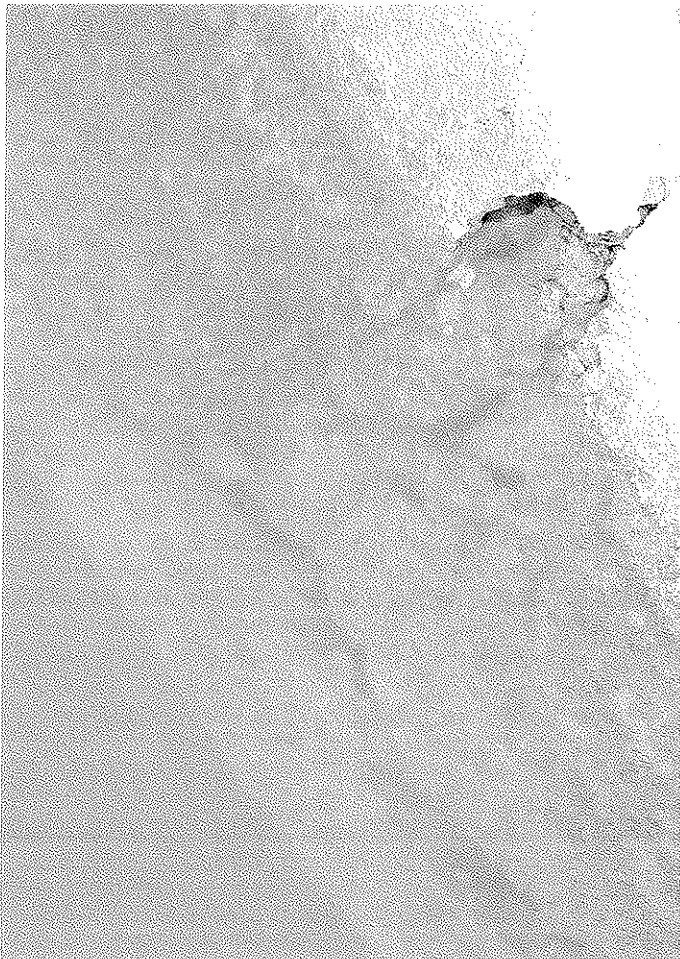
VENDOR	ITEM	AMOUNT	CHECK	CODE
Aquila	Electrical Billing	\$ 115.53	3483	105
MBDG, PC	Bookkeeping	\$ 250.00	3484	90
Don Banner - B&B, PC	Attorney Fees	\$ 300.00	3485	80
Kidd Engineering	Engineer/Admin Fees	\$ 400.00	3486	83
Director Sandstrom	Fees	\$ 55.41	3487	81
Director Farley	Fees	\$ 55.41	3488	81
Director Haynes	Fees	\$ 55.41	3489	81
Colorado Dept of Corrections	Tree & Brush Clearing	\$ 4,000.00	3490	105
United States Treasury	944 Payroll Withholdings	\$ 330.48	3491	82
		\$ 5,562.24		

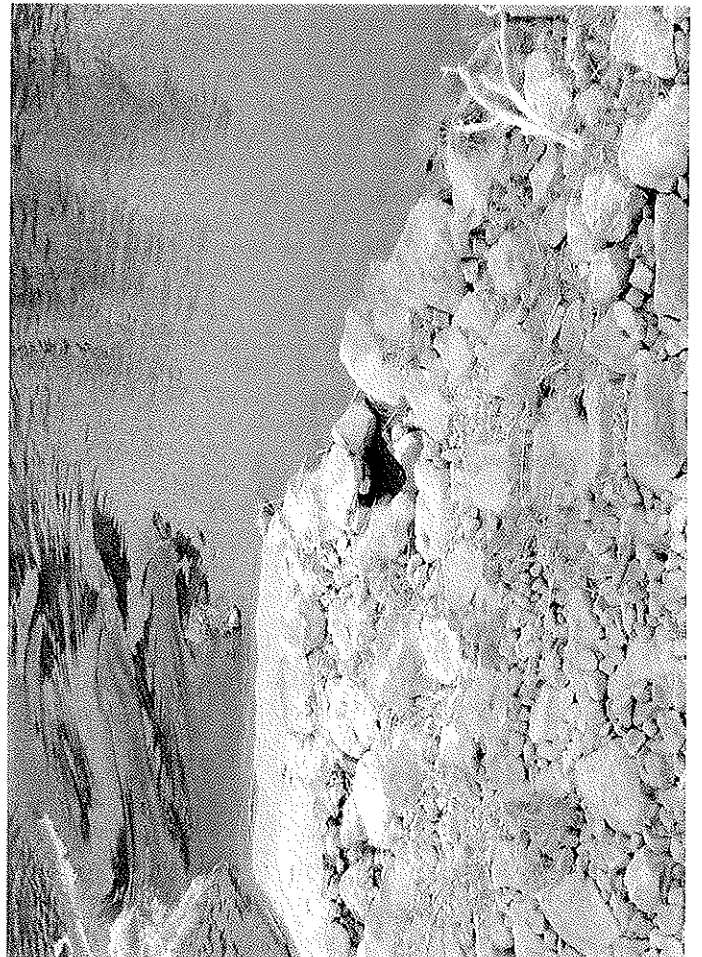
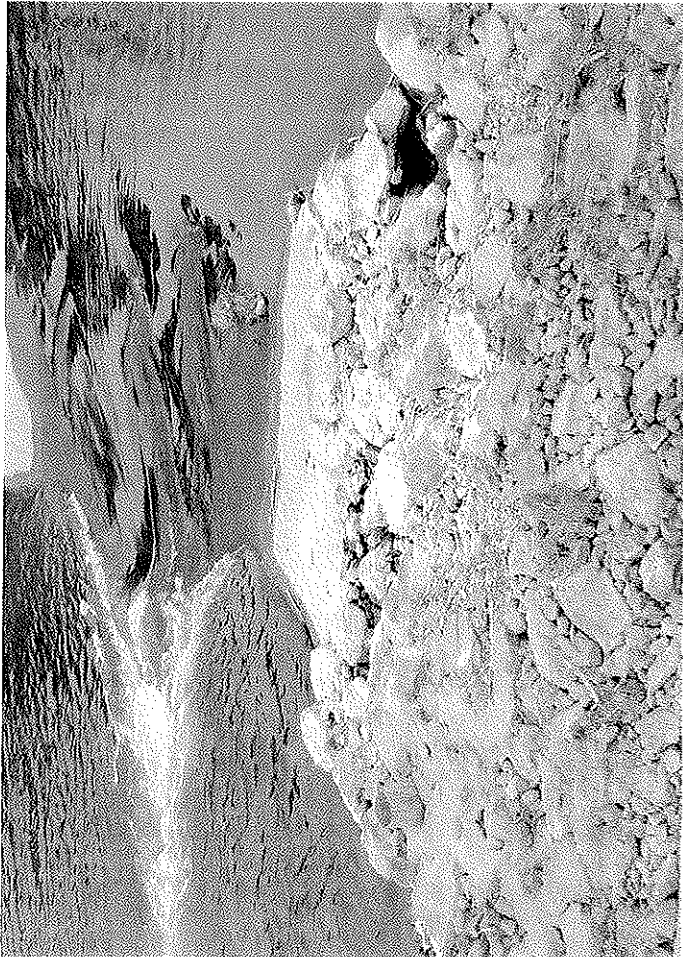












Main Identity (RICK)

From: "Johnson, Larry D" <Larry.D.Johnson@DOT.STATE.CO.US>
To: <kiddecms@earthlink.com>
C: <g.sandstrom@comcast.net>
Sent: Thursday, October 11, 2007 11:16 AM
Attach: conservancy district final legals.pdf; PE15rev-15A-15Brev Pueblo Conservancy District.doc
Subject: Conservancy District PE's

Good Morning Rick,

I just spoke with Mr. Sandstrom regarding the closing at Security title.

I apologize if communications broke down during this process and thought that you had been provided with information and copies of the signed legal descriptions for your review. As a matter of practice during negotiations to acquire property rights CDOT doesn't normally circulate original legal descriptions but opt to provide the final signed document to the title company to be filed and recorded once closing takes place.

Please note that the legal descriptions attached to this e-mail were not scanned in color but the originals attached to the Permanent Easement Deed at the title company are stamped in red and signed in blue by Mr. Mark Lane.

I hope that this information and the information previously submitted to you will clarify CDOT position regarding our process in preparing ROW plans and legal descriptions according to the filed MOU with the Board of Professional Land Surveyors.

Please present these documents to the Board and request that Mr. Sandstrom execute the deed at his earliest convenience. If Mr. Sandstrom would prefer we can instruct Security Title to conduct a mail out closing which would alleviate the need for Mr. Sandstrom to have to go to the title company. Please let me know if this would be an option you would prefer we utilize.

I just received a copy of the resolution regarding the bridge design.. I appreciate the Conservancy District's willingness to provide it during the design process and once again apologize for the delay in providing you certified legal descriptions.

<<conservancy district final legals.pdf>> <<PE15rev-15A-15Brev Pueblo Conservancy District.doc>>

Larry Johnson
Acquisition/Relocation Supervisor
905 Erie Ave
Pueblo, CO 81002
719-546-5412
719-251-7811 cell
<mailto:larry.d.johnson@dot.state.co.us>

EXHIBIT "A"
PROJECT NUMBER: BR 0961-008
PARCEL NUMBER: PE-15 Rev
PROJECT CODE: 13141
DATE: August 15, 2006

LEGAL DESCRIPTION

A permanent easement Number PE-15 Rev of the Department of Transportation, State of Colorado, Project Number BR 0961-008 containing 29,979 square feet, more or less, in the NW ¼ of Section 36, Township 20 South, Range 65 West of the Sixth Principal Meridian, in Pueblo County, Colorado, said permanent easement being more particularly described as follows:

Beginning at the point of intersection of the westerly line of the Pueblo Conservancy District and the northerly line of West 4th Street said point also being the most easterly corner of the property described in the deed dated August 22, 2002 and recorded at Reception No. 1456691, in the records of the Pueblo County Clerk and Recorder, the POINT OF BEGINNING;

1. Thence along the westerly line of the Pueblo Conservancy District and the easterly line of said property described at Reception No. 1456691, the arc of a curve to the left having a radius of 809.92 feet, a distance of 149.06 feet, (the chord of said arc bears N. 47°50'31" W., a distance of 148.85 feet);
2. Thence N. 64°49'47" E., a distance of 76.95 feet;
3. Thence S. 56°12'46" E., a distance of 32.64 feet;
4. Thence N. 46°06'15" E., a distance of 293.47 feet to the westerly line of the Union Pacific Railroad;
5. Thence along the westerly line of the Union Pacific Railroad, the arc of a curve to the right having a radius of 2634.58 feet, a distance of 62.41 feet, (the chord of said arc bears S. 49°33'39" E., a distance of 62.41 feet) to the northerly line of West 4th Street, as described in the deed dated June 12, 1925 and recorded in Book 621, Page 302, in the records of the Pueblo County Clerk and Recorder;

6. Thence S. 43°13'00" W. along said westerly line of West 4th Street, a distance of 314.33 feet;
7. Thence along the westerly line of West 4th Street, the arc of a curve to the right having a radius of 859.92 feet, a distance of 11.19 feet, (the chord of said arc bears S. 43°25'03" E., a distance of 11.19 feet);
8. Thence S. 43°13'00" W. along the northerly line of West 4th Street, a distance of 55.27 feet, more or less, to the POINT OF BEGINNING.

The above described permanent easement contains 0.688 acres (29979 square feet), more or less.

The purpose of the above described permanent easement is for the construction and maintenance of a bridge structure.

Basis of Bearing: The basis of bearing for project reference is a line from CDOT Control Monument 7 (S.H. 96, M.P. 54.85 Rt.) to CDOT Control Monument 15 (S.H. 96, M.P. 55.65 Md.), having a bearing of N. 64° 45' 30" E.

For and on the behalf of the
Colorado Department of Transportation
Mark E. Lane, PLS 28276
905 Erie Ave., Pueblo, CO 81001



EXHIBIT "A"
PROJECT NUMBER: BR 0961-008
PARCEL NUMBER: PE-15A
PROJECT CODE: 13141
DATE: November 30, 2005

LEGAL DESCRIPTION

A permanent easement Number PE-15A of the Department of Transportation, State of Colorado, Project Number BR 0961-008 containing 1,372 square feet, more or less, in the NW ¼ of Section 36, Township 20 South, Range 65 West of the Sixth Principal Meridian, in Pueblo County, Colorado, said permanent easement being more particularly described as follows:

Beginning at the point of intersection of the westerly line of the Union Pacific Railroad and the southerly line of West 4th Street, as described in the deed dated June 12, 1925 and recorded in Book 621, Page 302, in the records of the Pueblo County Clerk and Recorder, the POINT OF BEGINNING;

1. Thence along the westerly line of the Union Pacific Railroad, the arc of a curve to the right having a radius of 2634.58 feet, a distance of 11.77 feet, (the chord of said arc bears S. 47°00'50" E., a distance of 11.77 feet);
2. Thence S. 46°06'15" W., a distance of 233.60 feet to said southerly line of West 4th Street;
3. Thence N. 43°13'00" E. along the southerly line of West 4th Street, a distance of 233.25 feet, more or less, to the POINT OF BEGINNING.

The above described permanent easement contains 0.032 acres (1372 square feet), more or less.

The purpose of the above described permanent easement is for the construction and maintenance of a bridge structure.

Basis of Bearing: The basis of bearing for project reference is a line from CDOT Control Monument 7 (S.H. 96, M.P. 54.85 Rt.) to CDOT Control Monument 15 (S.H. 96, M.P. 55.65 Md.), having a bearing of N. 64° 45' 30" E.

For and on the behalf of the
Colorado Department of Transportation
Mark E. Lane, PLS 28276
905 Erie Ave., Pueblo, CO 81001



EXHIBIT "A"
PROJECT NUMBER: BR 0961-008
PARCEL NUMBER: PE-15B Rev
PROJECT CODE: 13141
DATE: August 15, 2006

LEGAL DESCRIPTION

A permanent easement Number PE-15B Rev of the Department of Transportation, State of Colorado, Project Number BR 0961-008 containing 14,188 square feet, more or less, in Block 2 of Delavan Place, a subdivision in the NW ¼ of Section 36, Township 20 South, Range 65 West of the Sixth Principal Meridian, in Pueblo County, Colorado, said permanent easement being more particularly described as follows:

Beginning at the northwesterly corner of Lot 1, Block 2, Delavan Place, the POINT OF BEGINNING;

1. Thence N. 65°32'30" E. along the common northerly line of said Lot 1 and southerly line of West 4th Street, a distance of 85.00 feet to the northeasterly corner of said Lot 1;
2. Thence along the arc of a curve to the left having a radius of 859.92 feet, a distance of 80.56 feet, (the chord of said arc bears N. 35°44'52" W., a distance of 80.53 feet);
3. Thence N. 43°13'00" E., a distance of 31.28 feet;
4. Thence S. 41°23'55" E., a distance of 70.33 feet;
5. Thence N. 45°35'56" E., a distance of 113.26 feet;
6. Thence S. 44°24'05" E., a distance of 46.53 feet;
7. Thence S. 46°17'47" W., a distance of 266.13 feet to the southwesterly corner of Lot 3, Block 2, Delevan Place and easterly line of Pearl Street;
8. Thence N. 16°02'30" W. along the easterly line of Pearl Street, a distance of 70.00 feet, more or less, to the POINT OF BEGINNING.

The above described parcel contains 0.326 acres (14188 square feet), more or less.

THE PUEBLO CONSERVANCY DISTRICT

P.O. BOX 234, PUEBLO, CO 81002

BOARD OF DIRECTORS:

GUS SANDSTROM, PRESIDENT
VALERIE HAYNES, SECRETARY
KATHY FARLEY, TREASURER

ADMINISTRATOR / ENGINEER:

RICK KIDD, PE
(719)544-5239

June 5, 2007

Michael Shay
Colorado Department of Transportation
Region 2, Right of Way Services
PO Box 536
Pueblo, CO 81002

Subject: 4th Street Bridge Easement Acquisition

Dear Mr. Shay:

Inadequately described and recorded easements and land acquisitions from past transactions are impacting our current effort to compile updated and accurate mapping of Pueblo Conservancy District ownership and granted easements. This is why we are now insisting that all new transactions be surveyed and monumented. It appears that the only monumented point for any of the three proposed tracts is in the southwest corner of tract PE-15 Rev. This is a point established by another surveyor. There are six other corners and angle points of tract PE-15 Rev that have not been monumented. Furthermore, there are three points on proposed tract PE-15A, and eight points on proposed tract PE-15B Rev that should be monumented. The given point of beginning for PE-15B Rev appropriately references a lot corner, but there is no indication that this lot corner is currently established by survey. The point of beginning for PE-15A is not tied to any survey with a monumented corner of an existing lot, tract, or parcel of land.

I have studied the Memorandum of Understanding that you attached to your May 10, 2007 email. I have also met with the Pueblo County Surveyor to discuss the matter of your proposed legal descriptions. I want to direct your attention to lines 3 and 4 under "Compliance with Colorado Statutes", on page 2 of the Memorandum of Understanding. It states:

It is the intent of this memorandum to bring the Colorado Department of Transportation into full compliance with the state statutes and Board Bylaws and Rules of Procedure and Rules of Professional Conduct.

This, simply, is what we are requesting the Colorado Department of Transportation to do. There are appropriate protocols of how descriptions are to be written to reduce confusion and there are surveying rules that are to be adhered to. Your compliance with Point Nos. 3, 6, 7, and 8 on page 3, and

subsequent Point No. 1 on page 3 of the Memorandum of Understanding will provide the documentation required to accurately define and locate the tracts for which you are seeking to acquire a permanent easement.

We have duly noted Point Nos. 2 and 3 under "Further Understanding". We do not accept that these stated exceptions apply to the permanent easements that you wish to acquire.

These issues and our interpretation of the Memorandum of Understanding have been discussed with the Pueblo County Surveyor, Dan Boyd. Mr. Boyd is in agreement with our interpretation and has affirmed that the requests in my April 9, 2007 letter to you are appropriate and that the legal descriptions provided by the Colorado Department of Transportation should be in compliance with those requests, the requirements specifically referenced above, and the other specific and referenced requirements of the first dated December 9, 1994 Memorandum of Understanding between the Colorado State Board of Registration for Professional Engineers and Professional Land Surveyors and the Colorado Department of Transportation. Mr. Boyd also checked and if you have actually surveyed these tracts there have been no land survey control diagrams or right of way plans submitted to his office by the Colorado Department of Transportation, as required by State statute.

The Pueblo Conservancy District has agreed and voted to sell the requested permanent easements to the Colorado Department of Transportation for the amount of \$4,500. However, it has been established that a condition of this sales transaction is that the Colorado Department of Transportation correctly prepare land surveys and the legal descriptions therefor, and that the parcels be appropriately monumented and referenced to existing monuments so that they can be identified in the field. The County Surveyor has also requested that GPS coordinates be provided to facilitate inclusion in their GPS land data base.

Sincerely,

A handwritten signature in black ink, appearing to read "Ricky A. Kidd". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Ricky A. Kidd, PE
Administrator / Engineer