



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** NARVAEZ ROAD  
VACATION

**DATE:** 04-05-06

Approved

Date

**COUNCIL DISTRICT:** 10

## **RECOMMENDATION**

Conduct a public hearing and adopt a resolution vacating Narvaez Road between Narvaez Avenue and State Route 87.  
CEQA: Exempt.

## **OUTCOME**

The Council conducts a public hearing on the subject vacation and vacates the portion of Narvaez Road between Narvaez Avenue and State Route 87.

## **BACKGROUND**

The Valley Transportation Authority (VTA), the adjacent property owner, has submitted an application for the vacation of Narvaez Road (map attached). This vacation is a part of the Guadalupe Freeway closeout project.

On March 28, 2006, the City Council adopted a resolution, which declared the Council's intention to vacate Narvaez Road between Narvaez Avenue and Route 87. The resolution approved a map showing the subject portion of the street proposed to be vacated, set the public hearing for April 25, 2006 at 1:30 p.m. and directed the Director of Public Works to post the site with a Notice of Vacation.

## **ANALYSIS**

With the construction of Route 87 and the realignment of Narvaez Road (now Narvaez Avenue), the subject portion of Narvaez Road is located within the Capitol Light Rail Park and Ride Facility and is no longer accessible. Also, the VTA is considering a Transit Oriented Development on a portion of the park and ride lot. Staff has determined that this portion of

Narvaez Road is not needed for public street purposes and can be vacated without adverse effects. The adjacent streets will provide adequate capacity and circulation for vehicles and pedestrians. All concerned utility companies have been contacted and have no objections to the proposed vacation. However, there are public facilities that will require the reservation of a public service easement. Therefore, a public service easement will be reserved over the entire area to be vacated.

According to the title reports submitted, fee title to the various portions of the property shown on Attachment A hereto is held by the following entities:

- Figures 1, 3, 4, 5: Santa Clara County
- Figure 2: Santa Clara County Transit District 50% interest
- Figure 2: City of San José 50% interest
- Figure 6, 7, 8, 9, 11: Santa Clara Valley Transportation Authority
- Figure 10: Santa Clara County Transit District 75% interest
- Figure 10: City of San José 25% interest

Upon vacation the right-of-way will revert to the adjacent property owners and no further action by staff would be required with the exception of the property depicted in Figures 2 and 10 in which the City of San José has interest. Staff recommends the transfer of the City's interest in the property in Figures 2 and 10 to the VTA. The proposed transfer will require separate action by the Council, which will occur at a later date.

No new information regarding this vacation has been received since the March 28, 2006 Council meeting.

### **PUBLIC OUTREACH**

All concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a public service easement is reserved. Additionally, as directed at the March 28, 2006 Council hearing, staff has posted the site with a Notice of Vacation.

### **COORDINATION**

The required resolution and memo have been coordinated with the Planning, Building and Code Enforcement Department, City Manager's Budget Office and the City Attorney's Office.

### **COST IMPLICATIONS**

Vacating the public right-of-way is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability in the public right-of-way.

HONORABLE MAYOR AND CITY COUNCIL

04-05-06

**Subject: Narvaez Road Vacation**

Page 3

**CEQA**

Exempt

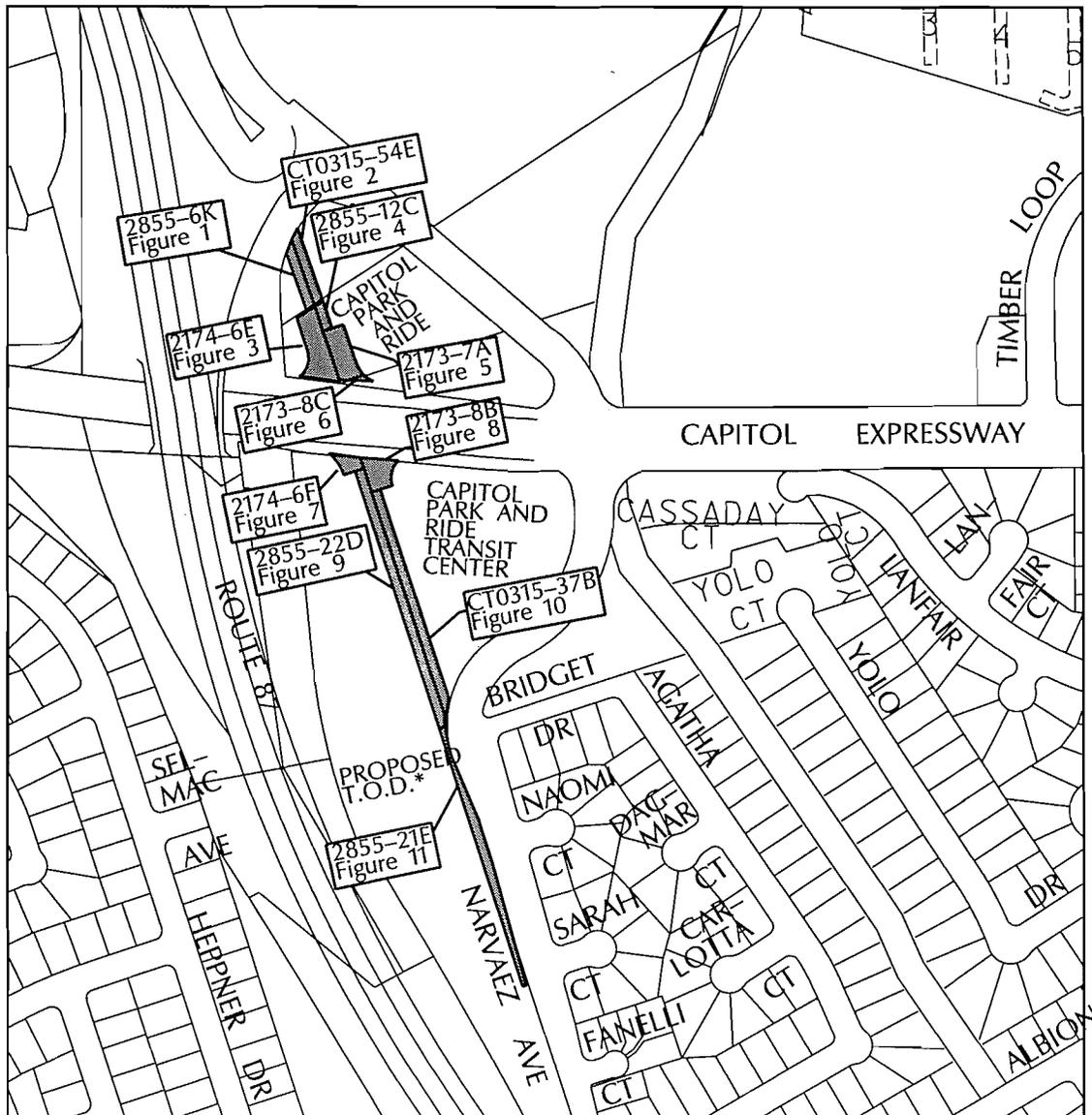
A handwritten signature in black ink that reads "Katy Allen". The signature is written in a cursive, flowing style.

KATY ALLEN  
Director, Public Works Department

PD:MA:md  
Attachment  
Narvaez2nd CC\_2final.doc

# LOCATION MAP

SHOWING THE VACATION OF NARVAEZ ROAD FROM NARVAEZ AVENUE TO ROUTE 87



\*T.O.D. = TRANSIT ORIENTED DEVELOPMENT



**AREA TO BE VACATED**

