

## CITY OF MILLWOOD

RESOLUTION # 16-06

March 8, 2016

A RESOLUTION APPROVING THE CITY OF MILLWOOD'S ADOPTION OF THE INLAND NORTHWEST REGIONAL PAVEMENT CUT POLICY, ESTABLISHING A UNIFORM APPROACH TO PAVEMENT CUTS AND REPAIR APPLICABLE TO UTILITIES AND OTHER CONTRACTS WORKING IN THE PUBLIC RIGHTS-OF-WAY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, Millwood Municipal Code ("MMC") 12.05.050(D) provides that right-of-way use permits may be issued for ". . . activities that will alter the appearance of or disturb the surface, super-surface or sub-surface of the right-of-way on a temporary or permanent basis";

WHEREAS, MMC 12.05.050(D) further provides: "The responsibility for adoption of policies relating to, issuance, control, regulation and enforcement of "disturbance" right-of-way use permits is vested in the director or designee"; and

WHEREAS, the Council desires to adopt the Inland Northwest Regional Pavement Cut Policy (the "Pavement Cut Policy"), a copy of which is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millwood that:

**Section 1. Incorporation of Recitals:** The recitals set forth herein are hereby incorporated as a part of this Resolution.

**Section 2. Adoption of Policy and Future Amendments:** The Council hereby approves the adoption of the Pavement Cut Policy attached hereto as Exhibit "A." The Council also approves the adoption of any subsequent amendments to the Pavement Cut Policy. Such adoption of future amendments to the Policy shall not require any further action of the City or the Council. Notwithstanding the foregoing, in the event of a conflict between the Pavement Cut Policy, and any amendment thereto, and any provision of the Millwood Municipal Code, including but not limited to chapter 12.05 of the Millwood Municipal Code, then the Millwood Municipal Code shall prevail.

**Section 3. Severability:** If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

**Section 4. Repealer:** With the exception of City Ordinance 373, which adopted the provisions of chapter 12.05 of the Millwood Municipal Code, all ordinances and resolutions,

laws, regulations, or policies, or parts thereof in conflict with this Resolution are, to the extent of said conflict, hereby repealed.

**Section 5. Effect:** This Resolution shall be in full force and effect from and after its adoption by the Council.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS 8th DAY OF March, 2016.

s/ Kevin Freeman

KEVIN FREEMAN, MAYOR

Attest:

s/ Thomas G. Richardson

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THOMAS G. RICHARDSON,  
CITY CLERK

Attachments:

Exhibit "A" - Inland Northwest Regional Pavement Cut Policy

**ATTACHMENT "A"**  
**Inland Northwest Regional Pavement Cut Policy**