

**RESOLUTION NUMBER 2021-09**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE TOWN OF PARADISE VALLEY, ARIZONA  
CONCERNING EXCAVATION RESTRICTIONS WITHIN  
THE RIGHTS-OF-WAY ON TOWN ROADWAYS,  
PATCHING AND REPAIR STANDARDS, AND  
EXTENDED WARRANTY PROVISIONS.**

WHEREAS, the Town of Paradise Valley (the “Town”) has a public interest in protecting its citizens from damage to its roadways and unnecessary traffic disruption caused by recurrent road cuts or excavations to roadways within the corporate limits of the Town; and

WHEREAS, Lincoln Drive has been subject to road cutting and excavation for an extended period of time, which has resulted in major traffic disruption, irregular surface patching, and inconvenience to local property owners and the citizens of Paradise Valley; and

WHEREAS, the Town is currently resurfacing Lincoln Drive from 32nd Street to a point 605 feet west of Scottsdale Road (the “New Roadway”); and

WHEREAS, the resurfacing of the New Roadway is currently being completed in segments and will reach final completion on or about June 1, 2021; and

WHEREAS, the Town has determined that it is in the best interest of the Town, its citizens and its businesses to limit all non-emergency road cuts and excavations within any completed segment of the New Roadway surface for five years from the date the resurfacing project is completed.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Town of Paradise Valley, that:

SECTION 1. The recitals above are incorporated as if fully set forth herein.

SECTION 2. The Town, through adoption of this Resolution and pursuant to Town Code Section 5-10-1.C.4, hereby limits road cuts and excavations within the New Roadway for a period of five years, effective upon passage of this Resolution with respect to any segment of the New Roadway for which resurfacing has been completed, to only those necessary to remedy actual emergencies or circumstances causing undue harm to Town residents, as approved by the Town Manager. For the purposes of this resolution, the term “actual emergencies” include:

1. Breaks or leaks in water, sewer, gas, communication or electric lines, when such breaks or leaks cause an interruption of essential utility services.
2. Work that is mandated by Town, state or federal law.
3. Work required to provide essential utility services to buildings where there is no other reasonable means of providing the service. The Town Manager shall make the determination as to whether there is no other reasonable means following a recommendation by the Town Engineer based upon a review of documentary evidence of need provided by the applicant requesting the street cut or excavation.

SECTION 3. In the event of an actual emergency, any street cut or excavation shall be subject to the following provisions:

1. Unless determined by the Town Engineer and the Public Works Director that a lesser repair would better protect the public, standards of repair and patching to the pavement after an emergency excavation shall include (i) surface grinding, (ii) base and sub-base repairs, and (iii) rubberized asphalt extending a minimum of 25 feet in both directions from the pavement cut to the full width of the New Roadway for areas without center medians and to the full half-width of the New Roadway for areas with center medians.

2. The Town Engineer shall require a warranty bond in an amount deemed appropriate to ensure any resurfacing following an emergency road cut or excavation will be completed to Town standards and to ensure any costs to the Town are reimbursed prior to release of the bond.

SECTION 4. Upon adoption of this Resolution, the Town Clerk or his designee is authorized and directed to publish this Resolution as notice regarding the road cut and excavation restrictions provided for herein and pursuant to Town Code Section 5-10-1.C.4 in a newspaper of general circulation stating the commencement date and the ending date of the New Roadway cut and excavation restriction period.

PASSED AND ADOPTED by the Town Council this 22nd day of April 2021.

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Jerry Bien-Willner, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM

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Andrew McGuire, Town Attorney