

RECORD OF PROCEEDINGS

100 LEAVES

MINUTES OF THE BOARD OF DIRECTORS MEETING OF THE PUEBLO CONSERVANCY DISTRICT APRIL 28, 1969

A meeting of the Board of Directors was held at the office of the Pueblo Conservancy District at 4:00 P.M. on April 28, 1969.

DIRECTORS PRESENT : J. M. Martin and L. M. Rhoades
Mr. Taylor was absent
ATTORNEYS PRESENT : Walter Predovich and Lester Ward
ENGINEER PRESENT : Simon F. Elliot

The meeting was called to order by the President. The minutes of the March 20, 1969 meeting were read and approved.

The treasurer reported a cash balance of \$11,850.17. The following vouchers were approved:

15023	Walter W. Predovich	\$100.00
15024	Lewis M. Rhoades	95.20
15025	James M. Martin	71.40
15026	Rose M. Hutchison	64.26
15027	Steve Hutchison	19.04
15028	Elliot & Associates, Inc.	150.00
15029	Department of Employment	80.64
15030	Department of Revenue of Colo.	4.98
15031	U. S. Treasury Department	45.00
15032	Pueblo Gas & Fuel Co.	11.60
15033	Southern Colorado Power Co.	8.39
15034	Walter W. Predovich	100.00
15035	Lewis M. Rhoades	35.00
15036	James M. Martin	35.00
15037	Robert W. Taylor	35.00
15038	Simon F. Elliot	35.00
15039	Lewis M. Rhoades	95.20
15040	James M. Martin	71.40
15041	Rose M. Hutchison	64.26
15042	Steve M. Hutchison	19.04

A matter concerning certain delinquent Tax Certificates held in the estate of J. J. Finnegan were directed released to the County Treasurer as follows: 64746, 75191, 77949, 90513, 87797, 85475, 88120, 90884, 92878, 94693, 96335, 97611, 98727, 100000, 101055, 102352, 103621, 104612, 105471, 106311, 107093, 108080, 109071, 109881. These had been designated as Non Collectible Tax Certificates and will now be cancelled.

The directors and Elliot, on 22 April 1969 had each received a summons to appear in Div. B., District Court at 8:30 A.M. on May 1st, regarding an injunction being filed by Frank W. and Anna E. Krasovec, to prohibit the Directors from entering and fencing the 50' strip of land adjacent to the Conservancy levee, just west of Santa Fe Avenue, adjacent to Krasovec.

Elliot was erroneously named as a Director and defendant, a matter that will be corrected at the hearing, and the necessary documents were being drawn by the attorneys to correct this error.

The balance of the meeting was spent in discussing the matter, and assembling the necessary facts and documents to substantiate the stand that the District has title to the 50' strip of land, and that Krasovec has been made aware of this,

RECORD OF PROCEEDINGS

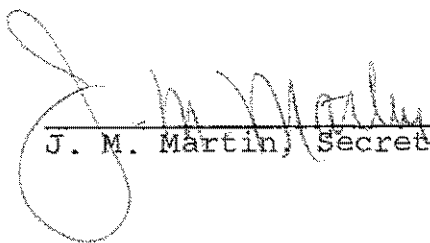
100 LEAVES

Meeting of April 28, 1969, Con't.

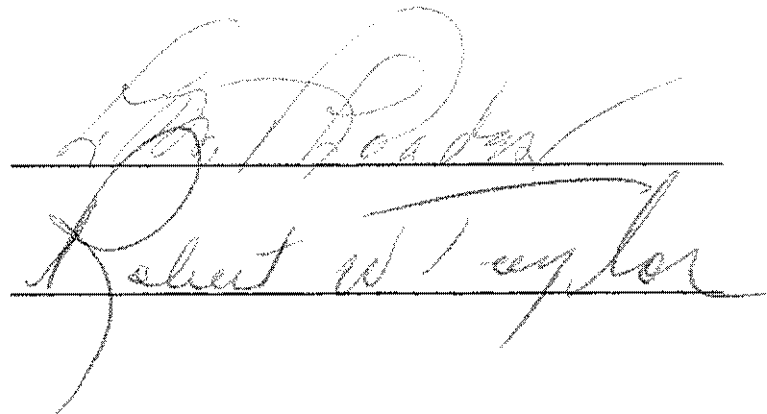
and has, by his former actions, known this to be true.

A copy of the Summons, etc., is attached to these minutes.

There being no further business, the meeting was adjourned at 5:00 P.M.


J. M. Martin, Secretary

READ AND APPROVED:


Robert W. Taylor

COPY

IN THE DISTRICT COURT IN AND
FOR THE COUNTY OF PUEBLO AND
STATE OF COLORADO

60475 DIV. B

FRANK W. KRASOVEC and
ANNA E. KRASOVEC,

Plaintiff s,

vs.

PUEBLO CONSERVANCY DISTRICT and
LEWIS M. RHOADES, JAMES MARTIN,
SIMON F. ELLIOT and ROBERT TAYLOR,
as members of the Board thereof,

SUMMONS

Defendants.

THE PEOPLE OF THE STATE OF COLORADO:

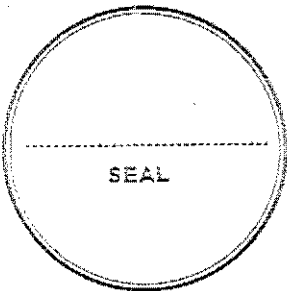
To the above named defendant, GREETING:

~~You are hereby summoned and required to file with the clerk an answer to the complaint within 30 days after service of this summons upon you. If you fail so to do, judgment by default may be taken against you for the relief demanded in the complaint.~~

~~If service upon you is made outside the State of Colorado, or by publication, or if a copy of the complaint be not served upon you with this summons, you are required to file and serve your answer to the complaint within 30 days after service of this summons upon you.~~

This is an action* for injunction, both temporary and permanent, restraining the defendants in the above entitled action from encroaching upon and erecting a fence upon plaintiffs' property as more fully described in the Complaint attached.

COPY



Given under my hand and the Seal of said Court,

at the City of Pueblo in said County, this

day of

A. D. 19

MARIE E. HORNE,
Clerk of said Court.

By

Deputy Clerk

Edwin K. McMartin

Attorney for Plaintiffs

Address 203 Bon Durant Bldg.,
Pueblo, Colorado 81003
544-7262

*If the summons is published or served without a copy of the complaint, after the word "action" state the relief demanded, if body execution is sought, the summons must state "founded upon tort."

IMPORTANT MESSAGE

FOR Ray -
 DATE 12-9 TIME 9:00 PM
 M. Ron Dobson
 OF Mild Life
 PHONE Expir 1979 545-2216 EXT 1

TELEPHONED		PLEASE CALL	☒
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE about expired
Lease on Runyon Lake
with Concomery Dick

SIGNED _____
 LITHO IN U.S.A.

IN THE DISTRICT COURT IN AND FOR THE COUNTY
OF PUEBLO AND STATE OF COLORADO

no 60475

Div.

DIV. B

FRANK W. KRASOVEC and
ANNA E. KRASOVEC,

Plaintiffs,

vs.

PUEBLO CONSERVANCY DISTRICT and
LEWIS M. RHOADES, JAMES MARTIN,
SIMON F. ELLIOT and ROBERT TAYLOR,
as members of the Board thereof,

Defendants

COMPLAINT FOR
INJUNCTION

Plaintiffs complain of the defendants, and for cause of
action allege:

1. That the plaintiffs are residents of the County of
Pueblo, State of Colorado;
2. That the defendant, Pueblo Conservancy District, is
a body politic, and that the defendants, Lewis M. Rhoades,
James Martin, Simon F. Elliot and Robert Taylor, are the
directors thereof;
3. That on or about the 28th day of February, 1969, and
again on the 17th day of April, 1969, the defendants did
threaten, promise and state unto the plaintiff, Frank W.
Krasovec that they would, on April 23, 1969, encroach upon
his land and in fact fence a portion of the defendants' land,
so as to make the use thereof impossible for the defendants,
the same being a strip of land 50 ft. Northerly from the Pueblo
Conservancy District Wall, said property being hereinafter
described;
4. That the defendants have encroached upon said land
of the plaintiffs and have used said property and rented a
portion of said land to a sign company, which has erected signs
and billboards upon plaintiffs' property;

5. That the plaintiffs are owners of Lots 1 to 6 inclusive and all that portion of Lots 7 and 8 lying North-easterly of Conservancy Wall in Block 21 in Stanton & Snyder's Subdivision, according to the recorded plat thereof, filed for record June 6, 1887;

6. That the erection of said fence and billboards and the removal thereof will cause permanent and irreparable damages by the loss of the use of said premises and the destruction of the property for the removal thereof;

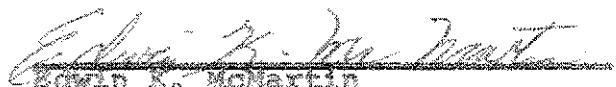
7. That unless an injunction issue herein, enjoining the defendants from further proceedings, immediate and irreparable injury, loss and damage will result to the plaintiffs herein;

8. That a multiplicity of suits will result unless the defendants are enjoined from the threatened action complained of herein;

9. That the plaintiffs have no adequate remedy at law, or otherwise for the harm and damage done or threatened to be done by the defendants.

WHEREFORE, plaintiffs pray that defendants be permanently enjoined from encroaching upon, using, renting and fencing out the plaintiffs as stated herein, and

FURTHER PRAYS that during the pendency of this action, a temporary injunction issue to enjoin and restrain the defendants from the acts and conduct aforesaid.


Edwin K. McMartin
Attorney for Plaintiffs
203 Bon Durant Building
Pueblo, Colorado 81003
544-7262

COPY

STATE OF COLORADO)





County of Pueblo 18

FRANK M. KRASOVEC, and ANNA E. KRASOVEC, of lawful age, being first duly sworn upon oath, deposes and says: that they are the plaintiffs in the foregoing action; that they have read the foregoing Complaint, know the contents thereof, and the same are true to the best of their knowledge, information and belief.

Frank W. Kravovoc

NOTES

Subscribed and sworn to before me this _____ day of _____

100.

VOLUME 6

CONFIDENTIAL

COPI

IN THE DISTRICT COURT IN AND FOR THE COUNTY

OF PUEBLO AND STATE OF COLORADO

NO. 60475 DIV.

DIV. B

FRANK W. KRASOVEC and
ANNA E. KRASOVEC,

Plaintiffs,

vs.

PUEBLO CONSERVANCY DISTRICT and
LEWIS M. RHOADES, JAMES MARTIN,
SIMON F. ELLIOT and ROBERT TAYLOR,
as members of the Board thereof,

Defendants

ORDER FOR ISSUANCE
OF WRIT OF INJUNCTION

The plaintiffs in the above entitled cause, having commenced an action in the District Court of the County of Pueblo, State of Colorado, against the above named defendants, and having prayed for an injunction against the said defendants, requiring them to refrain from certain acts in said complaint, and hereinafter more particularly mentioned, on reading the said Complaint in said action, duly verified by the oath of said plaintiffs, and it satisfactorily appearing to me therefrom that it is a proper case for an injunction, in that immediate and irreparable injury, loss or damage will result to the plaintiffs by the erection of the fence, in that the fence and the placement of the billboards upon plaintiffs' property, for the reason that the removal thereof will cause destruction of plaintiffs' property and the loss or use thereof, and that sufficient grounds exist therefor,

IT IS HEREBY ORDERED that upon filing by said plaintiffs of an undertaking in the sum of \$_____, duly conditioned as required by law, with the Clerk of said Court, there issue

out of such Court, under the seal thereof, a writ of injunction restraining said defendants, their agents, servants, attorneys, lessees and employees, and all others acting in aid of or assistance of each and every one of them, from encroaching upon, using, renting and fencing out the plaintiffs until the further Order in the premises; and that they appear before me at 8:30 o'clock A..M., the 15th day of May, 1969, and show cause, if any there be, why said injunction shall not be made perpetual.

Dated this 22nd day of April, 1969.

BY THE COURT:

Edward M. Gurnick
JUDGE

COPY

IN THE DISTRICT COURT IN AND FOR THE COUNTY
OF PUEBLO AND STATE OF COLORADO

NO 60475

DIV.

DIV. 5

FRANK W. KRASOVEC and
ANNA E. KRASOVEC,

Plaintiffs,

vs.

PUEBLO CONSERVANCY DISTRICT and
LEWIS M. RHOADES, JAMES MARTIN,
SIMON F. ELLIOT and ROBERT TAYLOR,
as members of the Board thereof,

Defendants

UNDERTAKING FOR
TEMPORARY INJUNCTION

Whereas, by an Order of the above entitled Court made
on the 22nd day of April, 19 69, plaintiffs were
required to file an undertaking in the sum of \$ 100.00
in this action, wherein were granted a temporary injunction
restraining and enjoining the above named defendants from the
commission of certain acts as in the complaint filed in said
action are more particularly set forth and described.

Now, therefore, we the undersigned, as principal
residents of the County of Pueblo, State of Colorado, in
consideration of the premises and of the issuing of said
temporary injunction, do jointly and severally undertake in
the sum of \$ 100.00, that said plaintiffs, Frank W.
Krasovec and Anna E. Krasovec, will pay to the party enjoined
such costs, not exceeding the said sum of \$ 100.00, as
said party may sustain by reason of said injunction, if the
Court finally decides that the plaintiffs were not entitled
thereto.

In witness whereof, we have set our hands this 22nd
day of April, 19 69.

Frank W. Krasovec
Anna E. Krasovec

IN THE DISTRICT COURT IN AND FOR THE COUNTY

OF PUEBLO AND STATE OF COLORADO

no. 60475 DIV. DW. B

FRANK W. KRASOVEC and
ANNA E. KRASOVEC,

Plaintiffs,

vs.

PUEBLO CONSERVANCY DISTRICT and
LEWIS M. RHOADES, JAMES MARTIN,
SIMON F. ELLIOT and ROBERT TAYLOR,
as members of the Board thereof,

Defendants

ORDER OF INJUNCTION

COPY
TO: PUEBLO CONSERVANCY DISTRICT and LEWIS M. RHOADES,
JAMES MARTIN, SIMON F. ELLIOT and ROBERT TAYLOR, as members
of the Board thereof, Defendants in the above entitled action:

This cause came on for hearing upon the Complaint of the
plaintiffs, verified and submitted to me, on consideration
whereof it is ordered that an injunction be granted herein,
enjoining the defendants, Pueblo Conservancy District and
Lewis M. Rhoades, James Martin, Simon F. Elliot and Robert
Taylor, as members of the Board thereof, from encroaching
upon, using, renting and fencing out the plaintiffs, until
further order of this Court.

This order is to take effect upon plaintiffs' executing
and delivering unto the Clerk of the District Court an under-
taking in the sum of \$ 100⁰⁰, with approved sureties,
conditioned as required by law.

This Order is made without prejudice to the rights of
the defendants at any time hereafter to move to vacate the
injunction hereby granted whenever so advised.

Dated this 33rd day of April, 1969.

BY THE COURT:

James M. Garfield
JUDGE