

*Memorandum*

**TO: HONORABLE MAYOR AND  
CITY COUNCIL**

**FROM: Katy Allen**

**SUBJECT: RESOLUTION OF INTENTION  
TO VACATE A PORTION OF  
LENZEN AVENUE**

**DATE: 07-29-04**

Approved

Date

7-29-04

**Council District: 6**

**REASON FOR REPLACEMENT MEMO**

To clarify information that was included in the original Council memo.

**RECOMMENDATION**

Adoption of a resolution of intention to vacate a portion of Lenzen Avenue and reserving a public service easement (PSE), located 350 feet east of Stockton Avenue and setting a public hearing on September 7, 2004 at 1:30 p.m.  
CEQA : Exempt.

**BACKGROUND**

In order to improve service and centralize maintenance for Caltrain, the City Council and the Peninsula Joint Powers (JPB) jointly adopted a Memorandum of Understanding (MOU) in 2001 for the development of a maintenance facility in San Jose on a portion of the UPRR lands on Coleman Avenue. The maintenance facility is currently under construction on a site located east of Stockton Avenue between Lenzen Avenue and Taylor Street. The purpose of this facility is to improve the efficiency of Caltrain service by centralizing maintenance activities as well as to accommodate service expansion. A Caltrain Maintenance Facility Task Force was created to work with local communities to address any issues that are raised as a result of the maintenance facility construction and operation. The task force has been meeting regularly with City and JPB staff since the Council adopted the MOU.

**ANALYSIS**

Lenzen Avenue is currently a dead-end street east of the Caltrain main line. In order to safely operate the maintenance facility, the intersection of Lenzen Avenue and the main Caltrain tracks

was identified for elimination. Consistent with that direction, the JPB has filed an application for street vacation of that portion of Lenzen Avenue east of the Caltrain tracks. The JPB has come to agreement with the landowner fronting this portion of Lenzen Avenue to develop additional access from JPB lands. In addition, the JPB will construct a standard City cul-de-sac at the new terminus of Lenzen Avenue just west of the Caltrain tracks.

Staff has determined that this portion of Lenzen Avenue is no longer needed as a public street. All concerned utility companies have consented to the street vacation conditional upon the City reserving a public service easement over the area proposed for vacation. Stewart Title of California issued a guarantee indicating that the adjacent property owners on both sides of Lenzen Avenue hold title to the portion of Lenzen Avenue to be vacated. The title company could not show ownership of the area shown as Parcel 4 on the attachment. However, that portion of the street contains the Caltrain tracks and is being used for the benefit of Caltrain.

The actions required for the vacation of the subject right-of-way are:

August 3, 2004 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject portion of Lenzen Avenue;
2. Sets a public hearing September 7, 2004 at 1:30 p.m.;
3. Directs the City Clerk to file the vacation map and advertise said public hearing; and
4. Directs the Director of Public Works to post the site with a Notice of Public Hearing.

September 7, 2004 at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates the subject portion of Lenzen Avenue.

### PUBLIC OUTREACH

The Task Force held two public meetings on August 9 and August 23, 2000 to receive public input on the development of the CEMOF site and the MOU. The MOU was also made available for public review through the City website.

All concerned utility companies have been contacted in writing and have no objection to this vacation.

### COORDINATION

The required resolution has been reviewed by the City Attorney's Office. The vacation has been coordinated with the appropriate public utility companies and the Planning Commission has

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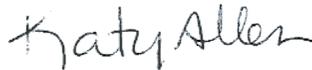
approved the vacation. This memo has been coordinated with the Department of Planning Building and Code Enforcement, Department of Transportation and the office of Economic Development.

### **COST IMPLICATIONS**

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

### **CEQA**

This project is exempt from environmental review.



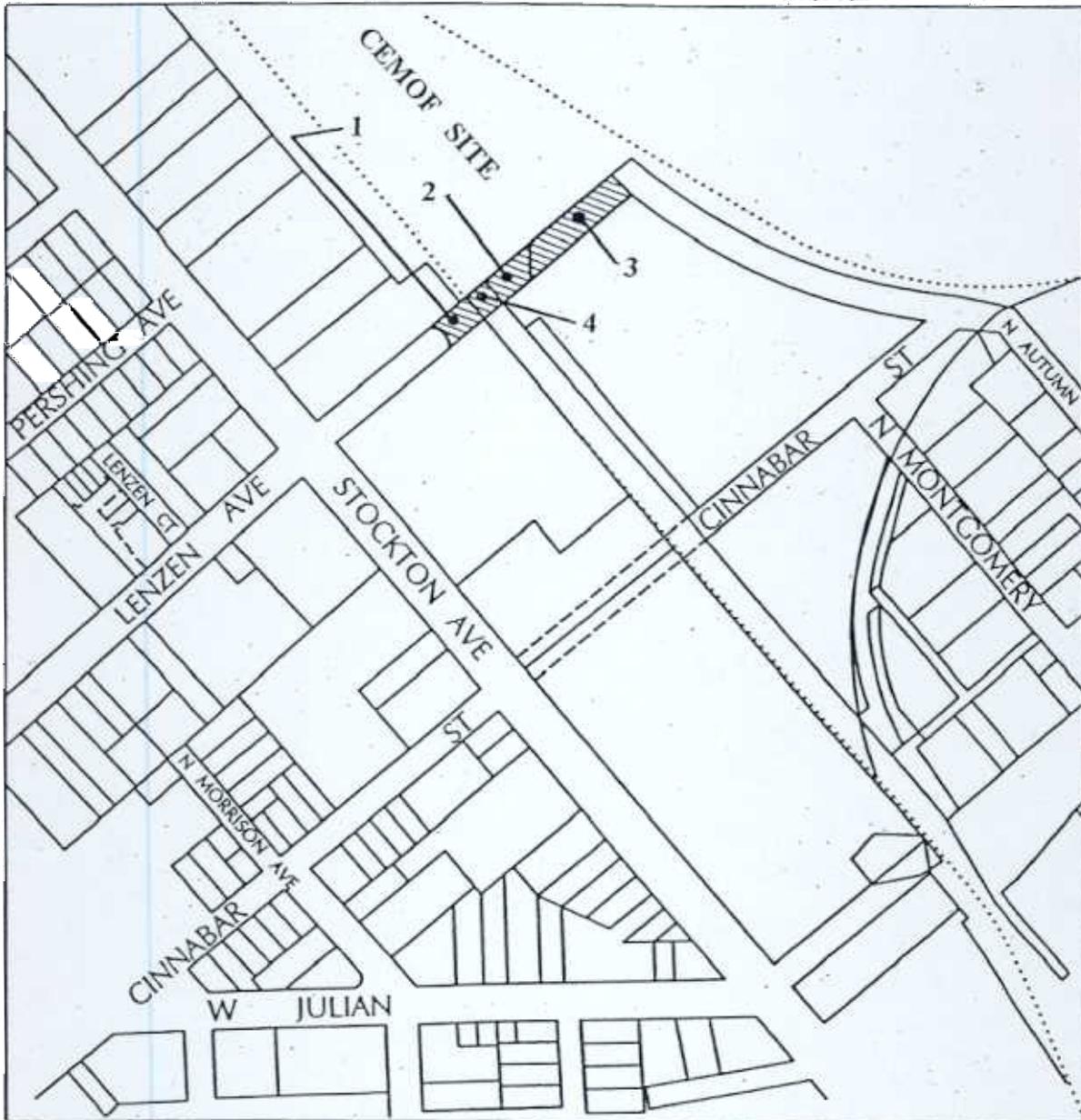
**KATY ALLEN**

**Director, Public Works Department**

KA: rd: gf  
Attachment  
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# LOCATION MAP

SHOWING THAT PORTION OF LENZEN AVENUE TO BE VACATED  
AND RESERVING A PUBLIC SERVICE EASEMENT OVER THE ENTIRE  
VACATED AREA



AREA TO BE VACATED

