

RESOLUTION NO. 2007-245

Adopted by the Sacramento City Council

April 26, 2007

AUTHORIZING THE RESTRICTION OF TRAFFIC THROUGH THE ALLEY BOUNDED BETWEEN 11TH STREET, 12TH STREET, "D" STREET AND "E" STREET, RESTRICTION OF TRAFFIC PROCEEDING NO. RT07-01

BACKGROUND

- A. The City received a request from the property owners and neighboring residents of the alley bounded by 11th Street, 12th Street, "D" Street and "E" Streets for the restriction of their adjacent alley.
- B. Council District 1 has agreed to pay 50 percent of the total costs to construct the alley gate and placement of the necessary signage with the Alkali Flat Alley Closure Fund (CIP: SP56). The other 50 percent of total costs will be paid for by the Problem Alley Abatement Program.
- C. In accordance with Section 21102.1 of the Vehicle Code of the State of California and with Chapter 12.40.10 through 12.40.80 of the Sacramento City Code, the City Council hereby considers approval of the restriction 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 alley recommended for restriction. This finding is based upon a recommendation of the Police Department.
 - b) The alley recommended for restriction 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 alley recommended for restriction contributes to the criminal activity that is occurring there.
 - d) The restricted alley 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 Council finds and determines that the subject alley restriction will substantially alleviate the existing serious and continual criminal activity in that alley.

Section 3. City Council grants the restriction of the subject alley with the following conditions:

- a) A gate security device approved by the Sacramento Fire Department will be installed on the gates.
- 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 gate 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 gate 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 Development Services Department. 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.

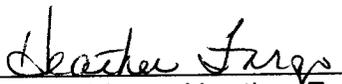
Adopted by the City of Sacramento City Council on April 26, 2007 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Councilmember Pannell.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk