RESOLUTION NO. 2007-190

Adopted by the Sacramento City Council

April 3, 2007

APPROVING THE TEMPORARY STREET CLOSURE – THE ALLEY BOUNDED BY 41st, STREET, 42nd STREET, "S" STREET AND "T" STREET IN COUNCIL DISTRICT 6

TEMPORARY CLOSURE PROCEEDING NO. TSC06-11

BACKGROUND

A. The City received a request from the property owners and residents of the alley bounded by 41st Street, 42nd Street, "S" Street and "T" Street.

B. The Vehicle Code of the State of California Section 21101.4 and the Sacramento City Code Chapter 12.16 authorize the City Council to temporarily 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 subject alley recommended for closure. This finding is based upon a recommendation of the Police Department.

b) The alley 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 alley recommended for closure contributes to the criminal activity that is occurring there.

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

Section 3. City Council grants the temporary closure 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) 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 3, 2007 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