

CITY OF ENGLEWOOD

**NOTICE OF APPROVAL
OF A BILL FOR AN ORDINANCE**

On the 18th day of May 2026, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY
COUNCIL BILL NO. 41
INTRODUCED BY
COUNCIL MEMBER PRANGE**

A BILL FOR AN ORDINANCE
APPROVING A CITY DITCH
CROSSING AND LICENSE
AGREEMENT AND A TEMPORARY
CONSTRUCTION EASEMENT WITH
PUBLIC SERVICE COMPANY OF
COLORADO FOR UTILITY
CROSSINGS ASSOCIATED WITH THE
RIVERPARK DEVELOPMENT.

Copies of the aforesaid council bill are available for public inspection in the office of the City Clerk, City of Englewood, Civic Center, 1000 Englewood Parkway, Englewood, Colorado 80110 or it can be found at <http://www.engagewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: May 19, 2026
Official Website of the City of
Englewood, Colorado

ORDINANCE NO. _____
SERIES OF 2026

COUNCIL BILL NO. 41
INTRODUCED BY COUNCIL
MEMBER

A BILL FOR

AN ORDINANCE APPROVING A CITY DITCH CROSSING AND LICENSE AGREEMENT AND A TEMPORARY CONSTRUCTION EASEMENT WITH PUBLIC SERVICE COMPANY OF COLORADO FOR UTILITY CROSSINGS ASSOCIATED WITH THE RIVERPARK DEVELOPMENT.

WHEREAS, the City of Englewood (“City”) owns, operates, and maintains certain raw water infrastructure known as the City Ditch, which is critical to the City’s water system; and

WHEREAS, the City Ditch traverses property located in the vicinity of South Santa Fe Drive and West Mineral Avenue, including areas within the City of Littleton; and

WHEREAS, Toll Southwest LLC, TB Angeline LLC, and Evergreen-Mineral & Santa Fe L.L.C. are developing property in the general area of the southwest corner of South Santa Fe Drive and West Mineral Avenue (the “RiverPark Development”); and

WHEREAS, Public Service Company of Colorado (“Xcel Energy”) has requested permission to install an electric line crossing of the City Ditch to support a traffic signal at the intersection of Phillips Avenue and South Santa Fe Drive; and

WHEREAS, in order to protect the City’s water infrastructure and establish the terms under which such crossing may occur, the City and Xcel Energy have negotiated a City Ditch Crossing and License Agreement (the “Crossing Agreement”); and

WHEREAS, in order to facilitate construction access and ensure protection of the City Ditch during construction activities, the City and Xcel Energy have also negotiated a Temporary Construction Easement (the “Temporary Easement”); and

WHEREAS, the Crossing Agreement and Temporary Easement include terms and conditions to protect the City Ditch, including notice requirements, inspection rights, and construction limitations; and

WHEREAS, all costs associated with the utility crossing and related construction will be borne by Xcel Energy or its affiliates, at no cost to the City; and

WHEREAS, the City’s Utilities staff, in coordination with the City Attorney’s Office and the City’s water rights counsel, have reviewed and approved the form of the Crossing Agreement and Temporary Easement to ensure protection of the City’s infrastructure and water rights; and

WHEREAS, the Water and Sewer Board has reviewed the proposed agreements and recommends that City Council approve the Crossing Agreement and Temporary Easement at its May 12, 2026 meeting; and

WHEREAS, City Council finds that approval of the Crossing Agreement and Temporary Easement is in the best interests of the City and is necessary to protect critical water infrastructure while allowing for coordinated development and public improvements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the City Ditch Crossing and License Agreement for the utility crossing at Phillips Avenue with the Public Service Company of Colorado, in substantially the same form as attached hereto and incorporated herein by this reference.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes the City Ditch Temporary Construction Easement for construction access associated with the utility crossing at Phillips Avenue with the Public Service Company of Colorado, in substantially the same form as attached hereto and incorporated herein by this reference.

Section 3. General Provisions. The following general provisions and findings are applicable to the interpretation and application of this Ordinance:

A. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

B. Inconsistent Ordinances. All other Ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

C. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purposes of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

D. Safety Clauses. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained. This Safety Clause is not intended to affect a Citizen right to challenge this Ordinance through referendum pursuant to City of Englewood Charter 47.

E. Publication. Publication of this Ordinance may be by reference or in full in the City's official newspaper, the City's official website, or both. Publication shall be effective upon the first publication by either authorized method. Manuals, Municipal Code, contracts, and other documents approved by reference in any Council Bill may be published by reference or in full on the City's official website; such documents shall be available at the City Clerk's office and in the City Council meeting agenda packet when the legislation was adopted.

F. Actions Authorized to Effectuate this Ordinance. The Mayor is hereby authorized and directed to execute all documents necessary to effectuate the approval authorized by this Ordinance, and the City Clerk is hereby authorized and directed to attest to such execution by the Mayor where necessary. In the absence of the Mayor, the Mayor Pro Tem is hereby authorized to execute the above-referenced documents. The execution of any documents by said officials shall be conclusive evidence of the approval by the City of such documents in accordance with the terms thereof and this Ordinance. City staff is further authorized to take additional actions as may be necessary to implement the provisions of this Ordinance, and has the authority to correct formatting and/or typographical errors discovered during codification.

G. Enforcement. To the extent this ordinance establishes a required or prohibited action punishable by law, unless otherwise specifically provided in Englewood Municipal Code or applicable law, violations shall be subject to the General Penalty provisions contained within EMC § 1-4-1.