

**ORDINANCE NO. 2**  
**Series 2017**

February 7, 2017: Introduced as Council Bill 12, Series 2016 by Councilor Mike Gallagher, seconded by Councilor Dan Sheldon and considered in full text on first reading. Passed by a vote of 4 yes and 0 no.

February 21, 2017: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

**A BILL FOR AN ORDINANCE  
 OF THE CITY OF CHERRY HILLS VILLAGE  
 APPROVING A FIRST AMENDMENT TO AGREEMENT  
 RELATING TO SUBDIVISION AND DEVELOPMENT  
 OF GLENMOOR OF CHERRY HILLS AND  
 AUTHORIZING A TEMPORARY AND LIMITED WAIVER OF SECTION 18-10-60 OF  
 THE CHERRY HILLS VILLAGE MUNICIPAL CODE**

**WHEREAS**, the City of Cherry Hills Village ("City") is a home rule municipal corporation organized in accordance with Article XX of the Colorado Constitution; and

**WHEREAS**, the City previously approved a subdivision plat known as Glenmoor of Cherry Hills recorded in the Clerk and Recorder's Office of Arapahoe County on September 12, 1983 in Plat Book 67 at Pages 38-40 (the "Plat"); and

**WHEREAS**, in conjunction with the Plat, the City and Glenmoor of Cherry Hills, Ltd., a Texas limited partnership, ("Subdivider") entered into an Agreement Relating to Subdivision and Development of Glenmoor of Cherry Hills, dated September 12, 1983 with the City recorded September 12, 1983 in Book 3964 at Page 516 of the records of the Clerk and Recorder of the County of Arapahoe (the "Agreement"); and

**WHEREAS**, the Subdivider is now defunct, after completing the subdivision improvements required under the Agreement; and

**WHEREAS**, under the Agreement, Glenmoor Country Club ("Glenmoor"), a Colorado non-profit corporation, is secondarily responsible for certain of the obligations of the Subdivider and owns certain real property and easement rights (the "Glenmoor CC Property"); and

**WHEREAS**, Glenmoor desires to amend the Agreement solely with respect to the Glenmoor CC Property to allow Glenmoor to drill and operate a well for maintenance of its facilities; and

**WHEREAS**, the City desires to approve an amendment to the Agreement as set forth in the First Amendment to Agreement Relating to Subdivision and Development of Glenmoor of Cherry Hills, attached hereto and incorporated herein as **Exhibit A** ("Amended Agreement"); and

**WHEREAS**, the Amended Agreement authorizes a limited and temporary waiver of the City's construction hour regulations codified in Section 18-10-60 of the Cherry Hills Municipal Code to allow continuous well drilling operations for a limited duration; and

**WHEREAS**, under the ruling in *Deighton v. Colo. Springs*, 902 P.2d 426 (Colo. 1994), the City must approve a temporary waiver of Section 18-10-60 by ordinance.

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

**Section 1.** The City Council hereby approves that certain First Amendment to Agreement Relating to Subdivision and Development of Glenmoor of Cherry Hills, in the form attached hereto as **Exhibit A**, and further authorizes a temporary and limited waiver of the application of Section 18-10-60 of the Cherry Hills Village Municipal Code subject to the terms and condition set forth in the attached Amended Agreement.

**Section 2.** The City Council directs the City staff to take all steps necessary to carry out the directives of this Ordinance, including recordation of the Amended Agreement at the cost of Glenmoor.

**Section 3. Effective Date.** This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. 2, Series 2017, by the City Council of the City of Cherry Hills Village, Colorado this 21st day of February, 2017.

(SEAL)



Laura Christman, Mayor

ATTEST:



Laura Smith, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney

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City of Cherry Hills Village  
Adoption of Ordinance  
Ordinance 2, Series 2017

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THE CITY OF CHERRY HILLS  
VILLAGE APPROVING A FIRST  
AMENDMENT TO AGREEMENT  
RELATING TO SUBDIVISION AND  
DEVELOPMENT OF GLENMOOR  
OF CHERRY HILLS AND AU-  
THORIZING A TEMPORARY AND  
LIMITED WAIVER OF SECTION  
18-10-60 OF THE CHERRY HILLS  
VILLAGE MUNICIPAL CODE

Copies of the Ordinances are on file  
at the office of the City Clerk and  
may be inspected during regular  
business hours.

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**Exhibit A – First Amendment to Agreement Relating to  
Subdivision and Development of Glenmoor of Cherry Hills**