

**CITY OF ENGLEWOOD**

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

On the 21st day of October 2024, the City Council of the City of Englewood, Colorado, approved on first reading the following Council Bill:

**BY AUTHORITY  
COUNCIL BILL NO.49  
INTRODUCED BY  
COUNCIL MEMBER  
ANDERSON**

A BILL FOR AN ORDINANCE  
APPROVING A SECOND  
AMENDMENT TO AN  
INTERGOVERNMENTAL  
AGREEMENT (IGA) REGARDING THE  
FINAL DESIGN, RIGHT-OF-WAY  
ACQUISITION, AND CONSTRUCTION  
OF DRAINAGE AND FLOOD  
CONTROL IMPROVEMENTS FOR  
DRY GULCH FROM YALE AVENUE  
TO UNIVERSITY BOULEVARD  
BETWEEN THE URBAN DRAINAGE  
AND FLOOD CONTROL DISTRICT  
AND THE CITY OF ENGLEWOOD.

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.englewoodco.gov>, Government, Legal/Public Notices.

PUBLISHED: OCTOBER 23, 2024  
Official Website of the City of  
Englewood, Colorado

ORDINANCE NO. \_  
SERIES OF 2024

COUNCIL BILL NO. 49  
INTRODUCED BY \_\_

**A BILL FOR**

**AN ORDINANCE APPROVING A SECOND AMENDMENT TO AN INTERGOVERNMENTAL AGREEMENT (IGA) REGARDING THE FINAL DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR DRY GULCH FROM YALE AVENUE TO UNIVERSITY BOULEVARD BETWEEN THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT AND THE CITY OF ENGLEWOOD.**

**WHEREAS**, the Urban Drainage and Flood Control District d/b/a Mile High Flood District (“District”) and the City of Englewood (“City”) entered into an “Agreement Regarding Final Design, Right-of-Way Acquisition and Construction of Drainage and Flood Control Improvements for Dry Gulch from Yale Avenue to University Boulevard” (Agreement No. 22-11.07) dated January 13, 2023, (“AGREEMENT”) which was approved by City Council as Ordinance No. 4, Series of 2022/2023; and

**WHEREAS**, the City and the District entered into an Amendment to that Agreement on or about December 18, 2023 as authorized by Ordinance No. 68, Series of 2023; and

**WHEREAS**, the District and the City now desire to provide additional funding for the final design, right-of-way acquisition, and construction of drainage and flood control improvements for Dry Gulch from Yale Avenue to University Boulevard (hereinafter referred to as the “Project”); and

**WHEREAS**, the District and the City each desire to increase their financial participation in the Project by \$750,000, with each party contributing an additional \$375,000; and

**WHEREAS**, the District’s Board of Directors has authorized this additional financial participation for the Project through Resolution No. 62, Series of 2024; and

**WHEREAS**, the Parties desire to enter into a Second Amendment to the Agreement memorializing the financial participation of the parties.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:**

**Section 1.** The City Council of Englewood, Colorado, hereby approves the Second Amendment to an Intergovernmental Agreement Regarding Final Design, Right-of-Way

Acquisition and Construction of Drainage and Flood Control Improvements for Dry Gulch from Yale Avenue to University Boulevard (Agreement No. 22-11.07), Project No. 107346, between the Urban Drainage and Flood Control District and the City of Englewood, in the form substantially the same as that attached hereto.

**Section 2.** 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.

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.