RESOLUTION NO. 23-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL VALLEY ADOPTING SPECIAL RIGHT OF WAY RESTORATION STANDARDS

THE CITY COUNCIL OF THE CITY OF MILL VALLEY HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The City Council hereby finds:

A. Pursuant to the provisions of Chapter 11.18.220 of the City of Mill Valley Municipal Code, the City Council is authorized to adopt special right-of-way restoration standards by Resolution.

B. The City desires to protect the public investment made in resurfacing of public streets in Mill Valley, while accommodating excavations that meet the narrow requirements of what is allowed. In those limited occurrences where an excavation is allowed, the City desires to require enhanced trench restoration to provide continuity with existing paving.

C. Section 11.18.220A. requires that there be no excavations for five years after construction or resurfacing of a street unless an emergency excavation is approved by the Director. This prohibition does not apply to excavations required to provide essential utility services to a property where there are no other reasonable means of providing such services to the property or where the work is mandated by state or federal laws or orders and the excavation cannot be reasonably avoided as determined in both events by the Director. The City Council further clarifies that essential utility services where the prohibition does not apply includes construction of sewer services to properties currently serviced by septic systems. Trench restoration will be required in accordance with these adopted standards.

D. Section 11.18.220B. also applies the special right-of-way restoration standards to the excavation of right-of-way that has been constructed or resurfaced more than five years before the proposed excavation, provided that the right-of-way has a Pavement Condition Index of 70 or higher.

E. The City Council adopted the Marin County 2018 Uniform Construction Standards "Uniform Construction Standards" in Resolution No. 19-48.

F. Following are the hereby adopted special right-of-way restoration standards for streets that have been constructed or resurfaced during the prior five years:
   1. Pavement restoration shall exceed that required under Uniform Construction Standards 360, 370, and 380, and shall extend an additional 5' typical, 10' maximum from the limits identified in the Uniform Construction Standards.
   2. For roads less than 24 ft wide: full-width restoration.

3. For roads over 24 ft wide: restoration to the centerline unless repair crosses the centerline then up to a full-width restoration is required.
4. Restoration is a 2" grind and overlay.
5. The Director of Public Works is authorized to approve modifications to these standards if additional construction-related damage is identified beyond these limits, or if an alternate restoration or in-lieu fee is determined to be acceptable.

G. Following are the hereby adopted special right-of-way restoration standards for streets that have been constructed or resurfaced more than five years before the proposed excavation, provided that the right-of-way has a Pavement Condition Index of 70 or higher.
   1. Pavement restoration shall exceed that required under Uniform Construction Standards 360, 370, and 380, and shall extend an additional 5' typical, 10' maximum from the limits identified in the Uniform Construction Standards.
   2. For roads less than 24 ft wide: full-width restoration.
   3. For roads over 24 ft wide: restoration to centerline unless repair crosses the centerline then a full-width restoration is required.
   4. Restoration is a slurry seal.
   5. The Director of Public Works is authorized to approve modifications to these standards, if during construction, additional construction-related damage is identified beyond these limits, or if an alternate restoration or in-lieu fee payment is determined to be acceptable.
   6. These requirements become effective 60 days after adoption of this Resolution.

PASSED AND ADOPTED at a special meeting of the City Council of the City of Mill Valley on the **17th** day of **July, 2023,** by the following vote:

AYES: Councilmembers: Joachim, Perrey, Burke, Carmel, Wickham.
NOES: None.
ABSENT: None.
ABSTAIN: None.

E.M.F. M
for Jim Wickham, Mayor

ATTEST:

Hannah Politzer
Hannah Politzer, City Clerk/Management Analyst III