

MARANA ORDINANCE NO. 2026.013

RELATING TO LAND DEVELOPMENT; AMENDING TOWN CODE TITLE 17 (LAND DEVELOPMENT), CHAPTER 17-5 (SUBDIVISIONS); REVISING SECTION 17-5-4 "PERFORMANCE GUARANTEE" TO PROVIDE FOR AN ADMINISTRATIVE PROCESS FOR THE TOWN'S USE OF FINANCIAL FORMS OF ASSURANCE TO CONSTRUCT SUBDIVISION IMPROVEMENTS; AND DESIGNATING AN EFFECTIVE DATE

WHEREAS pursuant to Arizona Revised Statutes (A.R.S.) § 9-463.01 and Marana Town Code (MTC) Section 17-5-4, before a subdivision plat is approved by the Town, the subdivider must post assurances to assure the installation of required street, sewer, electric and water utilities, drainage, flood control, landscaping, park facilities, and other improvements as required meeting minimum standards of design and construction established by the Town's Land Development Code and Subdivision Street Standards; the purpose of the assurances is to guarantee that the improvements are installed in a timely manner and paid for without cost to the Town; and

WHEREAS pursuant to MTC Section 17-5-4, subdivision assurance agreements are approved administratively by the Town Manager and Town Engineer and approved as to form by the Town Attorney; and

WHEREAS the Town Council finds that providing an administrative process for the Town's use of financial forms of subdivision assurances is in the best interests of the Town and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, as follows:

SECTION 1. Marana Town Code Title 17 (Land Development), Chapter 17-5 (Subdivisions), Section 17-5-4 "Performance Guarantee" is hereby revised as follows (with additions shown with double-underlining and deletions shown with ~~strikethroughs~~):

17-5-4 Performance guarantee

- A. Before a subdivision plat is approved by the town, the subdivider shall post assurances, in a form acceptable to the town attorney, to assure the installation of required street, sewer, electric and water utilities,

drainage, flood control, landscaping, park facilities, and other improvements as required meeting minimum standards of design and construction established by this title and the subdivision street standards. The purpose of the assurances shall be to guarantee that the improvements are installed in a timely manner and paid for without cost to the town.

1. Financial forms of assurance, including cash, letter of credit, performance bond, or other similar instruments, shall be submitted to the town engineer in an amount equal to the sum of the cost of construction for all required improvements, including surveying, construction management, testing, and inspections, as determined by the town engineer, plus a 15% contingency. A financial form of assurances for the installation of required improvements on private property shall grant to the town adequate property rights as determined by the town engineer and town attorney to allow the town or the town's contractor to complete the installation. ~~Where, in the opinion of the council,~~ If the subdivider fails or neglects ~~has failed or neglected~~ to install the required improvements or make required corrections within a timely manner, or to pay all liens in connection with the required improvements, the ~~council town~~ town may, ~~after a public hearing on the matter,~~ use the proceeds from the assurances to install or cause to be installed the required improvements in accordance with the terms of the financial form of assurances and any assurance agreement between the town and the subdivider.

[No revisions to subparagraph 2]

[No revisions to paragraphs B and C]

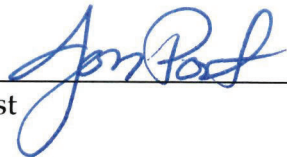
SECTION 2. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 3. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

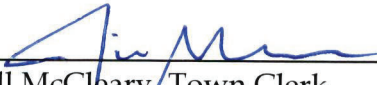
SECTION 5. This ordinance is effective on the 31st day after its adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA,
ARIZONA, this 4th day of August, 2026.



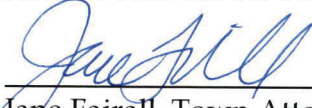
Mayor Jon Post

ATTEST:



Jill McCleary, Town Clerk

APPROVED AS TO FORM:



Jane Fairall, Town Attorney

