

RECORD OF PROCEEDINGS

100 LEAVES

MINUTES OF MEETING OF THE BOARD OF DIRECTORS

OF THE PUEBLO CONSERVANCY DISTRICT.

SEPTEMBER 6, 1956.

A meeting of the Board of Directors of the Pueblo Conservancy District was held at the office of the District, 113 E. 5th St., at 10:00 A. M. September 6th, 1956.

Directors Present: John M. Holmes, W. T. Mathis, and Frank Pryor.
Also in attendance was Attorney Charles M. Rose.

The minutes of the meeting of June 7th, 1956, and August 21st, 1956, were read and approved.

The following vouchers were read and approved:

12696	Burroughs Corporation	18.00
12697	Underwood and Underwood	175.00
12698	John M. Holmes	127.40
12699	John M. Holmes	57.83
12700	Herman Klipfel, Postmaster	3.00
12701	Mountain States Tel. & Tel. Company	20.00
12702	Bertha Stephens	19.60
12703	Charles M. Rose	100.00
12704	Elbert D. Greene	89.23
12705	Director of Internal Revenue	8.40
12706	Colorado State Treasurer	19.60
12707	Colorado State Treasurer	1.11
12708	Pueblo Conservancy District, Special Acct.	800.00
12709	S. F. Elliot and V. R. Blackburn	125.00
12710	George E. Crouter	10.00
12711	Southern Colorado Power Co.	2.57
12712	Pueblo Gas & Fuel Co.	2.16
12713	Rocky Mountain Bank Note Company	.75
12714	O'Brien Printing & Stationery Co.	3.45
12715	Bertha Stephens	19.60
12716	Charles M. Rose	100.00
12717	Elbert D. Greene	89.23
12718	Director of Internal Revenue	8.40
12719	Southern Colorado Power Co.	1.66
12720	S. F. Elliot and V. R. Blackburn	125.00
12721	The First National Bank	12.59
12722	Pueblo Gas & Fuel Co.	1.17
12723	Mountain States Tel. & Tel. Co.	36.72
12724	Blackburn Engineering Co.	41.37
12725	Bertha Stephens	19.60
12726	Charles M. Rose	100.00
12727	Elbert D. Greene	89.23
12728	Director of Internal Revenue	8.40
12729	S. F. Elliot and V. R. Blackburn	125.00
12730	Southern Colorado Power Co.	1.03
12731	Pueblo Gas & Fuel Co.	.95

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Letter of Army Engineers, October 28, 1955, read, and ordered filed.

Holmes letter of July 11, 1956, to Col. Robert E. Cron, Corp of Army Engineers, Albuquerque, N. M. read and ordered filed.

Resolution granting use of river channel to City of Pueblo and District's participation read and approved and made a part of the minutes hereof.

Letter from Milo Flanders dated June 30, 1956, read. Holmes met with Flanders and explained the situation regarding the Southern Colorado Power Company's right of way. Letter ordered filed.

Letter from Edward F. Rizer dated July 31, 1956, was read. Reply of August 6, 1956, with reference to certain land in Block 2, Delevan Place Amended read and ordered filed.

State Highway request for use of certain Pueblo Conservancy District land adjacent to new Fourth Street Bridge in Delevan Place Amended, was read. Holmes was instructed to return the contract to the State Highway Department with certain conditions for redrafting of the agreement. Copy of letter filed.

Denver & Rio Grande Railroad letter regarding a certain small section of land adjacent to the Rio Grande right of way was read. It was moved by Pryor, seconded by Mathis, that Holmes negotiate with Attorney Preston of the Rio Grande and grant a Quit Claim Deed to such land upon the payment to be negotiated; Preston to draw the deed.

Underwood's audit reviewed by the Directors. Moved by Mathis and seconded by Pryor that same be accepted and filed.

The following resolution was submitted by Holmes who moved its acceptance and that it be made a part of the minutes of this meeting; seconded by Mathis and carried:

RESOLVED that in consideration of the long and valued services to the District by its Secretary-Treasurer, Mr. Elbert D. Greene, and in consideration of his present physical condition, that a leave of absence be extended to Mr. Elbert D. Greene for a period of ninety days with full compensation during the leave; and that the appreciation of the Board of Directors for his long and valued service is hereby expressed to him in this resolution.

It was moved by Mathis and seconded by Pryor that John M. Holmes, as President of the District, be authorized to hire whatever help at whatever compensation is necessary to carry on the affairs of the District during the leave of absence of the Secretary-Treasurer. Motion carried.

The following resolution was submitted by Pryor, seconded by Mathis, and carried:

BE IT RESOLVED by the Directors of the Pueblo Conservancy District that during the leave of absence of the Secretary-Treasurer and until further action of the Board, that approval of vouchers by John M. Holmes, as President, shall be sufficient; and John M. Holmes, as President of the District, is hereby authorized and directed to sign all checks issued by the District.

There being no further business the meeting adjourned at 11:30 A. M.

Read and approved:

Acting Secretary

J. M. Holmes
Frank Rye
W. J. Marshall

BLACKBURN ENGINEERING CO.

ENGINEERING DIVISION

DIAL LINCOLN 4-6823

111 EAST FIFTH STREET

P. O. Box 369

PUEBLO, COLORADO

3 May 1956

Pueblo Conservancy District
113 East 5th Street
Pueblo, Colorado

Gentlemen:

In accordance with your instructions I have studied the document as prepared by Mr. Rose concerning the conveyance to the City of Pueblo of certain lands for the proposed Elizabeth Street Extension Project. I wish to make the following comment for your consideration:

- This was included by Mr. T. S. Rose*
1. I can find nothing in the resolution or the petition to the District Court in which the parcel west of Victoria Avenue (part of Southern Colo. Power Co. cooling pond) is mentioned.
 2. I would suggest that the following conveyance be used in the quit claim deed to the City.

Parcel 1: All that part of the former Arkansas River Channel lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Twp. 20 South, Range 65 West of the 6th Principal Meridian, and in particular lying between the westerly line of Victoria Avenue and the easterly line of Main Street.

Parcel 2: ~~That~~ That part of the former Arkansas River Channel lying westerly of the westerly line of Victoria Avenue presently being used as a part of the cooling system of the Southern Colo. Power Co., more particularly described as follows:

Beginning at the most southerly point of lot 5, block "A", Kretchmers Subdivision of fractional block 1, of the State addition to Pueblo, according to the recorded plat of said addition; thence in a southwesterly direction along the northwesterly property line of Victoria Avenue, a distance of 40 feet to the point of beginning for the below described property:

Beginning at said point of beginning, thence N. 45° W., a distance of 105.96 feet; thence N. 42°-14' W., a distance of 50.00 feet; thence S. 33°-10' E., a distance of 159.50 feet; thence N. 45°-14'-30" E., a distance of 30.00 feet, more or less, to the point of beginning. Parcel of land contains 0.054 acres, more or less. ✓

Very truly yours,

By:



S.F. Elliot

Engineer for the District

SFE:kc

RESOLUTION

Whereas the City of Pueblo has prepared maps and plans, filed with the Pueblo Conservancy District, showing a proposed city project for filling the "old channel" of the Arkansas River, generally described as between Victoria Avenue and Main Street, and for the use thereof as a public street and highway, including provisions for preservation of drainage access from certain adjoining territory; and the Board of Directors of this District having considered the same now finds:

1. That the acquisition of the "old channel" as part of the original "Official Plan" of the District was for the purpose of abandonment thereof as a stream channel and the construction of a new channel for the Arkansas River, and to provide for the inlet and outlet of adjudicated water rights of the Southern Colorado Power Company, and to afford access for local flood drainage in certain areas, and for such other undetermined use as the purposes and powers of the District might warrant. That prior to the acquisition thereof by the District such "old channel" was owned and constructed by the City of Pueblo for stream and flood control.
2. That under present conditions of city growth and increase of traffic, restoration of such portion of the "old channel" to public use as a street and highway is in the public interest, is the most valuable use to which said property can be devoted; and arises from and is occasioned by the non-user of such property by the district for any other purpose.
3. That such city project does not impair any works or purposes under the "Official Plan" of the District, but on the contrary complements and augments the same; and the general benefits to the City of Pueblo derived therefrom are of the same extent and character as though the project had been constructed by the district and the cost originally assessed against the city.

4. That all expenses of the city project shall be paid by the City of Pueblo except as provided in paragraph 5; that no assessment by the District is required or will be made and no resulting damages will accrue against the district.
5. That for insuring preservation of access to the "old channel" for local flood-drainage from certain adjoining territory, and for the preparation of the "old channel" to carry such drainage, for which district purpose the "old channel" is presently available, the District will contribute to the expense of the project the cost of material and an equitable share of installation cost of such drainage connections wholly within the "old channel" and the walls thereof as shown by plans. That such estimated cost does not exceed \$6500.00 dollars.
6. Any conveyance or agreement made by the district shall be subject to the existing rights of the Southern Colorado Power Company in and to the lands involved.
7. The city shall hold the district harmless against any and all claims of whatever character arising out of the construction, maintenance and use of the said project.
8. Nothing in this resolution or any conveyance or agreement authorized shall be construed as a relinquishment of the general statutory jurisdiction and powers of the district with reference to lands involved in the project.
9. Any conveyance by the District to the city of the lands involved in the project shall be in the nature of a quit claim of an easement for and in consideration of construction of the project within a reasonable time, and the maintenance thereof for the same public purposes as shown by the plans. Otherwise, the easement so conveyed shall revert to the district.

Now Therefore, be it resolved by the Directors of the Pueblo Conservancy District:

- (a) That upon consideration of the foregoing matters, the maps and plans of the City of Pueblo for the filling of the "old channel" and the construction of the public street and highway therein between Victoria Avenue and Main Street, be and the same are hereby approved.

- (b) That the President of the District is hereby authorized to quit claim by deed of the Pueblo Conservancy District to the City of Pueblo an easement in the lands in the "old channel" required for said project as shown by the aforesaid plans and as may be more precisely described, subject however to all the terms and conditions above set forth in paragraphs 4 to 9 inclusive.

STATE OF COLORADO)
) SS
COUNTY OF PUEBLO)

I hereby certify that the foregoing is a correct copy of the Resolution of the Directors of the Pueblo Conservancy District adopted the 6TH day of Sept., 1956, as appears in the records of the minutes of a meeting of said Directors of the same date.

Witness my hand and the seal of the Pueblo Conservancy District.

Ellen L. Greene
Secretary-Treasurer of the
Pueblo Conservancy District

STATE OF COLORADO }
COUNTY OF PUEBLO }

SS

IN THE DISTRICT COURT

IN THE MATTER OF THE PUEBLO CONSERVANCY DISTRICT

Civil Proceeding No. _____

Petition for Approval of Proposed District Action in
re "Old Channel" City Project

Comes now the Board of Directors of the Pueblo Conservancy
District and show to the court in the premises:

1. That the City of Pueblo has prepared maps and plans and filed the same with the Pueblo Conservancy District, showing a proposed city project for filling the "old channel" of the Arkansas River, generally described as between Victoria Avenue and Main Street, and for the use thereof as a public street and highway; that the petitioner has duly considered the same and has adopted the Resolution hereto attached and made a part of this petition, setting forth their proposed action in the premises the facts upon which the same are based and the reasons therefor.
2. That such city project does not impair any works or purposes under the "Official Plan" of the District, but on the contrary complements and augments the same; and the general benefits to the City of Pueblo derived therefrom are of the same extent and character as though the project had been constructed by the District and the cost originally assessed against the city.
3. That no assessment by the District is required or contemplated or will be made, and no resulting damages will result against the city.

4. That for insuring preservation of access to the "old channel" for local flood-drainage from certain adjoining territory, and for the preparation of the "old channel" to carry such drainage, for which district purpose the "old channel" is presently available, the District will contribute to the expense of the project the cost of material and an equitable share of installation cost of such drainage connections wholly within the "old channel" and the walls thereof as shown by plans. That such estimated cost does not exceed \$6500.00 dollars.
5. That the conveyance of an easement by quit claim deed by the District to the City of Pueblo will not in anywise affect the powers or jurisdiction of the District with reference thereto for the purposes of the District including flood protection.

Wherefore, petitioner prays that the court approve the action of the Directors of the Pueblo Conservancy District as set forth in the Resolution aforesaid, and authorize the further action contemplated therein as set forth in said proposed Resolution.

BOARD OF DIRECTORS
PUEBLO CONSERVANCY DISTRICT

BY John M. Holmes, President

STATE OF COLORADO }
COUNTY OF PUEBLO } SS

Comes now John M. Holmes and being first duly sworn says that he is the President of the Pueblo Conservancy District; that he has read the foregoing and attached petition and knows the contents thereof, and that the things therein stated are true of his own knowledge, information and belief.

John M. Holmes, President

Subscribed and acknowledged before me this 6th day of Sept, 1956.

Notary Public

My commission expires _____.

STATE OF COLORADO
COUNTY OF PUEBLO

} SS

IN THE DISTRICT COURT

IN THE MATTER OF THE PUEBLO CONSERVANCY DISTRICT
Civil Proceeding No. _____

Order on Petition for Approval of Proposed District Action in re
"Old Channel-City Project"

The petition of the Pueblo Conservancy District for approval of action of the Board of Directors thereof in re "Old Channel-City Project" coming on to be heard in due course, and the court having considered the same and being now fully advised in the premises doth find that the matters and things set forth in said petition are true and the prayer thereof should be granted accordingly; and such order of approval is hereby made and entered in the above entitled proceeding.

Done this 6th day of Sept, 1956.

BY THE COURT

(Sgd) L. Philip Fairbairn
Judge

QUIT CLAIM DEED

KNOW ALL MEN BY THESE PRESENTS: That for the consideration and on conditions hereinafter set forth, the Pueblo Conservancy District, a public corporation, doth hereby convey and quit claim unto the City of Pueblo, a municipal corporation, an easement in and to and upon the following described lands in Pueblo County, Colorado, for public street, highway, and storm sewer drainage purposes, to-wit:

Parcel 1: All that part of the former Arkansas River Channel lying in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 36, Township 20 South, Range 65 West of the Sixth Principal Meridian, and in particular lying between the westerly line of Victoria Avenue and the easterly line of Main Street.

Parcel 2. That part of the former Arkansas River Channel lying westerly of the westerly line of Victoria Avenue presently being used as a part of the cooling system of the Southern Colorado Power Co., more particularly described as follows:

Beginning at the most southerly point of lot 5, block "A", Kretchmers Subdivision of fractional block 1, of the State addition to Pueblo, according to the recorded plat of said addition; thence in a southwesterly direction along the northwesterly property line of Victoria Avenue, a distance of 40 feet to the point of beginning for the below described property:

Beginning at said point of beginning, thence N. 45° W., a distance of 105.96 feet; thence N. 42°-14' W., a distance of 50.00 feet; thence S. 33°-10' E., a distance of 159.50 feet; thence N. 45°-14'-30" E., a distance of 30.00 feet, more or less, to the point of beginning. Parcel of land contains 0.054 acres, more or less.

Subject to all rights of the Southern Colorado Power Company in and to all and each of said parcels of land, which rights are excepted from this conveyance.

The consideration for this conveyance is the full and complete completion within a reasonable time of a project for public streets and drainage systems as shown by the plans therefor filed with the

grantor herein, and the maintenance thereof for the same public purposes. The conditions of this conveyance are such:

- (a) That all costs and expenses of the city project shall be paid by the City of Pueblo except for agreed contribution by the grantor for material and installation costs of drainage connections wholly within the property described.
- (b) That the grantee shall defend and hold the District harmless against any and all claims of whatever character arising out of the construction, maintenance and use of said project.
- (c) That nothing in this conveyance shall be construed as a relinquishment of the general statutory jurisdiction and powers of the grantor with reference to the lands or interests therein conveyed.

It is especially agreed between the grantor and the grantee herein that upon the failure of the stated consideration herein, or upon breach of any of the conditions aforesaid, the grantor may at its option cancel this conveyance whereupon all rights conveyed shall revert to the grantor; or may require the grantee by civil action to fulfill the terms of consideration and the conditions hereof as above set forth.

To Have and Hold the said property for the purposes and uses set forth and not otherwise.

Done this 4th day of October, 1956.

PUEBLO CONSERVANCY DISTRICT
Public Corporation

BY _____

President

STATE OF COLORADO)
COUNTY OF PUEBLO) SS

The foregoing instrument was acknowledged before me this 4th day of October, 1956, by John M. Holmes, President of the Pueblo Conservancy District, a public corporation.

Witness my hand and official seal.

(Sgd)

Laura Sans Soto
Notary Public

My commission expires _____.

RESOLUTION NO. 834

A RESOLUTION ACCEPTING THE DEED OF THE
PUEBLO CONSERVANCY DISTRICT CONVEYING
TO PUEBLO RIGHTS IN THE FORMER CHANNEL
OF THE ARKANSAS RIVER ACCORDING TO THE
TERMS AND CONDITIONS THEREOF

IT IS RESOLVED BY THE CITY COUNCIL OF PUEBLO, that:

SECTION 1.

The deed of the Pueblo Conservancy District conveying to
the City of Pueblo rights in the former Channel of the Arkansas
River, be and same is hereby accepted according to the terms
and conditions thereof.

SECTION 2.

The City Clerk is hereby directed to record said deed
in the office of the Clerk and Recorder of Pueblo County, Colorado.

SECTION 3.

The City Clerk is hereby directed to furnish the Pueblo
Conservancy District with a certified copy of this resolution.

INTRODUCED October 8, 1956

BY CHAS. H. BOUSTEAD
Councilman

APPROVED:

C. J. BURRESS, JR.
President of the Council

ATTEST:

MARY E. WEAVER

City Clerk

I, Mary E Weaver, City Clerk of the City of Pueblo, Colorado, do
hereby certify that the above is a true and correct copy of Resolution
No. 834, adopted by the Council of Pueblo on October 8, 1956 and on
file in this Office.

IN WITNESS WHEREOF, I HAVE hereunto set my hand and affixed the Seal
of the City of Pueblo, Colorado, this 16th day of November, 1956.

(SEAL)

Mary E Weaver City Clerk