

RECORD OF PROCEEDINGS

100 LEAVES

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

February 10, 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 11:00 A.M. o'clock on February 10, 1949.

Directors Present: John M. Holmes and Frank Pryor

Directors Absent: W. T. Mathis, who was in Phoenix, Arizona.

Reading of minutes of the meeting of December 9, 1948, and the meeting of December 16, 1948, was deferred until the next meeting as this meeting of February 10, 1949, had been called hurriedly for the purpose of considering a Resolution which had just been received from the Army Corps of Engineers at Albuquerque, New Mexico.

This Resolution had been submitted to the District with a letter explaining that it or a similar Resolution was the next step in connection with the building of the emergency back water levee.

The "RESOLUTION GRANTING ASSURANCES BY THE PUEBLO CONSERVANCY DISTRICT, PUEBLO, COLORADO, IN ORDER TO OBTAIN THE CONSTRUCTION OF AUTHORIZED EMERGENCY FLOOD CONTROL WORK, ARKANSAS RIVER, PUEBLO, COLORADO." was introduced by Mr. Pryor, who moved its adoption. The Resolution in its entirety is attached hereto and made a part hereof. Mr. Holmes seconded Mr. Pryor's motion and the two Directors present both voted in favor of it. Four copies of the Resolution were signed by the Directors and sent to the Army Corps of Engineers at Albuquerque, New Mexico,

There being no further business, the meeting adjourned.

Ellen D. Lemp
Secretary

Read and approved:

John M. Holmes
W. T. Mathis
Frank Pryor

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

WHEREAS, the Corps of Engineers, Department of the Army, United States of America, has submitted 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 an emergency exists for the construction of emergency work pending further flood control construction work at Pueblo, Colorado, and under the provisions of Section 5 of the 1941 Flood Control Act, as amended, the Corps of Engineers has been authorized to perform such emergency flood control work; 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 emergency flood control works to protect areas lying within the flood plain of the Arkansas River within and near the City of Pueblo, Colorado, and that said district realizes it is necessary to grant the Government assurances required by law and in consideration thereof 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 of America free from damages due to such construction work.

(c) Maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of the Army.

That the lands, rights of way and easements to be furnished by said district shall be those determined necessary by the United States substantially as shown within the "Limit of Right of Way" on Pueblo Emergency Levee Rights of Way Map, Plan No. 2, dated January 1949, prepared by the U. S. Engineer Office, Albuquerque, New Mexico. 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 to substantiate its title or interest in said lands, if 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 injury to persons for which the Federal Government would be liable under the constitution and laws of the United States.

In granting these assurances the district further understands and agrees that the acquisition of lands, easements and rights of way for said project not only includes the areas for the site of actual construction of structures, levees, borrow pits, access roads, and other rights in, on or over private property required for the project, but also comprehends the relocation and reconstruction of utilities and other publicly or privately owned property and facilities necessary for completion of said emergency work.

The Pueblo Conservancy District, Pueblo, Colorado, does adopt this resolution for the purpose of granting the assurances required by the United States of America for the construction of said emergency 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 Tenth day of February A. D. 1949.

WITNESSES:

Elbert D. [Signature]

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John M. Holmes Pres
Director, The Pueblo Conservancy District

WITNESSES:

Elbert D. Green

Elbert D. Green

Frank Ryoo
Director, The Pueblo Conservancy District

V. J. Mathip
Director, The Pueblo Conservancy District