

ORDINANCE NO. 2
Series 2015

November 18, 2014: Introduced as Council Bill 13, Series 2014 by Councilor Alex Brown, seconded by Councilor Katy Brown and considered in full text on first reading. Passed by a vote of 5 yes and 0 no.

January 6, 2015: Considered in full text on second reading. Passed by a vote of 6 yes and 0 no.

**A BILL FOR AN ORDINANCE
 OF THE CITY OF CHERRY HILLS VILLAGE
 REPEALING AND RE-ENACTING SECTION 17-5-50 OF CHAPTER 17 OF THE CHERRY
 HILLS VILLAGE MUNICIPAL CODE, CONCERNING DESIGN PRINCIPLES FOR UTILITIES**

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, pursuant to its home rule authority and Article 23, Title 31 of the Colorado Revised Statutes, the City has authority to regulate the development of land within the City for the purposes of promoting the public health, safety, convenience, and the general welfare of the community; and

WHEREAS, the City has adopted subdivision regulations codified in Chapter 17 of the Municipal Code; and

WHEREAS, the City has determined that it is necessary to require utilities to be located underground in conjunction with the subdivision of land to further the goals of the Master Plan and improve the aesthetics of the City.

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

Section 1. Section 17-5-50 of the Cherry Hills Village Municipal Code, entitled "Utilities," is hereby repealed and re-enacted to read as follows:

Sec. 17-5-50. Utilities.

New utilities (telephone, electric service, cable television, gas lines and other utilities) that will serve the subdivision shall be installed underground and shall be in place prior to street surfacing. Facilities appurtenant to underground facilities or other required equipment may be placed aboveground if the City determines it is necessary.

Existing overhead utilities that are located on the subdivided property or in the public right-of-way immediately adjacent to the property between the street edge and the property shall be relocated underground. The obligation of the subdivider to install all new and existing utilities underground, as required by this Section 17-5-50, shall be set forth in the subdivision improvements agreement required by Section 17-4-10. Existing overhead utilities may remain aboveground if the City Council determines that either of the following criteria is met:

- a. The subdivider provides written documentation acceptable to the City Council from a utility provider demonstrating that relocation of specifically identified existing overhead utilities is not possible due to physical constraints on or near the property.
- b. The cost of undergrounding outweighs the public benefit and relocation of existing overhead utilities is not necessary to meet the goals and strategies of the Master Plan.

Section 2. Severability. If any provision of this ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid.

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.

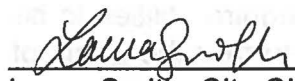
Adopted as Ordinance No. 2, Series 2015, by the City Council of the City of Cherry Hills Village, Colorado this 6th day of January, 2015.

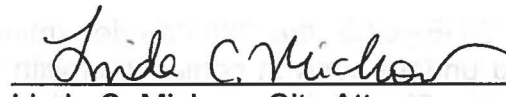
(SEAL)


Laura Christman, Mayor

ATTEST:

APPROVED AS TO FORM:


Laura Smith, City Clerk


Linda C. Michow, City Attorney

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CITY OF CHERRY HILLS VILLAGE
ADOPTION OF ORDINANCE
ORDINANCE 2, SERIES 2015

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CITY OF CHERRY HILLS VILLAGE
REPEALING AND RE-ENACTING
SECTION 17-5-50 OF CHAPTER 17
OF THE CHERRY HILLS VILLAGE
MUNICIPAL CODE, CONCERNING
DESIGN PRINCIPLES FOR UTILITIES

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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