

**A RESOLUTION  
OF THE CITY COUNCIL  
OF THE CITY OF CHERRY HILLS VILLAGE  
ADOPTING THE CITY'S UTILITY UNDERGROUNDING POLICY**

**WHEREAS**, the City Council of the City of Cherry Hills Village is authorized under its home rule charter and pursuant to its general municipal powers to adopt policies and procedures in furtherance of its municipal functions and authority; and

**WHEREAS**, in conjunction with City staff, the City's Utility Line Undergrounding Study Committee has recommended guidelines for undergrounding of utility lines in the City; and

**WHEREAS**, the City Council desires to adopt the attached Utility Undergrounding Policy as set forth in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE:**

**Section 1.** The City Council hereby adopts the City's Utility Undergrounding Policy as more fully set forth in Exhibit A, attached hereto and incorporated herein.

**Section 2.** This Resolution shall be effective immediately upon adoption, and City Staff is directed to take steps necessary to document the foregoing policy's adoption in a policy log maintained in the office of the City Clerk.

Introduced, passed and adopted at the regular meeting of City Council this 21<sup>st</sup> day of April, 2015, by a vote of 6 yes and 0 no.

(SEAL)

  
Laura Christman  
Laura Christman, Mayor

ATTEST:

Laura Smith  
Laura Smith, City Clerk

Approved as to form:

Linda C. Michow  
Linda C. Michow, City Attorney

**EXHIBIT A**  
**UTILITY UNDERGROUNDING POLICY**

**Utility Undergrounding Policy**

The City Council of Cherry Hills Village finds that the undergrounding of utilities on certain streets within the City has many public benefits and enhances the quality of life within the Village through a renewed sense of openness and connection with the natural environment. The Cherry Hills Village Master Plan states that overhead facilities often result in power outages and disruptions and disturbance of scenic views. Undergrounding improves the efficiency of the utilities system and aesthetics of the community.

The City Council of Cherry Hills Village adopts the following guidelines for the undergrounding of utility lines within Cherry Hills Village;

1. The City will fully fund all costs associated with utility undergrounding within the public right-of-way for all projects that are initiated by the City.
2. When a City-initiated project results in utilities within the public right-of-way being buried for broad public benefit, the cost or partial cost to underground private service lines may be paid for with public funds under the following circumstances:
  - The project has been initiated by the City;
  - The project is for the enhancement or betterment of the scenic and rural character;
  - Private aboveground service lines inhibit the ability of the City to remove all poles in the project area; and
  - Physical conditions on the private property allow utilities to be buried without significant change to any physical structures or topography.

The City will enter into discussions with affected property owners regarding the option to underground certain secondary poles and service lines on private property that enhance the overall result of the utility line removal project as determined by City Council.

If a resident does not agree to have his or her utilities buried, any necessary poles will be located in a manner that is the least obtrusive to the view corridor being enhanced by the project. In cases where there are easements on private property that are for the express use of any public utility, the poles and/or related infrastructure will be placed within these easements on the property.

3. Power lines that are located in an easement outside of the public right-of-way will not be buried using public funds for citizen-initiated projects. The City will provide assistance under the following circumstances:
  - The City will support the formation of Special Improvement Districts (SID's) or Local Improvement Districts (LID's) in a limited capacity;
  - All costs associated with the formation of these districts must be paid for by the participants;
  - The City will assist in the coordination and collection of taxes once a district is legally formed;
  - If a portion of a citizen-initiated project does fall within the public right-of-way, City Council may choose to participate through the use of a portion of Xcel 1% funds that are allocated for this purpose; and
  - The City may pay up to 50% for a maximum of \$500 of the cost per household to bury private utilities with prior approval by City Council.