

Resolution No. 97-0094**STOCKTON CITY COUNCIL**

WHEREAS, state law provides a procedure for permanent abandonment of the use of streets and alleys; and

WHEREAS, existing legislation (Vehicle Code sections 21101, et seq.), permits cities to regulate certain aspects of the flow of traffic and use of city streets; and

WHEREAS, cities may adopt rules and regulations for temporary restriction of the use of alleys; and

WHEREAS, recent requests for temporary closure of alleys indicate the need for adopting such rules and regulations; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. That this City Council hereby determines that adoption of rules and regulations for the temporary closure of alleys is necessary and appropriate.

2. That the "Alley Closure Process: Policies and Procedures Guide," attached as Exhibit A and incorporated by this reference, is hereby adopted as the City of Stockton's policies, procedure and process for alley closures.

3. That an annual amount of not more than Twenty-Five Thousand Dollars (\$25,000) be made available for closures within Community Development Block Grant ("CDBG") target areas and an annual amount of not more than Fifteen Thousand Dollars (\$15,000) be made available for closures in non-CDBG target areas and allocated to proposed projects on a first-come, first-served basis.

4. That the City Manager is hereby authorized to implement the provisions of said policy.

PASSED, APPROVED and ADOPTED MAR 31 1998

/s/ GARY A. PODESTO

ATTEST:

GARY A. PODESTO, Mayor  
of the City of Stockton

/s/ KATHERINE GONG MEISSNER

KATHERINE GONG MEISSNER  
City Clerk  
of the City of Stockton

CITY ATTY  
REVIEW BM

**97-0094**

DATE APR 03 1997

# ALLEY CLOSURE PROCESS: POLICIES AND PROCEDURES GUIDE

## INTRODUCTION

The Council Community Planning and Development Committee (Committee) discussed this item at a April 16, 1996 and February 12, 1997 meeting. At these meetings, the Committee adopted a set of policies and procedures for alley closures. This Guide provides background on the alley closure issues and summarizes the policies and procedures adopted by the Committee.

## BACKGROUND

Prior to January 1, 1996, the only method available was the abandonment of the alleyway and pedestrian pathway. As with most public agencies, the City has established procedures for the "abandonment" of public right-of-way. This process permanently removes, or terminates the easement providing public access. Once an abandonment has been approved, the adjoining owners can take over use of the area and gate or fence off the alleyway or walkway from public access.

Unfortunately, the abandonment process can be expensive. The City's process requires a title report and the preparation of a map and description by a licensed civil engineer. In addition, there is an abandonment application fee and the cost of publishing a public notice in the newspaper. This does not include the cost of any required frontage improvements such as gating, fencing, or sidewalk, curb or gutter improvements. The cost of abandonment and its related frontage improvements can easily run into thousands of dollars. This potential high cost can often discourage private residential property owners from proceeding with an abandonment.

However, with the passage of AB 356 (effective January 1, 1996), public agencies now have the option to "close" alleys instead of abandoning them. Closure is intended to be a simplified process that gives adjoining owners the right to control access to an alley. The normal abandonment process can take 60-90 days and cost between \$650 - \$2,000 plus the cost of gating and any frontage improvements. The closure process is quicker than the standard abandonment process (30-45 days) and has less legal requirements to follow which should reduce the costs. AB 356 does not stipulate a process for closures, but rather leaves it to the discretion of the public agency to develop its policies and procedures.

This Guide represents the Committee's adoption of specific policies and procedures for the closure program.

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### GENERAL POLICIES

The following are the general policies for the alley closure process:

**Length of closure:** The duration of the closure is 18 months. Per the California Vehicle Code, an alley closure must be limited to 18 months, with a one 18 month extension subject to staff review. Closure cannot exceed 36 months or otherwise it has to be treated as an abandonment with regards to public improvements.

**Prioritization of Requests** - Review requests for closures based on the following criteria:

- unanimous owner approval;
- time of application submittal;
- no disruption to the neighborhood;
- police and fire statistics for alley;
- traffic danger to pedestrians;
- impact to future residential or commercial uses;
- police, fire, public works and utility company support;
- illegal dumping problems.

These criteria would have varying weights, but would be the parameters by which to review and prioritize requests. For example, the highest weight would be given to the criteria evaluating the police and fire statistics for the alley.

**Cost** - The City will pay for 100% of the cost to close an alley.

**Funding Source** - CDBG funds will be used to fund alley closures in CDBG target areas. For non-target area, the City will use Gas Tax. The improvements associated with the closure process are eligible uses of Gas Tax and CDBG funds.

**Annual Budget** - An annual budget will be allocated to pay for the improvements. When these budgeted funds run out during the year, applicants will have to wait until next budget year for the City to process their closure requests. All requests will be ranked according to the prioritization criteria.

**Maintenance Requirement** - As the closure is only temporary, existing improvements need to be maintained and fences could not be moved to the center property line. The City will have a maintenance agreement with the adjoining property owners to ensure that they perform the maintenance of the area.

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**Alley/Pedestrian Paths** - The closure process is only available to alleyways. Alleys may be reopened based on risk factors and public safety issues. Pedestrian paths are fewer in number and typically affect less property owners.

**Existing Improvements/Moving Fence Lines** - Do not remove existing improvements or allow owners to move fences to the center property line because the closure is only temporary. Should the owners decide that they want to move their fences or make the closure a more permanent situation, then the owners will need to proceed with the abandonment process. The City will make an effort to apply all the costs incurred for the closure of the alley toward the costs of the abandonment.

**Preferred Abandonment** - For property owners who prefer to abandon their alley or pedestrian pathway, the City will fund 100% of the abandonment cost. The City will use the funds budgeted for the closure program to pay the costs of the abandonment. Unanimous property owner approval is required to receive funds for the cost of the abandonment.

### CLOSURE PROCESS

The following is the adopted closure process:

**Application** - An application is required to initiate process. Applications will require the signatures of a majority of the property owners. Unanimous property owner approval is not required for the City to process a request. However, unanimous property owner approval is required to receive City funding of this request. Tenants may also sign the petition if they wish. The application must specify one contact person for the City to work with. Persons wanting to express their concerns regarding a closure request will have an opportunity to do so at the City Council meeting to consider the item.

**Processing Fee** - Closure application fee of \$325.

**Notice** - Do not require publication of a notice. Staff will verify that all of the adjoining property owners are aware of the closure request. In addition, staff will notify any known opposing parties to the action.

**Title Report** - Do not require except in special circumstances. A title report is used to verify the ownership of a property and particularly to find out if there is any City ownership. Staff can usually determine ownership from Assessor's records. In complicated situations a title report may be required.

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**Map** - Require only general street map. As no deeds are involved with a closure, a legal description and map are not required.

**Required Improvements** - Closures will usually only involve the gating of the alley. Closures are temporary in nature and may cease at some future point. The purpose of closure is to regulate access to the alley and this is most easily accomplished by a gate. The majority of alleys will require two gates, one at each end.

**Funding** - The City will use CDBG funds to pay for 100% of the cost to close an alley in a CDBG Target area (see attached map). In non-CDBG target areas, the City will use Gas Tax to pay for 100% of the closure cost. This is an eligible use of CDBG and Gas Tax funds. Unanimous property owner approval is required to receive City funding for a closure or abandonment request. When the budgeted funds for this program run out during the year, applicants will have to wait until the next budget year for the City to process their funding requests for a closure/abandonment.

**Maintenance** - As the closure is only temporary, existing improvements need to be maintained and fences could not be moved to the center property line. The City will rely on the adjoining owners to perform regular maintenance of the area.

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