

## **RESOLUTION NO. 2010-205**

Adopted by the Sacramento City Council

April 22, 2010

### **RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSURE OF THE ALLEYWAY BOUNDED BY FOLSOM BOULEVARD, 36<sup>TH</sup>, 37<sup>TH</sup> AND P STREETS PROCEEDING NO. TSC10-01**

#### **BACKGROUND**

- A. The City received a request from the adjacent property owners for a Temporary Closure of the subject alleyway bounded by Folsom Boulevard, 36<sup>th</sup> Street, 37<sup>th</sup> Street and "P" Street.
- B. In accordance with Section 21101.4 of the Vehicle Code of the State of California and with Chapter 12.16 of the Sacramento City Code, the City Council hereby considers approval of the Temporary Street Closure of traffic on the following subject alley to help prevent occurrences of crime related activities.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Based upon substantial evidence present in the record of the proceedings regarding this matter, City Council hereby makes the following findings:
  - a) There is continual criminal activity in the area of the subject alleyway recommended for closure. This finding is based upon a recommendation of the Police Department.
  - b) The alleyways recommended for closure is under the City's jurisdiction and has not been designated as a through highway or arterial street.
  - c) Vehicle or pedestrian traffic in the alleyways recommended for closure contributes to the criminal activity that is occurring there.
  - d) The alleyway closure will not substantially adversely affect traffic flow, safety on the streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the street recommended for closure.
- Section 2. The Temporary Street Closure of vehicular traffic through the subject alleyway listed is necessary for the protection or preservation of the public peace, Safety, health or welfare of the neighborhood.

Section 3. The Council finds and determines that the subject alley closure will substantially alleviate the existing serious and continual criminal activity in that alley.

Section 4. City Council grants the Temporary Street Closure of the subject alley with the following conditions:

- a) A locking security device approved by the Sacramento Fire Department will be installed on each gate.
- b) City departments and utility companies will have twenty-four (24) hour access to their facilities within the alley.
- c) The adjacent property owners and the "36<sup>th</sup> and 37<sup>th</sup> Street Alley Association" will be responsible for the construction, maintenance and repair costs of the electric gate placed at the north end of the alley near Folsom Boulevard.
- d) In the event that the security device requires construction by a private entity for improvements in the public right-of-way, a revocable encroachment permit and an excavation permit must be obtained from the Department of Transportation. The revocable encroachment permit is to be issued simultaneously with this Resolution. The excavation permit, if required, may be issued subsequent to this Resolution, but must be obtained prior to the construction of improvements in the public right-of-way. Staff recommends that the City Manager waive the fee for the revocable encroachment permit.

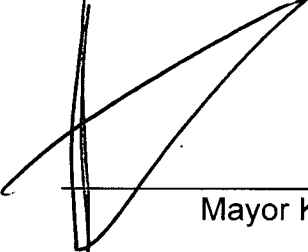
Adopted by the City of Sacramento City Council on April 22, 2010 by the following vote:

Ayes: Councilmembers Cohn, Hammond, McCarty, Pannell, Sheedy, Waters, and Mayor Johnson.

Noes: None.

Abstain: None.

Absent: Councilmembers Fong and Tretheway.



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Mayor Kevin Johnson

Attest:



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Shirley Concolino, City Clerk