

RESOLUTION NO. 2009-405

Adopted by the Sacramento City Council

June 16, 2009

RESOLUTION AUTHORIZING THE TEMPORARY STREET CLOSURE OF THE ALLEYWAY BOUNDED BY YREKA AVENUE, FLORIN ROAD, 24TH AND 25TH STREETS PROCEEDING NO. TSC09-02

BACKGROUND

- A. The City received a request from the adjacent property owners for a Temporary Closure of the subject alleyway.
- B. City Council District 5 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 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 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 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 June 16, 2009 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.



Mayor Kevin Johnson

Attest:


Shirley Concolino, City Clerk