

RECORD OF PROCEEDINGS

100 LEAVES

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

December 9, 1948

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 10:00 A.M. o'clock on December 9, 1948

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

The minutes of the meeting of July 7, 1948, 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 375- 393 inclusive

Certs. Nos. 102325	41.20	Mrs. George Pike
102474	19.28	Frank Herrera
102450	24.48	Nick and Russell Spicola
92811; 94631; 96278; 97844; 98694; 99950; 101016; 102322 96367 (Partial) 101064; 102360	1,775.96 25.00 734.35	Deikman and Katz Izzi for Rocco Leach Realty Co.
71004; 75397; 78148; 90643; 87935; 85651; 88317; 91077; 93061; 94877; 96514; 97790; 98932; 100135; 101202; 102481	217.94	Carlton & Pueblo Terminal Ry. Co.
71050; 75461; 78210; 90676; 90704; 87980; 88354; 91115; 93098; 94906; 96546; 97826; 98967; 100167; 101233; 102504	2,808.08	Carlton & Pueblo Terminal Ry. Co.
71051; 75462; 78211; 90677; 90705; 87982; 90738; 91116; 93099; 94907; 96547; 97827; 98968; 102505;	1,519.69	Carlton & Pueblo Terminal Ry. Co.
71019; 75418; 78168; 90653; 87950; 85666; 88333; 91089; 93072; 94888; 96528; 97802; 98940; 100144; 101209; 102486	118.07	Jessie R. Yeargain
56219; 56228; 56343; 58194; 59891; 61703; 64893; 71053; 75464; 78213; 90679; 90707; 87981; 88355; 91118; 93101; 94909; 96548; 97828; 102506	8,973.71	Colorado R. R. Co. (Springfield, Sterling Sec. Co., & Arnold)
96215; 97493; 98631; 99885; 100966	24.90	Tony Datz
96439	23.93	John W. Crist
100125; 101188	22.86	Lorenza Silvia
102359	65.40	Walter E. Timme

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Certs. 96367 (Partial)	25.00	Izzi for Rocco
102461	11.98	Wm. L. Lloyd
96367 (Balance)	61.58	Izzi for Rocco
61578; 64727; 70805; 75146;		
77905; 90484; 87764; 85434;		
88082; 90845; 92833; 94651;		
96294; 97572; 98712; 99963;		
101026	1,071.04	Frink Creamery Co.

The following Vouchers were read and approved:

11313	J. E. Creel, Co. Treas.	.50
11314	Ray H. Talbot, Acting Postmaster	1.08
11315	Pueblo Typewriter Exchange	3.89
11316	J. E. Creel, Co. Treas.	.50
11317	First National Bank of Pueblo	43.82
11318	J. E. Creel, Co. Treas.	.50
11319	Blackburn Engineering Co.	796.03
11320	S. F. Elliot	25.00
11321	S. F. Elliott	57.50
11322	Blackburn Engineering Co.	1,235.98
11323	Mt. St. Tel & Tel Co.	1.76
11324	J. E. Creel, Co. Treas.	5.10
11325	Mercantile Printing Co.	147.90
11326	Charles M. Rose (July)	100.00
11327	Elbert D. Greene (July)	199.50
11328	Collector of Internal Revenue	25.50
11329	Elbert D. Greene	50.00
11330	J. E. Creel, Co. Treas.	2.00
11331	Pueblo Title Guaranty Co.	1.10
11332	Clerk of the District Court	1.00
11333	J. E. Creel, Co. Treas.	25.40
11334	J. E. Creel, Co. Treas.	1.10
11335	Pueblo Title Guaranty Co.	36.00
11336	Pueblo Title Guaranty Co.	.55
11337	J. E. Creel, Co. Treas.	12.00
11338	Mt. St. Tel & Tel Co.	1.76
11339	J. E. Creel, Co. Treas.	10.00
11340	J. E. Creel, Co. Treas.	2.75
11341	Charles M. Rose (August)	100.00
11342	Elbert D. Greene (August)	199.50
11343	Collector of Internal Revenue	25.50
11344	Elbert D. Greene	50.00
11345	J. E. Creel, Co. Treas.	.55
11346	J. E. Creel, Co. Treas.	1.00
11347	J. E. Creel, Co. Treas.	.50
11348	Mt St Tel & Tel Co.	1.76
11349	Charles M. Rose (Sept.)	100.00
11350	Elbert D. Greene (Sept.)	199.50
11351	Collector of Internal Revenue	25.50
11352	Elbert D. Greene	50.00
11353	Mercantile Printing Co.	162.18
11354	Blackburn Engineering Co.	2,545.66
11355	Mt St Tel & Tel Co.	1.76
11356	Greene & Company	2.50
11357	Charles M. Rose (Oct.)	100.00
11358	Elbert D. Greene (Oct.)	199.50
11359	Collector of Internal Revenue	25.50
11360	Elbert D. Greene	50.00

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11361	Charles M. Rose	350.00
11362	J. E. Creel, Co. Treas.	.50
11363	Pueblo Title Guaranty Co.	36.00
11364	First National Bank of Pueblo	58,687.50
11365	Mt St Tel & Tel Co.	1.76
11366	Pueblo Title Guaranty Co.	5.50
11367	Abell Realty Co.	500.00
11368	First National Bank of Pueblo	50,000.00
11369	Continental Air Lines	71.40
11370	J. E. Creel, Co. Treas.	.50
11371	Charles M. Rose (Nov.)	100.00
11372	Elbert D. Greene (Nov.)	199.50
11373	Collector of Internal Revenue	25.50
11374	Elbert D. Greene	50.00
11375	J. E. Creel, Co. Treas.	20.50
11376	Middalkamp Agency Co.	2.50
11377	J. E. Creel, Co. Treas.	9.35
11378	John M. Holmes	10.00
11379	W. T. Mathis	10.00
11380	Frank Pryor	10.00
11381	Elbert D. Greene	5.75
11382	Blackburn Engineering Co.	3,712.19
11383	Simon F. Elliot	292.00
11384	John M. Holmes	10.00
11385	W. T. Mathis	10.00
11386	Frank Pryor	10.00
11387	John M. Holmes	44.35

Attention was called to the fact that J. E. Creel, County Treasurer, is bonded to the Conservancy District in the amount of \$50,000.00 and that the bonds are renewable on January 1, 1949, for a two year period. Upon motion by Mr. Pryor and seconded by Mr. Mathis, the Secretary was instructed to have the bonds renewed by the same agents who wrote them two years ago, namely: Pueblo Agencies - \$10,000.00; Middlekamp Agency Co. - \$10,000.00 and Greene & Company - \$30,000.00.

On November 27, 1948, the Secretary with the approval of the President issued a check for \$50,000.00 to the First National Bank for the purchase of U. S. Treasury Savings Notes - Series D Bonds. Mr. Mathis moved that this transaction be approved and ratified. Mr. Pryor seconded the motion which was unanimously carried.

The Secretary reported that On August 9, 1948, he delivered a Deed to the D&RGW Ry. Co., conveying part of lots 26-30 inclusive, Block 29, South Pueblo, more accurately described in a Court Order, copy of which is attached. This sale was authorized by the Conservancy District Directors in a meeting held March 31, 1948. The consideration was \$1040.00.

The Secretary requested that a Resolution be adopted approving this Sale.

Mr. Mathis introduced the following Resolution and moved its adoption:

BE IT RESOLVED by the Board of Directors of the Pueblo Conservancy District: That the sale of a R/W across Lots 26 to 30 inclusive, Block 29, South Pueblo, to the D&RGW Ry. Co., said Sale having been authorized March 31, 1948, and completed August 9, 1948, be, and is hereby ratified and approved.

The motion to adopt the resolution was seconded by Mr. Pryor and upon being put to vote was unanimously carried.

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The Secretary reported that On November 24th, 1948, he delivered a Deed signed by the President of the District to Ray Covi and Louis Covi, conveying all of Lots 25-32, inclusive, in Block 29, South Pueblo, less that portion of Lots 26 to 30 inclusive, previously deeded to the D&RGW Ry. Co. These lots were sold by the Abell Realty Co., who submitted an offer to the District of \$4500.00 net or \$5000.00 gross, the gross offer involving a \$500.00 commission to the Abell Realty Co. Copy of Court Order authorizing this sale is attached hereto.

The matter of selling these lots had been discussed at a previous meeting at which time, the President had been authorized to accept any offer that seemed reasonable. As the offer submitted by the Abell Realty Co., was larger than had been hoped for, the President deemed it advisable to accept it without further authorization from the Board.

In view of the foregoing, Mr. Pryor moved the adoption of the following resolution.

BE IT RESOLVED by the Board of Directors of the Pueblo Conservancy District that the sale on November 24, 1948, to Ray Covi and Louis Covi of Lots 25 to 32 inclusive, Block 29, South Pueblo, less that portion of Lots 26 to 30 inclusive, which had previously been sold to the D&RGW Ry. Co., be, and is hereby ratified and approved.

The motion to adopt the Resolution was seconded by Mr. Mathis and upon being put to vote was unanimously carried.

Secretary Greene reported that on October 21, 1948, information had been received by him that an Interim Report made by the Bureau of Reclamation regarding the proposed Arkansas Gunnison project contained a statement to the effect that because of the poor condition of the levees in Pueblo, it was estimated that the channel would carry only 10,000 c.f.s.

On October 22, 1948, Mr. Mathis and Mr. Greene called on Mr. Ben Powell of the Bureau of Reclamation and conferred with him for about two hours. Mr. Mathis asked why such a low figure of 10,000 c.f.s. was used. Powell said he, himself, thought 50,000 c.f.s. should have been the minimum figure and that he would use his influence to see that in the final report of the Bureau of Reclamation the figure would be no less than 50,000 c.f.s. Prior to this meeting with Powell, Greene had written Colonel Killian of the Army Corps of Engineers at Albuquerque, New Mexico, asking when the Interim Report regarding the Arkansas River at Pueblo would be available. Colonel Killian answered this letter on November 15, 1948, advising the report was finished but could not be released pending issuance of "Public Notice of Issuance of Report", but that it was available for study at Albuquerque by interested parties.

Holmes and Greene went to Albuquerque on November 30th, to see the Report and confer with Colonel Killian. The report stated the channel in Pueblo was safe for 110,000 c.f.s. as compared to the figure of 10,000 c.f.s. used in the Bureau of Reclamation's report.

The report in Albuquerque further stated that below Santa Fe Avenue, the estimated capacity of the channel was 27,000 c.f.s. and a recommendation was made that federal funds be spent in the amount of \$209,000.00 for the construction of some 2800 feet of levee to extend from the left abutment of the Santa Fe Avenue bridge to high ground adjacent to the Missouri Pacific R/W. Reference is made to Conservancy District file entitled "U. S. Army Engineers".

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On December 6, 1948, a meeting was held at the office of the District at the request of Harold H. Christy, who is working on the Arkansas Gunnison Rivers project. This meeting was attended by Harold H. Christy and Damian Dacy of the Arkansas Gunnison project; Ben Powell, Mr. Foster and Mr. Wheeler of the Bureau of Reclamation and Holmes, Mathis, Pryor and Greene.

In the District file entitled "U. S. Army Engineers" are letters and telegrams received from Congressman Chenoweth in March and April of 1948, in answer to the request the District made to him in March that he use his influence to have an Interim Report prepared and prepared soon. In his letter of April 6th, he advised that the Interim Report had been authorized and that it would be completed about September.

On Dec. 4th, 1948, a telegram was received from Chenoweth regarding this report and Holmes, Greene and Rose met this same day for a conference. At this conference a phone call was put through to Chenoweth in Washington D. C., to ask if action on the matter could be expedited. The telegram of December 4th, two later telegrams are attached hereto; also two letters from him and a copy of a letter and a report sent by Colonel Hutchings to Mr. Chenoweth.

There being no further business, the meeting adjourned.

Edward D. Holmes

Secretary

Read and approved:

John M. Holmes
A. Mathis
Frank Pryor

STATE OF COLORADO, }
COUNTY OF PUEBLO. } ss.

IN THE DISTRICT COURT

NO. 17664

IN THE MATTER OF THE PUEBLO
CONSERVANCY DISTRICT.

ORDER TO CANCEL ASSESSMENTS
ON PROPERTY ACQUIRED BY THE
DISTRICT.

This matter coming on to be heard on the Petition of the Pueblo Conservancy District in the above entitled matter, the Court having examined the records herein and said verified Petition and being now fully advised in the premises doth find and order as follows:

1. That the Pueblo Conservancy District is the owner in fee simple of the following described lands, to-wit:

Lots Twenty-five (25) to Thirty-two (32), inclusive, in Block Twenty-nine (29), in South Pueblo.

2. That title to said lands was acquired by the District as part or in lieu of foreclosure of liens of the District represented by tax sale certificates for delinquent tax assessments.

3. That the Petitioner holds title to said property solely for the purpose of disposing of the same for the benefit of the holders of outstanding bonds and that all the lien interests of Petitioner in said lands, including the lien of future installments, is merged in said title.

4. That it is for the best interest of said District, bondholders thereof and all persons concerned that sale of said lands be made irrespective of the parcels into which the same was originally divided for purposes of assessments and that the same be sold free and clear of all liens of the District, including the lien of all future installments and that the proceeds of such sale be applied on payment of outstanding bond obligations of the District.

WHEREFORE, IT IS ORDERED in the premises that the Pueblo Conservancy District surrender to the County Treasurer for cancellation, as paid, all of the outstanding tax sale certificates

which are held by the Petitioner; and, further, that the County Treasurer be and he is authorized and directed to cancel all Conservancy Assessment Liens on said property; provided, however, that nothing herein shall prejudice the right of the Pueblo Conservancy District as to any further and additional assessments on said property made in the future, pursuant to the Conservancy Act of Colorado.

Done in open Court this 30th day of July,
A. D. 1948.

By the Court.

(sac) Harry Heddy
Judge.

State of Colorado }
County of Pueblo }

IN THE DISTRICT COURT

NO. 17664

IN THE MATTER OF THE }
PUEBLO CONSERVANCY }
DISTRICT }

ORDER TO SELL REAL ESTATE.

This matter coming on to be heard upon the Petition of the Pueblo Conservancy District in the above entitled proceeding pending in this Court for an order approving sale by the Pueblo Conservancy District of certain lands hereinafter described to The Denver & Rio Grande Western Railway Company for right of way purposes and the Court having examined the proceedings herein and said petition and having heard the evidence of petitioner in support thereof, and now being fully advised in the premises, doth find, ORDER AND DIRECT, as follows:

1. That the Court hath jurisdiction in the premises; and that the matters set forth in said petition are true and that the prayer of said petition should be granted accordingly.

2. That the sale by the Pueblo Conservancy District to The Denver & Rio Grande Western Railway Company, as set forth in the petition, is hereby approved and directed as to the following described property, to-wit:

All of that part of Lots twenty-six, twenty-seven (27), in twenty-eight (28), twenty-nine (29), and Thirty (30), in Block twenty-nine (29), South Pueblo, lying within eight and five tenths (8.5) feet on each side of the center line of said existing spur track, said center line of spur track beginning at a point in the northwesterly line of said Lot Thirty (30) located eight and forty-six hundredths (8.46) feet southwesterly from the most northerly corner of said Lot thirty (30); thence easterly along curve to right twelve and twenty-nine hundredths (12.29) feet to a point in the north-easterly line of said lot thirty (30) located eight and eighty-five hundredths (8.85) feet southeasterly from said most northerly corner of Lot thirty (30); thence continuing along curve to right thirty-nine and one tenth (39.1) feet to a point in the northeasterly line of said Lot twenty-nine (29) located thirty-nine and one tenth (39.1) feet south-easterly from the most northerly corner of said Lot twenty-nine (29); thence continuing along curve to right forty-seven and forty-seven hundredths (47.47) feet to a point in the northeasterly line of said Lot twenty-eight (28) located sixty and sixty-eight hundredths (60.68) feet northwesterly

from the most easterly corner of said Lot twenty-eight (28); thence continuing along curve to right a distance of sixty-five (65) feet to a point in the southeasterly line of said Lot twenty-seven (27) located one and sixty-five hundredths (1.65) feet southwesterly from the most easterly corner of said Lot twenty-seven (27).

3. That conveyance be made of said property by Quit Claim Deed of the Pueblo the Pueblo Conservancy District with reversion of title to the grantor upon cessation of use of railway trackage purposes by the grantee and for the agreed purchase price of \$1040.00 to be paid to the grantor as part of the assessment fund for retirement of outstanding bonds of the Pueblo Conservancy District.

Done this 9th day of Aug. 1948, in open court.

By the court.

(Sgd) Harry Leddy.
Judge.

STATE OF COLORADO }
COUNTY OF PUEBLO }

SS

IN THE DISTRICT COURT
NO. 17664

IN THE MATTER OF THE }
PUEBLO CONSERVANCY }
DISTRICT }

ORDER TO SELL REAL ESTATE

This matter coming on to be heard on the Petition of the Pueblo Conservancy District in the above entitled matter for an Order to sell the real estate hereinafter described; and the Court having examined said verified Petition and the records herein, and being now fully advised in the Premises doth find, order and adjudge as follows:

That the Pueblo Conservancy District is the owner in fee simple of the following described lands, to-wit:

Lots twenty-five (25) to thirty-two (32) inclusive in Block twenty-nine (29) in South Pueblo, a part of the City of Pueblo; subject to the existing right of way of The Denver and Rio Grande Western Railway Company as by instrument recorded in Book 1074, Page 201 of the records in the Office of the County Clerk and Recorder of Pueblo County.

That the said property is part of those certain parcels of property contained in the Order of this Court cancelling the assessments thereon entered in this proceeding on the 30th day of July 1948.

That the amount of Five Thousand Dollars (\$5000.00), as the purchase price of the above described property, is the fair and reasonable value thereof; that no greater price can be obtained at this time by the Pueblo Conservancy District after diligent effort, and it is for the best interests of the Pueblo Conservancy District and the bond holders thereof that the said lands be sold for the sum aforesaid.

WHEREFORE, IT IS ORDERED in the premises that the Pueblo Conservancy District convey to Ray Govi and Louis F. Govi the above described lands free and clear of all claims, liens and encumbrances for the purchase price of Five Thousand Dollars (\$5000.00) payable, in cash, to the Pueblo Conservancy District provided, however, that nothing in this Order shall be construed as authorizing exemption of said property from further assessment or the lien thereof not heretofore made.

Done this _____ day of November, 1948 in open court.

By: _____
Judge