

RESOLUTION NO. 2009-271

Adopted by the Sacramento City Council

May 5, 2009

TEMPORARY STREET CLOSURE OF TWO ALLEYWAYS LOCATED WITHIN THE OAK PARK NEIGHBORHOOD PROCEEDING NO. TSC09-01

BACKGROUND

- A. The City received a request from the adjacent property owners for a temporary closure of both of the subject alleyways within the Oak Park neighborhood.
- B. The Sacramento Redevelopment Agency has agreed to pay 50 percent of the total costs to construct the alley gates and placement of the necessary signage. The other 50 percent of total costs will be paid for by the City's Department of Transportation's Problem Alley Abatement Program.
- C. 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 two of the following subject alley to help prevent future criminal acts.

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 serious and continual criminal activity in the area of the subject alleyways 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 closures 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 two subject alleyways listed is necessary for the protection or preservation of the public peace, Safety, health or welfare of the neighborhood.
- a. Alleyway bounded between 32nd, 33rd streets and 14th and 16th Avenues
 - b. Alleyway bounded between 6th, 7th Avenues and 37th Street and Martin Luther King Jr. Boulevard
- 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 the on each gate.
 - b. City departments and utility companies will have twenty-four (24) hour access to their facilities within the alley.
 - c. Signs giving notice of such restrictions shall be installed at the entrances to the subject alley prior to the installation of the gate security device.
 - d. The locking security device shall not be operated in a selective manner that restricts the access of some vehicles and/or pedestrians to the subject alley, while permitting other vehicles and pedestrians unrestricted access to the alley.
 - e. 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.

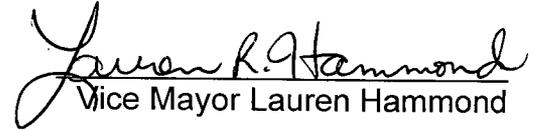
Adopted by the City of Sacramento City Council on May 5, 2009 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
Tretheway, Waters.

Noes: None.

Abstain: Mayor Johnson (Recused).

Absent: None.


Vice Mayor Lauren Hammond

Attest:


Shirley Concolino, City Clerk