RESOLUTION NO. 2006-397

Adopted by the Sacramento City Council

May 30, 2006

APPROVING THE TEMPORARY CLOSURES OF STREETS AND ALLEYS WITHIN PHOENIX PARK SUBDIVISION AND FRANKLIN VILLA ESTATES UNIT NO.1 SUBDIVISION LOCATED IN COUNCIL DISTRICT 8 TEMPORARY CLOSURE PROCEEDING NO. TSC06-04

BACKGROUND

A. The City received a request from the property owners and residents of Phoenix Park Subdivision and Franklin Villa Estate Unit No.1 Subdivision to temporary close the following streets and alleys to stop the occurrences of crime related activities:

La Fresa Court, La Pera Court, Phoenix Park Drive, Restoration Court, Creeks Edge Way, Abiding Way, and the Alleys within Franklin Boulevard, Creeks Edge Way and Morrison Creek

B. The Vehicle Code of the State of California Section 21101.4 and the Sacramento City Code Chapter 12.16 authorizes the City Council to temporary close streets and alleys to 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 serious and continual criminal activity in the area of the streets and alleys recommended for closure. This finding is based upon a recommendation of the Police Department.

b. The streets and alleys recommended for closures are under the City's jurisdiction and have not been designated as a through highway or arterial street.

c. Vehicle or pedestrian traffic in the streets and alleys recommended for closure contribute to the criminal activity that is occurring there.

d. The street and alley 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 streets and alleys for closure.

Section 2. The Council finds and determines that the subject street and alley closures will substantially alleviate the existing serious and continual criminal activity in that street.

Section 3. City Council grants these street and alley closures 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 road.

c. 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 the City Manager waive the fee for this permit.

Adopted by the City of Sacramento City Council on May 30, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor, Heather Fargo

Attest:

Shirley Concolino

Shirley Concolino, City Clerk