

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
DBA SAN ISABEL ELECTRIC SERVICES, INC.,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO SUPPLY THE PUBLIC)
ELECTRIC SERVICE FOR LIGHT, HEAT, POWER)
AND OTHER PURPOSES IN THE TERRITORY)
DESCRIBED IN THIS APPLICATION LOCATED)
IN PUEBLO COUNTY, COLORADO.)

APPLICATION NO. 23873

IN THE MATTER OF THE APPLICATION OF)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
DBA SAN ISABEL ELECTRIC SERVICES, INC.,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRIC ENERGY IN)
PORTIONS OF THE COUNTY OF PUEBLO, STATE)
OF COLORADO.)

APPLICATION NO. 24096-Amended

IN THE MATTER OF CENTRAL TELEPHONE &)
UTILITIES CORPORATION, OF WHICH SOUTHERN)
COLORADO POWER COMPANY IS A DIVISION,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO OPERATE AS A PUBLIC)
UTILITY DISTRIBUTING ELECTRICAL ENERGY)
IN CERTAIN PORTIONS OF THE COUNTY OF)
PUEBLO, STATE OF COLORADO.)

APPLICATION NO. 24655

CENTRAL TELEPHONE & UTILITIES CORPORATION,)
Complainant,)
vs.)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
d/b/a SAN ISABEL ELECTRIC SERVICES,)
INC., a Corporation,)
Respondent.)

CASE NO. 5403

CENTRAL TELEPHONE & UTILITIES CORPORATION,)
Complainant,)
vs.)
SAN ISABEL ELECTRIC ASSOCIATION, INC.,)
d/b/a SAN ISABEL ELECTRIC SERVICES, INC.,)
a Corporation,)
Respondent.)

CASE NO. 5421

DECISION AND ORDER OF THE COMMISSION

December 9, 1970

Appearances: Alvin J. Meiklejohn, Jr.,
Esq., Denver, Colorado, and
David E. Driggers, Esq.,
Denver, Colorado, for San
Isabel Electric Association,
Inc.;
Harry S. Petersen, Esq.,
Pueblo, Colorado, and
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Central Telephone & Utilities
Corporation;
B.W. O'Brien, Esq., Los Angeles,
California, and
John P. Akolt, Jr., Esq.,
Denver, Colorado, for
McCulloch Properties, Inc.;
Girts Krumins, Esq., Denver
Colorado, for the Staff of
the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above captioned and numbered proceedings present related matters and will be disposed of here in one decision and order. Following numerous intermediate hearings all of these matters were set for final hearing and heard at the hearing room of the Commission on Monday, December 7, 1970. Notice of these hearings and the pendency of the proceedings has been given several times to all persons who might be interested in or affected by any order which the Commission might enter herein. To the extent that any of these matters might have been assigned to an individual Commissioner for hearing and recommendation of an appropriate decision and order, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires the omission of a recommended decision and the Commission has determined in such proceeding to enter the initial decision.

These proceedings all relate to a dispute between two electric public utilities over which of said utilities shall perform electric utility service within portions of Pueblo County. The contestants are San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., herein referred to as "San Isabel", and Southern Colorado Power Company, a Division of Central Telephone and Utilities Corporation, herein referred to as "Southern Colorado". In view of the fact that no one opposes San Isabel's Application No. 24096-Amended, and no one opposes Southern Colorado's Application No. 24655, no useful purpose would be served by unduly lengthening this decision with an elaborate resume of the basic facts which have been made to appear in the several hearings which have been held by this Commission. In fact, not only do San Isabel and Southern Colorado not oppose one another, each supports the application of the other, as amended.

In Application No. 24096-Amended San Isabel seeks an exclusive area certificate of public convenience and necessity to render electric service as a public utility within that portion of Pueblo County as set forth in Appendix "A" to this decision. In Application No. 24655 Southern Colorado seeks an exclusive area certificate of public convenience and necessity to render electric service as a public utility within that portion of Pueblo County set forth in Appendix "B" attached to this decision. The boundary lines in the attached Appendix "A" and Appendix "B" are intended to be mutually complementary and to exactly abut one another.

In Application No. 23873, filed July 22, 1969, San Isabel sought an exclusive area certificate of public convenience and necessity to render electric service as a public utility within a described portion of Pueblo County. San Isabel has abandoned prosecution of that application. It will not be further considered and in the order provisions to follow it will be dismissed. In Case No. 5403, filed

September 5, 1969, Southern Colorado complained that San Isabel was engaged in certain alleged unauthorized extensions of San Isabel's electric system. In Case No. 5421, filed February 17, 1970, Southern Colorado complained that San Isabel was constructing certain transmission, substation and distribution facilities which in Southern Colorado's view were unauthorized. In view of the disposition which we shall make of Application No. 24096-Amended and Application No. 24655, complaint dockets Case No. 5403 and Case No. 5421 will become moot. They will not be further considered and these complaints will be dismissed in the order provisions to follow.

A brief background of these proceedings will be helpful. Both Southern Colorado and San Isabel have performed public utility electric service within the County of Pueblo for many years. Southern Colorado's operations started shortly after the turn of the century. San Isabel commenced operations as a rural electric cooperative in about 1932. It became a regulated public utility subject to our jurisdiction within the County of Pueblo in 1958.^{1/} For a good many years the operations of these two utilities within Pueblo County supplemented or complemented one another. There was very little, if any, duplication of facilities and the two companies apparently cooperated rather extensively with one another to the end that the public was adequately served by the utility most economically able to do so. As time went by and the two electric systems continued to extend and expand, there commenced to be a certain amount of friction along the border between these facilities of the two systems. This culminated in the dispute as to which utility should serve the area west of the City of Pueblo which is known as "Pueblo West". Each of the parties then took the position that they were each entitled--and in fact required--to serve the entire County of Pueblo by virtue of

^{1/} Prior to the 1961 amendments to the Public Utilities Law which made all electric cooperatives public utilities.

claimed "grandfather rights" and orders or other expressions of this Commission. In view of the amended applications of the parties and considering that each supports the amended application of the other, together with the further fact that each has expressly abandoned any territorial claims which it might have to the area embraced within the amended application of the other, it is unnecessary for us to decide the legitimacy of the territorial claims formerly made by either of the parties and we expressly refrain from doing so.

Considering the hotly disputed nature of these proceedings and the vigorous manner in which the parties initially presented their points of view, they are to be highly commended for their efforts which culminated in the filing of the amended applications. In considering and disposing of these amended applications and the related matters we should make one point emphatically plain. While the Commission is appreciative of the cooperative attitude displayed by the two competing utilities, the Commission has in the resolution of these matters carefully considered the public interest and the requirements of the present and future public convenience and necessity.

SOUTHERN COLORADO POWER COMPANY,
A DIVISION OF CENTRAL TELEPHONE & UTILITIES CORPORATION

Central Telephone & Utilities Corporation, of which Southern Colorado Power Company is a Division, is a corporation organized and existing under the laws of the State of Kansas. It is presently operating as a public utility under certificates of public convenience and necessity from this Commission, generally engaged in the generation, transmission, distribution and sale of electric energy within the Counties of Pueblo, Fremont, Otero, Crowley, Custer and El Paso.

Southern Colorado proposes to render service to the general public in the distribution and sale of electric energy within the area described in the attached Appendix "B", all of which is entirely

within Pueblo County.

Southern Colorado is ready, fit, willing and able to render such service and in truth and in fact has rendered such service in said area for many years. It has adequate financial ability and facilities to render such service and the capability of acquiring, erecting and constructing any and all additional facilities that might be required to render adequate electric service to the consuming public within said territory.

SAN ISABEL ELECTRIC ASSOCIATION, INC.,
D/B/A SAN ISABEL ELECTRIC SERVICES, INC.

San Isabel is a corporation organized and existing under the corporate and cooperative laws of the State of Colorado and is presently operating as a public utility under certificates of public convenience and necessity issued by this Commission, generally engaged in transmission, distribution and sale of electric energy to its member and non-member customers within Las Animas, Huerfano, Pueblo, Fremont and Custer Counties.

San Isabel proposes to render electric utility service to the general public within the area described in Appendix "A" attached hereto, which area is wholly within Pueblo County.

San Isabel is ready, fit, willing and able to render such service and in truth and in fact has rendered such service in the area for which it applies for many years. It has adequate financial ability and facilities to render said service and the capability of acquiring, erecting and constructing any and all additional facilities that might be required to render adequate electric utility service to the consuming public within said territory.

G E N E R A L

Within the areas which are applied for by each of the public utilities here before the Commission each such utility is overwhelmingly the predominant utility. The boundary line between the two areas has

given effect to the portions of the County of Pueblo where each of the utilities has its facilities, lines and service in place. Within the areas applied for each utility has a substantial investment in utility plant and facilities. Each provides an entirely adequate and dependable service within the area for which it applies. It is obvious that within the area for which Southern Colorado applies, as shown on the attached Appendix "B", it is most feasibly able to perform and to continue to perform electric utility service. Within the area for which San Isabel applies, as shown on the attached Appendix "A", it is the utility most feasibly able to perform electric utility service and to continue to perform such service within said area.

There are or may be customers of San Isabel located within the territory which Southern Colorado seeks for certification. Similarly, Southern Colorado may have customers located within the territory sought to be certificated to San Isabel. The utility whose customers may be in the area certificated to the other applicant utility may continue to serve said customer for a period up to five years. Within this five-year period the utility in whose area said customers are located shall make arrangements to purchase such facilities and customers from the other utility in a manner which will afford the convenient transfer of service for said customers.

The parties are in agreement that they should be able to accomplish this with a minimum of inconvenience to the customers and to the utilities.

F I N D I N G S

THE COMMISSION FINDS:

1. The above and foregoing Statement should be, and it hereby is, incorporated by reference.
2. That the present and future public convenience and necessity requires and will require that Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be

authorized to abandon its electric public utility service, and any claims which it may have to territory within which it is authorized and required to perform electric public utility service, within that portion of Pueblo County described in the attached Appendix "A".

3. That the present and future public convenience and necessity requires and will require that San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be authorized to abandon its electric public utility service, and any claims which it may have to territory within which it is authorized and required to perform electric public utility service, within that portion of Pueblo County described in the attached Appendix "B".

4. That both Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., are fit, willing and able, financially and otherwise, properly to perform service as an electric public utility within the areas for which they each apply.

5. That there is, and will be, a duplication of electric service by electric public utilities in the area contained within Pueblo County as shown on the attached Appendix "A" and Appendix "B", and that the Commission should issue certificates of public convenience and necessity to each of Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., assigning specific territories to each of said utilities.

6. That duplication of facilities within the territories specifically assigned to each of said utilities shall be eliminated by December 31, 1975. The utility whose customers may be in the area certificated to the other applicant utility may continue to serve said customers until that date. Prior to December 31, 1975, the utility in whose area said customers are located shall make arrangements to purchase such facilities and customers from the other utility

in a manner that will afford the convenient transfer of service for said customers. The Commission finds that this method of eliminating such duplication will be just and reasonable and has given due regard to due process of law and to all the rights of the respective parties and the public convenience and necessity.

7. Nothing herein shall be construed as affecting in any way any certificates of public convenience and necessity, "grandfather rights", or other territorial or area rights which may be claimed by either of the public utilities involved herein other than as expressly set forth in this decision and order.

8. That nothing contained herein shall be interpreted to preclude a utility from traversing an area certificated to another utility with transmission or distribution feed lines or from locating substations or other needed facilities therein.

9. That the present or future public convenience and necessity require or will require that Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "B" located within Pueblo County, State of Colorado.

10. That the present or future public convenience and necessity require or will require that San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "A" located within Pueblo County, Colorado.

O R D E R

THE COMMISSION ORDERS:

1. That Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, be, and it hereby is,

granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "B" located within the County of Pueblo, State of Colorado.

2. That San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., be, and it hereby is, granted a certificate of public convenience and necessity to render electric service as a public utility within that area described in the attached Appendix "A" located within the County of Pueblo, State of Colorado.

3. No other public utility subject to the jurisdiction of this Commission shall render electric service in the areas contained within Pueblo County and described in the attached Appendix "A" and Appendix "B", except as may otherwise be provided herein or except by further specific order of this Commission.

4. Any public utility which is providing electric service to customers as of the effective date of this order within an area herein certificated to another public utility may continue to render such service to these customers until December 31, 1975. Prior to December 31, 1975, Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, and San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., shall negotiate with one another to the end that within said period the utility in whose area said customers are located shall purchase such facilities and customers from the other utility in a manner which will afford the convenient transfer of service for said customers.

5. Southern Colorado Power Company, a Division of Central Telephone & Utilities Corporation, should be, and it hereby is, authorized and empowered to abandon all service and claims to provide service within that portion of Pueblo County described in the attached Appendix "A", and that such abandonment of service and claims to provide service be, and the same hereby is, approved.

6. San Isabel Electric Association, Inc., d/b/a San Isabel Electric Services, Inc., should be, and it hereby is, authorized and empowered to abandon all service and claims to provide service within that portion of Pueblo County described in the attached Appendix "B", and that such abandonment of service and claims to provide service be, and the same hereby is, approved.

7. In all cases where the provisions of this order may be in conflict with provisions of previous orders of this Commission the provisions of this order shall be controlling; provided, however, that nothing in this order shall be construed to affect any prior orders of this Commission or territorial claims of the public utilities involved herein, except as specifically set forth in this order and decision.

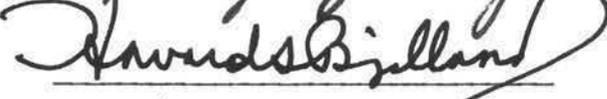
8. Nothing contained herein shall be interpreted to preclude a utility from traversing an area certificated to another utility with transmission or distribution feeder lines or from locating substations or other needed facilities therein.

9. That complaint Cases No. 5403 and No. 5421, having become moot, should be, and they hereby are, dismissed.

10. That Application No. 23873, having not been prosecuted and the issues therein having been resolved in these proceedings, such application should be, and it hereby is, dismissed.

11. This order shall become effective immediately.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this
9th day of December, 1970.

LEGAL DESCRIPTION OF SPECIFIC TERRITORY AUTHORIZED TO BE SERVED BY

SAN ISABEL ELECTRIC ASSOCIATION, INC.,
D/B/A SAN ISABEL ELECTRIC SERVICES, INC.

BY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

All of the area in Pueblo County, Colorado, South of a line, more particularly described as follows: Beginning at a point on the Pueblo County-Otero County line, which point is the Southeast corner of Section 24, Township 23 South, Range 60 West; thence west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 60 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20 and 19, Township 23 South, Range 61 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 62 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19 to the southwest corner of Section 19, Township 23 South, Range 63 West; thence north along the west line of Sections 19, 18, 7, and 6, Township 23 South, Range 63 West; thence continuing north along the west line of Sections 31, 30, 19, 18, and 7 to the northwest corner of Section 7, Township 22 South, Range 63 West; thence west along the south line of Sections 1, 2, 3, and 4 to the southwest corner of Section 4, Township 22 South, Range 64 West; thence north along the west line of Section 4 to the northwest corner of Section 4, Township 22 South, Range 64 West; thence west along the south line of Sections 32 and 31, Township 21 South, Range 64 West; thence continuing west along the south line of Sections 36, 35, 34, 33, 32, and 31, Township 21 South, Range 65 West; thence continuing west along the south line of Sections 36, 35, 34, 33, and 32 to the southwest corner of Section 32, Township 21 South, Range 66 West; thence north along the west line of Sections 32, 29, 20, 17, 8, and 5, Township 21 South, Range 66 West; thence continuing north along the west line of Sections 32, 29, and 20, Township 20 South, Range 66 West, to the north right-of-way line for the relocation of the Denver and Rio Grande Western Railroad; thence easterly along the said north right-of-way line to the east line of

Section 20, Township 20 South, Range 66 West; thence continuing easterly along the said north right-of-way line to the west line of Section 22, Township 20 South, Range 66 West; thence north along the west line of Section 22 to the north line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence east along the north line of the SW $\frac{1}{4}$ of Section 22, to the east line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence south along the east line of the SW $\frac{1}{4}$ of Section 22 to the south line of Section 22, Township 20 South, Range 66 West, being a point in the Fryingpan-Arkansas take line; thence easterly along said Fryingpan-Arkansas take line to the east line of the W $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence north along said east line of the W $\frac{1}{2}$ of Section 23 to the north line of Section 23, Township 20 South, Range 66 West; thence east along the north line of the E $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence continuing east along the north line of Section 24 to the northeast corner of Section 24, Township 20 South, Range 66 West; thence north 1588.66 feet along the east boundary of Tract 341 of Pueblo West Metropolitan District according to Recording No. 390171 dated April 20, 1970; thence north-westerly 1077.89 feet along the north boundary of Tract 341 according to Recording No. 390171 dated April 20, 1970; thence north-westerly 821.17 feet along the north boundary of Tract 336 according to Recording No. 389760 dated April 9, 1970; thence northwesterly 4322.11 feet along the east boundary of Tract 335 according to Recording No. 383545 dated October 16, 1969; thence north-westerly 5957.49 feet along the east boundary of Tract 331; thence westerly 1025.08 feet along the north boundary of Tract 331; thence southerly 125 feet along the west boundary of Tract 331 to the north right-of-way of Abarr Drive according to Recording No. 380801 dated August 7, 1969; thence westerly 276.09 feet along the north right-of-way of Abarr Drive to the easterly right-of-way of McCulloch Boulevard; thence northerly along the easterly right-of-way of McCulloch

Boulevard to the northwest corner of future Tract 374 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence westerly along the northerly boundary to the northwest corner of future Tract 367 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence southerly 1516.41 feet along the east boundary of Tract 343 according to Recording No. 389373 dated March 30, 1970; thence westerly 60 feet along the north boundary of Tract 345; thence southerly 195.43 feet along the west right-of-way of Golfview Drive Tract 345; thence westerly 4521.80 feet along the north boundary of Tract 345; thence southwesterly 599.31 feet along the north boundary of Tract 345; thence easterly 155 feet along the north boundary of Tract 345; thence southerly 75 feet along the west boundary of Tract 345; thence northwesterly 520.08 feet along the north boundary of Tract 345; thence westerly 442.97 feet along the north boundary of Tract 345 according to Recording No. 389375 dated March 30, 1970; thence northerly 1517.33 feet along the west boundary of Tract 343 to the north right-of-way of Spaulding Avenue according to Recording No. 389373 dated March 30, 1970; thence westerly 251.14 feet along the north right-of-way of Spaulding Avenue; thence northerly 3073.17 feet along the east boundary to the northeast corner of Tract 346; thence westerly 2068.18 feet along the north boundary of Tract 346 to a point on the south right-of-way line of McCulloch Boulevard; thence continue westerly 2767.97 feet along the south right-of-way boundary of McCulloch Boulevard to the west boundary of Tract 346 according to Recording No. 386612 dated January 16, 1970; thence northerly 100 feet along the east boundary to the northeast corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence westerly 2377.19 feet along the north right-of-way boundary of McCulloch Boulevard to the northwest corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence northwesterly 2945.22 feet along the north right-of-way boundary of McCulloch Boulevard to the north-

west corner of Tract 309 according to Recording No. 393651 dated July 10, 1970; thence northwesterly 831.88 feet along the north boundary of Tract 306 as shown in Recording No. 396770 dated September 17, 1970; thence northwesterly 2430.23 feet along the northerly boundary of Tract 300; thence southwesterly 1011.02 feet along the northerly boundary of Tract 300; thence northwesterly 469.08 feet along the northerly boundary of Tract 300 according to Recording No. 383035 dated October 2, 1969; thence north 265.91 feet along the east boundary of Tract 304; thence westerly 5434.70 feet along the north boundary of Tract 304 to the northwest corner of said Tract 304, according to Recording No. 389758 dated April 9, 1970; thence west 2659.60 feet along the north boundary of Tract 301 according to Recording No. 384476 dated November 13, 1969; thence south along the west line of the E $\frac{1}{2}$ of Section 1, Township 20 South, Range 67 West, to the south line of Section 1, Township 20 South, Range 67 West; thence west along the south line of the W $\frac{1}{2}$ of Sections 1, 2, and 3, to the southwest corner of Section 3, Township 20 South, Range 67 West; thence north along the west line of Section 3 to the northwest corner of Section 3, Township 20 South, Range 67 West; thence west along the south line of Sections 33, 32, and 31 to the southwest corner of Section 31, Township 19 South, Range 67 West, which is a point on the Pueblo County-Fremont County line.

LEGAL DESCRIPTION OF SPECIFIC TERRITORY AUTHORIZED TO BE SERVED BY

SOUTHERN COLORADO POWER COMPANY
 A DIVISION OF
CENTRAL TELEPHONE & UTILITIES CORPORATION

BY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

An area located in Pueblo County, Colorado, more particularly described as follows:

Beginning at a point on the Pueblo County-Fremont County line which point is the southwest corner of Section 31, Township 19 South, Range 67 West of the 6th Principal Meridian; thence north along the Pueblo County-Fremont County line to the northwest corner of Section 6, Township 18 South, Range 67 West; thence east along the Pueblo County-El Paso County line to the northeast corner of Section 3, Township 18 South, Range 65 West; thence south along the east line of Sections 3, 10, 15, 22, 27, and 34 to the northeast corner of the SE $\frac{1}{4}$ of Section 34, Township 18 South, Range 65 West; thence east along the north line of the S $\frac{1}{2}$ of Sections 35 and 36, Township 18 South, Range 65 West; thence continuing east along the north line of the S $\frac{1}{2}$ of Sections 31 and 32 to the northeast corner of the SE $\frac{1}{4}$ of Section 32, Township 18 South, Range 64 West; thence north along the east line to the northeast corner of Section 32, Township 18 South, Range 64 West; thence east along the north line of Sections 33, 34, 35, and 36 to the northeast corner of Section 36, Township 18 South, Range 64 West; thence continuing east along the north line of Sections 31, 32, 33, 34, and 35 to the northeast corner of Section 35, Township 18 South, Range 63 West; thence north along the west line of Sections 25, 24, 13, 12, and 1 to the northwest corner of Section 1, Township 18 South, Range 63 West; thence east nine (9) miles along the Pueblo County-El Paso County line to the northeast corner of Section 5, Township 18 South, Range 61 West; thence south along the east

line of Sections 5, 8, 17, 20, 29, and 32, Township 18 South, Range 61 West; thence continuing south along the east line of Sections 5, 8, and 17 to the southeast corner of Section 17, Township 19 South, Range 61 West; thence east along the north line of Section 21 to the northeast corner of Section 21, Township 19 South, Range 61 West; thence south along the east line of Sections 21, 28, and 33, Township 19 South, Range 61 West; thence continuing south along the east line of Sections 4, 9, 16, 21, and 28 to the southeast corner of Section 28, Township 20 South, Range 61 West; thence east along the north line of Sections 34 and 35 to the northeast corner of Section 35, Township 20 South, Range 61 West; thence south along the east line of Section 35 to the southeast corner of Section 35, Township 20 South, Range 61 West; thence east along the north line of Section 1 to the northeast corner of Section 1, Township 21 South, Range 61 West; thence continuing east along the north line of Section 6 to the northeast corner of Section 6, Township 21 South, Range 60 West; thence south along the east line of Section 6 and 7 to the southeast corner of Section 7, Township 21 South, Range 60 West; thence east along the north line of Section 17 to the northeast corner of Section 17, Township 21 South, Range 60 West; thence south along the east line of Sections 17, 20, 29, and 32, Township 21 South, Range 60 West; thence continuing south along the east line of Sections 5 and 8 to the southeast corner of Section 8, Township 22 South, Range 60 West; thence west along the south line of Sections 8 and 7 to the southwest corner of Section 7, Township 22 South, Range 60 West; thence south along the east line of Sections 13, 24, 25, and 36, Township 22 South, Range 61 West; thence continuing south along the east line of Sections 1, 12, 13, and 24 to the southeast corner of Section 24, Township 23 South, Range 61 West; thence west

along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 61 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19, Township 23 South, Range 62 West; thence continuing west along the south line of Sections 24, 23, 22, 21, 20, and 19 to the southwest corner of Section 19, Township 23 South, Range 63 West; thence north along the west line of Sections 19, 18, 7, and 6, Township 23 South, Range 63 West; thence continuing north along the west line of Sections 31, 30, 19, 18, and 7 to the northwest corner of Section 7, Township 22 South, Range 63 West; thence west along the south line of Sections 1, 2, 3, and 4 to the southwest corner of Section 4, Township 22 South, Range 64 West; thence north along the west line of Section 4 to the northwest corner of Section 4, Township 22 South, Range 64 West; thence west along the south line of Sections 32 and 31, Township 21 South, Range 64 West; thence continuing west along the south line of Sections 36, 35, 34, 33, 32, and 31, Township 21 South, Range 65 West; thence continuing west along the south line of Sections 36, 35, 34, 33, and 32 to the southwest corner of Section 32, Township 21 South, Range 66 West; thence north along the west line of Sections 32, 29, 20, 17, 8, and 5, Township 21 South, Range 66 West; thence continuing north along the west line of Sections 32, 29, and 20, Township 20 South, Range 66 West, to the north right-of-way line for the relocation of the Denver and Rio Grande Western Railroad; thence easterly along the said north right-of-way line to the east line of Section 20, Township 20 South, Range 66 West; thence continuing easterly along the said north right-of-way line to the west line of Section 22, Township 20 South, Range 66 West; thence north along the west line of Section 22 to the north line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence east along the north line

of the SW $\frac{1}{4}$ of Section 22 to the east line of the SW $\frac{1}{4}$ of Section 22, Township 20 South, Range 66 West; thence south along the east line of the SW $\frac{1}{4}$ of Section 22 to the south line of Section 22, Township 20 South, Range 66 West, being a point in the Fryingpan-Arkansas take line; thence easterly along said Fryingpan-Arkansas take line to the east line of the W $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence north along said east line of the W $\frac{1}{2}$ of Section 23 to the north line of Section 23, Township 20 South, Range 66 West; thence east along the north line of the E $\frac{1}{2}$ of Section 23, Township 20 South, Range 66 West; thence continuing east along the north line of Section 24 to the northeast corner of Section 24, Township 20 South, Range 66 West; thence north 1588.66 feet along the east boundary of Tract 341 of Pueblo West Metropolitan District according to Recording No. 390171 dated April 20, 1970; thence northwesterly 1077.89 feet along the north boundary of Tract 341 according to Recording No. 390171 dated April 20, 1970; thence northwesterly 821.17 feet along the north boundary of Tract 336 according to Recording No. 389760 dated April 9, 1970; thence northwesterly 4322.11 feet along the east boundary of Tract 335 according to Recording No. 383545 dated October 16, 1969; thence northwesterly 5957.49 feet along the east boundary of Tract 331; thence westerly 1025.08 feet along the north boundary of Tract 331; thence southerly 125 feet along the west boundary of Tract 331 to the north right-of-way of Abarr Drive according to Recording No. 380801 dated August 7, 1969; thence westerly 276.09 feet along the north right-of-way of Abarr Drive to the easterly right-of-way of McCulloch Boulevard; thence northerly along the easterly right-of-way of McCulloch Boulevard to the northwest corner of future Tract 374 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence westerly

along the northerly boundary to the northwest corner of future Tract 367 as shown in File No. 69 M.P.I. PC-P-10-157 date of revision September 9, 1970; thence southerly 1516.41 feet along the east boundary of Tract 343 according to Recording No. 389373 dated March 30, 1970; thence westerly 60 feet along the north boundary of Tract 345; thence southerly 195.43 feet along the west right-of-way of Golfview Drive Tract 345; thence westerly 4521.80 feet along the north boundary of Tract 345; thence southwesterly 599.31 feet along the north boundary of Tract 345; thence easterly 155 feet along the north boundary of Tract 345; thence southerly 75 feet along the west boundary of Tract 345; thence northwesterly 520.08 feet along the north boundary of Tract 345; thence westerly 442.97 feet along the north boundary of Tract 345 according to Recording No. 389375 dated March 30, 1970; thence northerly 1517.33 feet along the west boundary of Tract 343 to the north right-of-way of Spaulding Avenue according to Recording No. 389373 dated March 30, 1970; thence westerly 251.14 feet along the north right-of-way of Spaulding Avenue; thence northerly 3073.17 feet along the east boundary to the northeast corner of Tract 346; thence westerly 2068.18 feet along the north boundary of Tract 346 to a point on the southerly right-of-way line of McCulloch Boulevard; thence continue westerly 2767.97 feet along the south right-of-way boundary of McCulloch Boulevard to the west boundary of Tract 346 according to Recording No. 386612 dated January 16, 1970; thence northerly 100 feet along the east boundary to the northeast corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence westerly 2377.19 feet along the north right-of-way boundary of McCulloch Boulevard to the northwest corner of Tract 307 according to Recording No. 393647 dated July 10, 1970; thence northwesterly 2945.22 feet along the north right-of-way boundary of McCulloch

Boulevard to the northwest corner of Tract 309 according to Recording No. 393651 dated July 10, 1970; thence northwesterly 831.88 feet along the north boundary of Tract 306 as shown in Recording No. 396770 dated September 17, 1970; thence northwesterly 2430.23 feet along the northerly boundary of Tract 300; thence southwesterly 1011.02 feet along the northerly boundary of Tract 300; thence northwesterly 469.08 feet along the northerly boundary of Tract 300 according to Recording No. 383035 dated October 2, 1969; thence north 265.91 feet along the east boundary of Tract 304; thence westerly 5434.70 feet along the north boundary of Tract 304 to the northwest corner of said Tract 304 according to Recording No. 389758 dated April 9, 1970; thence west 2659.60 feet along the north boundary of Tract 301 according to Recording No. 384476 dated November 13, 1969; thence south along the west line of the $E\frac{1}{2}$ of Section 1, Township 20 South, Range 67 West, to the south line of Section 1, Township 20 South, Range 67 West; thence west along the south line of the $W\frac{1}{2}$ of Section 1 and across Sections 2 and 3 to the southwest corner of Section 3, Township 20 South, Range 67 West; thence north along the west line of Section 3 to the northwest corner of Section 3, Township 20 South, Range 67 West; thence west along the south line of Sections 33, 32, and 31 to the southwest corner of Section 31, Township 19 South, Range 67 West, which is the point of beginning.