

DRAFT 2/1/23 SQJ

RESOLUTION NO. _____

**A RESOLUTION OF INTENT OF THE CITY COUNCIL OF
THE CITY OF SUNNYVALE TO ESTABLISH A
PEDESTRIAN MALL ON OF THE 100 BLOCK OF SOUTH
MURPHY AVENUE**

WHEREAS, the City of Sunnyvale temporarily closed the 100 block of South Murphy Avenue to facilitate outdoor dining and pedestrian zones; and

WHEREAS, a majority of the surveyed users and participating businesses support continuation of the street closure to enhance downtown vitality; and

WHEREAS, the City wishes to retain these outdoor dining and pedestrian zones beyond the end of the COVID-19 pandemic; and

WHEREAS, the City declares its intention to establish a pedestrian mall on one segment of South Murphy Avenue, between West Evelyn Avenue and East Washington Avenue, i.e., the 100 Block of South Murphy Avenue; and

WHEREAS, the Pedestrian Mall Law of 1960 (Streets and Highways Code Section 11000 et seq.) authorizes municipalities to close streets to vehicular traffic and to establish pedestrian malls; and

WHEREAS, the City wishes to prohibit vehicular traffic on the proposed pedestrian malls except for emergency and utility maintenance vehicles, which shall be allowed access at all hours; and

WHEREAS, the City will make improvements that support the success of the proposed pedestrian malls that include, but are not limited to, curb cuts, bollards, planters, or other traffic-control devices, which will be financed by the City; and

WHEREAS, the City does not intend to form an assessment district at this time to pay for the proposed improvements, but may consider the formation of such an assessment district in the future to pay for additional improvements that may be contemplated at a later date; and

WHEREAS, the City will hold a duly noticed public hearing on May 16, 2023, at 7 p.m., or as soon thereafter as the matter can be heard, to hear protests and objections to the establishment of the proposed pedestrian mall and to review any claims of damages from those having any legal or equitable interest in any real property which might suffer legal damage by reason of establishment of the proposed pedestrian malls

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. Pursuant to the Pedestrian Mall Act of 1960 (California Streets and Highways Code Section 11000 et seq.), the City Council declares its intention to establish a pedestrian mall on South Murphy Avenue between West Evelyn Avenue and East Washington Avenue, as shown on Exhibit A. There are no intersecting streets in this portion of South Murphy Avenue.

2. The City Council determines that the public interest and convenience require the establishment of pedestrian malls and that vehicular traffic will not be unduly inconvenienced.

3. The City intends to adopt an ordinance prohibiting vehicular traffic on the proposed pedestrian mall, with the exception of emergency and utility maintenance vehicles, which shall be allowed access at all hours. In addition, private maintenance vehicles, including grease trap cleaners and other maintenance vehicles for large equipment drop-offs, will be allowed by appointment only.

4. The City intends to make improvements to the proposed pedestrian malls that include, but are not limited to, curb cuts, bollards, planters, or other traffic-control devices and will be responsible for financing those improvements. The City's General Fund will be the source of moneys to be used to pay for such improvements.

5. The City's General Fund will be the source of moneys to be used to pay damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall.

6. The City will hold a public hearing on May 16, 2023, at 7 p.m., or as soon thereafter as the matter can be heard, in the Council Chambers, located at 456 West Olive Avenue, Sunnyvale, California, 94086, and via a remote public meeting by video conference, the details of which will be published on the May 16, 2023 agenda posted no later than Friday, May 12, 2023, at sunnyvale.legistar.com, where the City Council will hear protests and objections to the establishment of the proposed pedestrian mall. Any and all persons having any objections to the establishment of the proposed pedestrian mall may file a written protest with the City Clerk of the City of Sunnyvale, P.O. Box 3707, Sunnyvale, CA 94088, or cityclerk@sunnyvale.ca.gov, at any time not later than 7 p.m., or as soon thereafter as the matter can be heard, on May 16, 2023.

7. Notice is hereby given that any person owning or having any legal or equitable interest in any real property which might suffer legal damage by reason of the establishment of the proposed pedestrian malls may file a written claim for damages with the City Clerk of the City of Sunnyvale, P.O. Box 3707, Sunnyvale, CA 94088, or cityclerk@sunnyvale.ca.gov, at any time not later than 7 p.m., or as soon thereafter as the matter can be heard, on May 16, 2023.

Such written claim must describe the real property as to which the claim is made, must state the exact nature of the claimant's interest therein, must state the nature of the claimed damage thereto, and must state the amount of the damages claimed. Failure to file such a written claim within the time provided shall be deemed a waiver of any claim for damages or compensation and shall operate as a bar to any subsequent action seeking to prevent establishment of the proposed pedestrian mall or to recover damages on account of such establishment. Furthermore, the filing of such a claim shall operate as a bar in any subsequent action to the recovery of any damages or compensation in excess of the amount stated in such claim.

Adopted by the City Council at a regular meeting held on February 7, 2023, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
(SEAL)

LARRY KLEIN
Mayor

APPROVED AS TO FORM:

JOHN A. NAGEL
City Attorney