

RESOLUTION NO. 153-87

ADOPTING POLICY FOR THE MAINTENANCE
OF ALHAMBRA CREEK

WHEREAS, the City Council of the City of Martinez deems it to be in the public interest to have the maintenance of Alhambra Creek done in a uniform and comprehensive manner; and

WHEREAS, Alhambra Creek is a natural watercourse and the maintenance performed by the Public Services Department has been restricted to locations where the creek crosses or is adjacent to public rights-of-way; and

WHEREAS, the Public Services Department has determined the need to establish a policy for the maintenance of Alhambra Creek.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Martinez that a City policy for the maintenance of Alhambra Creek is hereby established as defined below:

- A. All improvements or maintenance desired for the Alhambra Creek including the creek bed and banks shall be the responsibility of the property owner on whose property the creek naturally flows or whose property immediately adjoins the creek bank.
- B. Maintenance shall include but is not limited to the clearing of vegetation, debris or obstructions, repairs to the creek banks and improvements to the creek which may include installation of bank protection.
- C. Those portions of the creek which cross or are adjacent to a public rights-of-way will be maintained by the City Public Services Department. This includes bridges, culverts, or box culverts which are within a City maintained street or right-of-way and shall include the portions of the creek bed and creek banks immediately adjacent to said streets or rights-of-way. Maintenance shall include the clearing of obstructions, maintenance or installation of improvements in the creek bed or on the creek banks, street pavement, and structures.
- D. Prior to the performance of any work within the creek, necessary permits from the applicable agencies shall be obtained. Such agencies may include, but not be limited to, City of Martinez, Contra Costa County, California Department of Fish and Game, U.S. Army Corps of Engineers, and/or San Francisco Bay Conservation and Development Commission.
- E. Requests for removal of major obstructions (such as fallen trees) will be reviewed by the Public Services Department. If determined that the obstruction affects public property or right-of-way, then it will be removed by City forces. Otherwise, it will be the responsibility of the owners on whose property the obstruction exists to remove the obstruction.

F. Any decision of the Public Services Director made under this policy may be appealed by written notice to the City Manager as long as said notice is received within five (5) days of the decision. The City Manager's decision shall be final and non-appealable.

BE IT FURTHER RESOLVED, that the Public Services Department is hereby directed to follow this policy on Alhambra Creek maintenance.

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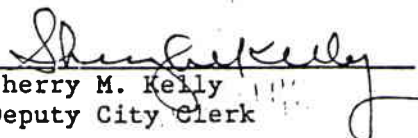
I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a regular meeting of said Council held on the 14th day of October, 1987, by the following vote:

AYES: Councilmembers Hernandez, Langley, Pollacek,
Vice Mayor Radke and Mayor Menesini.

NOES: None.

ABSENT: None.

GUS S. KRAMER
City Clerk

By: 
Sherry M. Kelly
Deputy City Clerk

nb:82