

City Council Introduction: **Monday**, February 5, 2001
Public Hearing: **Monday**, February 12, 2001, at **1:30 p.m.**

Bill No. 01-22

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 00023, requested by the abutting property owners, to vacate Pine Lake Road from the west line of Lazy Acres Subdivision, east to the west line of Lot 6 I.T., generally located west of So. 14th Street and Pine Lake Road.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive with conditions of approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/24/01
Administrative Action: 01/24/01

RECOMMENDATION: A finding of conformance with the Comprehensive Plan and Conditional Approval (9-0: Newman, Duvall, Schwinn, Taylor, Steward, Hunter, Carlson, Krieser and Bayer voting 'yes').

FINDINGS OF FACT:

1. This street vacation should be heard at the same time as **Street Vacation No. 00020** (Bill No. 00-209) which was placed on Council's pending list on 12/18/00.
2. The Planning staff recommendation to find this proposed street vacation to be in conformance with the Comprehensive Plan with conditions of approval is based upon the "Analysis" as set forth on pp.3-4.
3. This item was placed on the Consent Agenda of the Planning Commission on January 24, 2001, and opened for public hearing. No one came forward to speak.
4. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 29, 2001

REVIEWED BY: _____

DATE: January 29, 2001

REFERENCE NUMBER: FS\CC\FSV00023

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: STREET AND ALLEY VACATION NO. 00023

DATE: January 4, 2001

PROPOSAL: Petitions have been received from the abutting property owners to vacate Pine Lake Road from the west line of Lazy Acres Subdivision, east to the west line of Lot 6 I.T., generally located west of S. 14th Street and Pine Lake Road.

GENERAL INFORMATION:

APPLICANTS:

Joan Kiple
1301 Mockingbird Lane
Lincoln, NE 68512
402- 423-6608

Emily A. Harris
1201 Mockingbird Lane
Lincoln, NE 68512
402- 423-4994

Charles K and Louise F. Kiner
1141 Mockingbird Lane
Lincoln, NE 68512
402- 423-2841

Melva M. Plouzek
1111 Mockingbird Lane
Lincoln, NE 68512
402- 423-3251

Dianne R. Reznicek
1131 Mockingbird Lane
Lincoln, NE 68512
402- 421-3878

Lincoln School District Leasing Corporation
and Lancaster County School District 0001
a/k/a Lincoln Public Schools
by Shirley Doan, President
5901 "O" Street
Lincoln, NE 68510
402- 436-1000

LOCATION: Pine Lake Road, approximately 180' west of South 14th Street, west to the west line of the Lazy Acres subdivision.

LEGAL DESCRIPTION: Pine Lake Road from the west line of Lazy Acres Subdivision east to the west line of Lot 6 I.T., on property legally described as Lots 3,4,5,6,7 and 8, Block 1, Lazy Acres, located in the Southeast quarter of Section 14, Township 9 North, Range 6 East and Lot 40 I.T., located in the Northeast quarter of Section 23, Township 9, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: R-1 Residential and I-3 Employment Center

PURPOSE: To vacate the street for purchase by the abutting property owners.

SIZE: 88,440 square feet, more or less. 66' by 1,458 feet, more or less.

EXISTING LAND USE: High School Grounds, under construction and rear yards of abutting homes.

SURROUNDING ZONING AND LAND USE: R-1 to the north. I-3 to the south. Single family residential acreage to the west. 14th street and Lincoln Memorial to the east. Lazy Acres residential subdivision to the north and Lincoln Public Schools High School site to the south.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. Pine Lake Road between South 1st Street and South 14th Street is not shown in the plan. This area is shown as Industrial to the south and Urban Residential to the north, on the Comprehensive Plan Land Use Map.

ANALYSIS:

1. This request is to vacate the unopened Pine Lake Road right-of-way abutting Lazy Acres. The County Engineer requested the vacation of Pine Lake Road, from S. 14th west to Hwy 77 in 1993 (SAV 93022) but that was denied by the County Board(it was in the three mile but outside the City at that time) due to the objection of a prior owner. Pine Lake Road vacation is requested to the west of this parcel by SAV 00020 and is currently on hold at the City Council while discussions of the related Wilderness Park Estates Subdivision are taking place.

2. The Public Works Department reports the following:

“The original request was to vacate Pine Lake Road from the west line of South 14th Street west to the west line of Lazy Acres Subdivision. The City did not receive a petition from the owner of Lot 6 Irregular tract. Therefore, it was decided that the limits of this vacation would be changed from the west line of South 14th Street to the west line of Lot 6 Irregular Tract.

The Lincoln Electric System has existing facilities in the area for vacation. They are requesting that a permanent easement be established for their existing and future facilities. Public Works is also requesting a permanent easement for the entire vacated corridor for a possible future sanitary sewer.

The Department of Public Works and Utilities recommends approval of this proposed vacation with the above mentioned conditions.”

3. The Wilderness Park Estates Preliminary Plat, approved by Planning Commission on May 20, 2000, was conditioned on the vacation of the western portion of this street due to conflicts with proposed lots.
4. This street is not shown in the Comprehensive Plan's Functional Street and Road Classification Map for future use as a public street.
5. The Real Estate Division has not established a sales price for the right-of-way at this date.

STAFF RECOMMENDATION:

1. The proposed vacation conforms with the 1994 Comprehensive Plan.
2. Conditional Approval of the Vacation.

Conditions:

1. A permanent easement be established for existing and future electric facilities.
2. A permanent easement be established for future sanitary sewer.

Prepared by:

Mike DeKalb, AICP
Planner

STREET VACATION NO. 00023

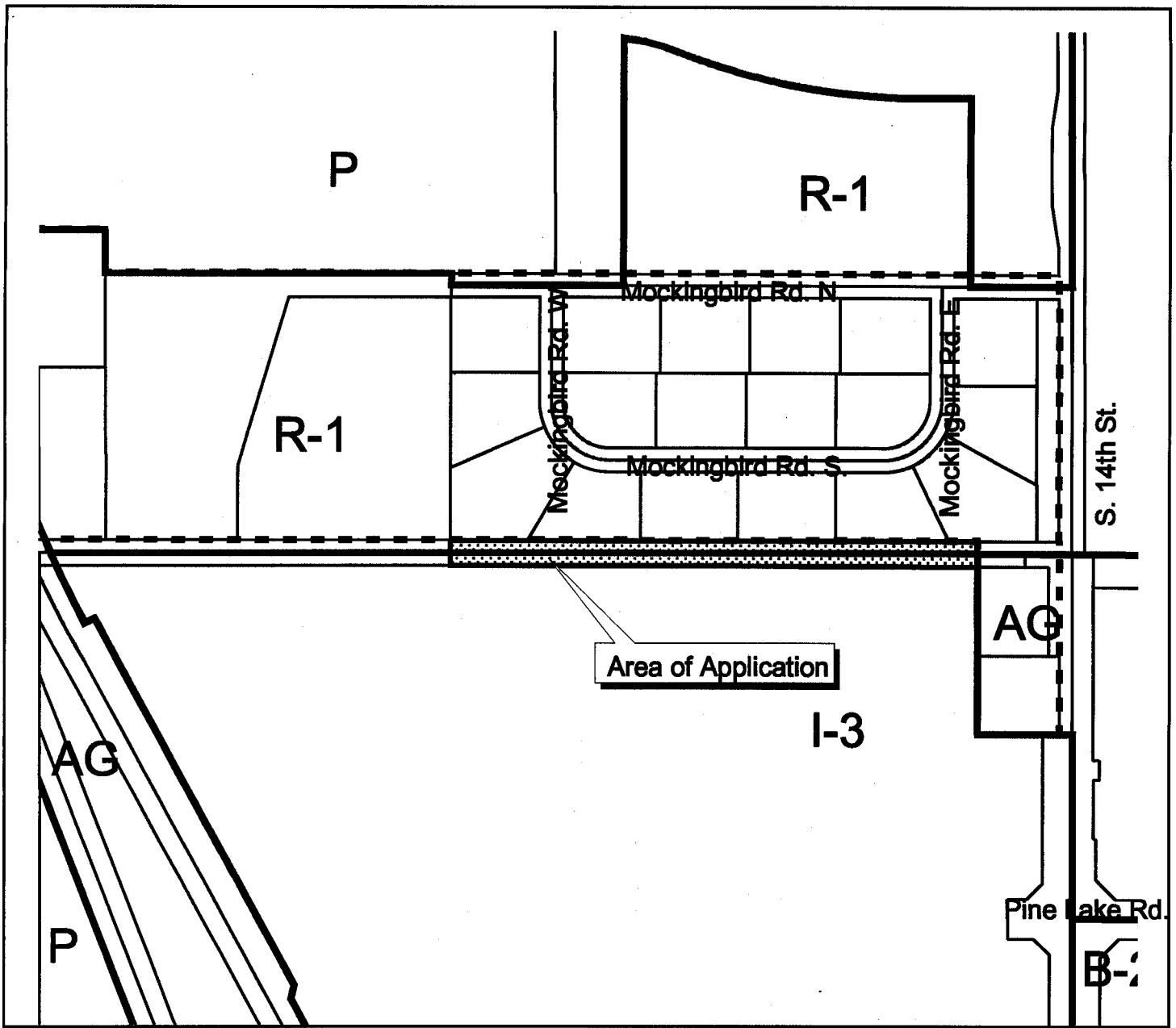
CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 24, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor.

The Consent Agenda consisted of the following items: **USE PERMIT NO. 113A AND STREET AND ALLEY VACATION NO. 00023.**

Carlson moved to approve the Consent Agenda, seconded by Schwinn and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.

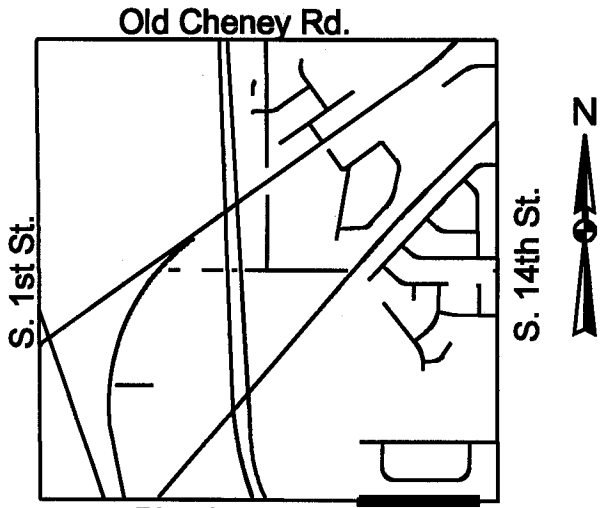
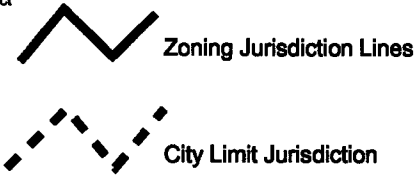


**Street & Alley Vacation #00023
Pine Lake Rd. - West of 14th St.**

Zoning:

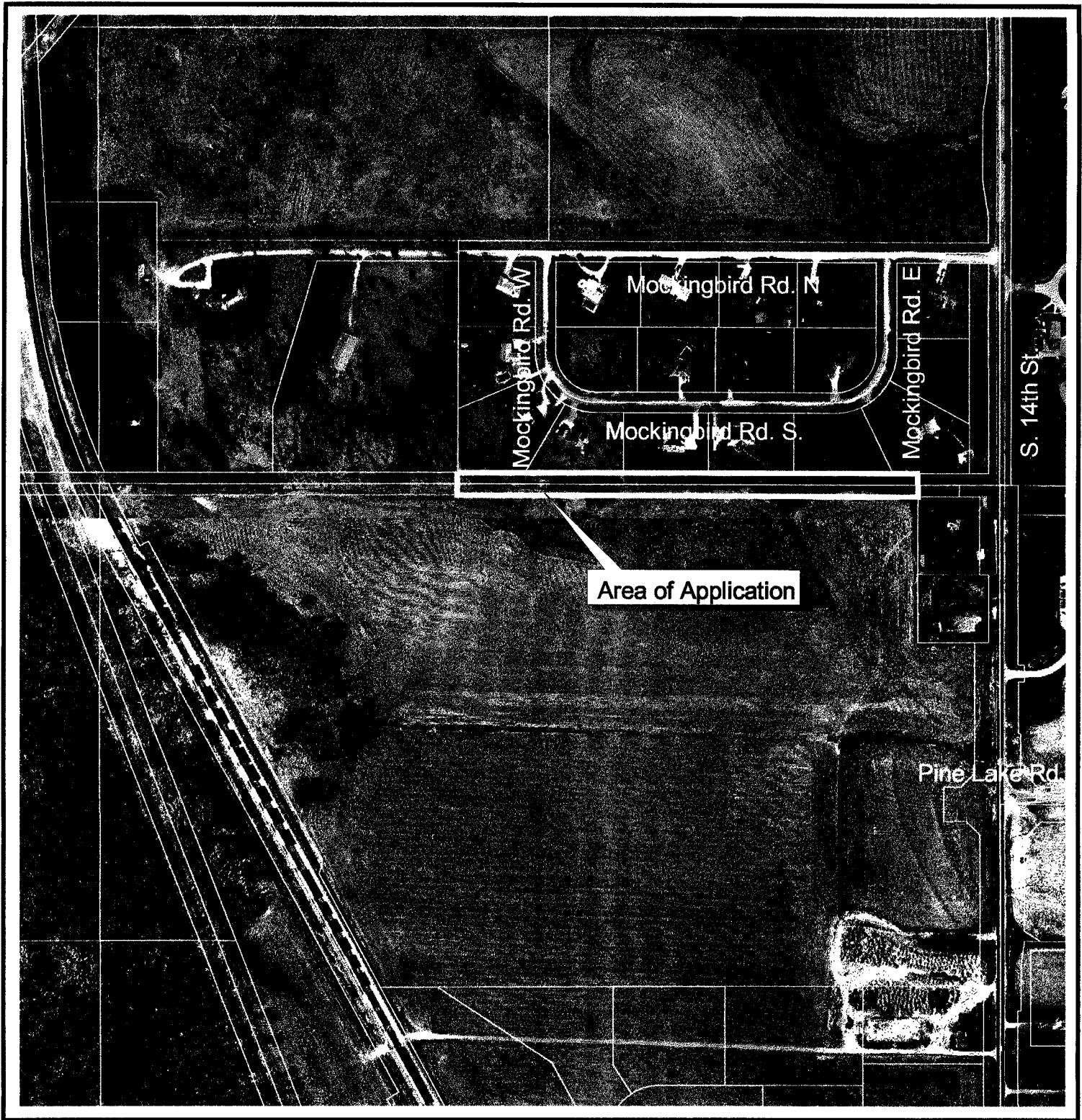
- R-1 to R-3 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 14 T9N R6E



Pine Lake Rd. 006
 Sheet 1 of 3
 Date: 1-4-01
 Lincoln City - Lancaster County Planning Dept.

m:\plan\arcview\steve\sav00023 (layout 1)



**Street & Alley Vacation #00023
Pine Lake Rd. - West of 14th St.**



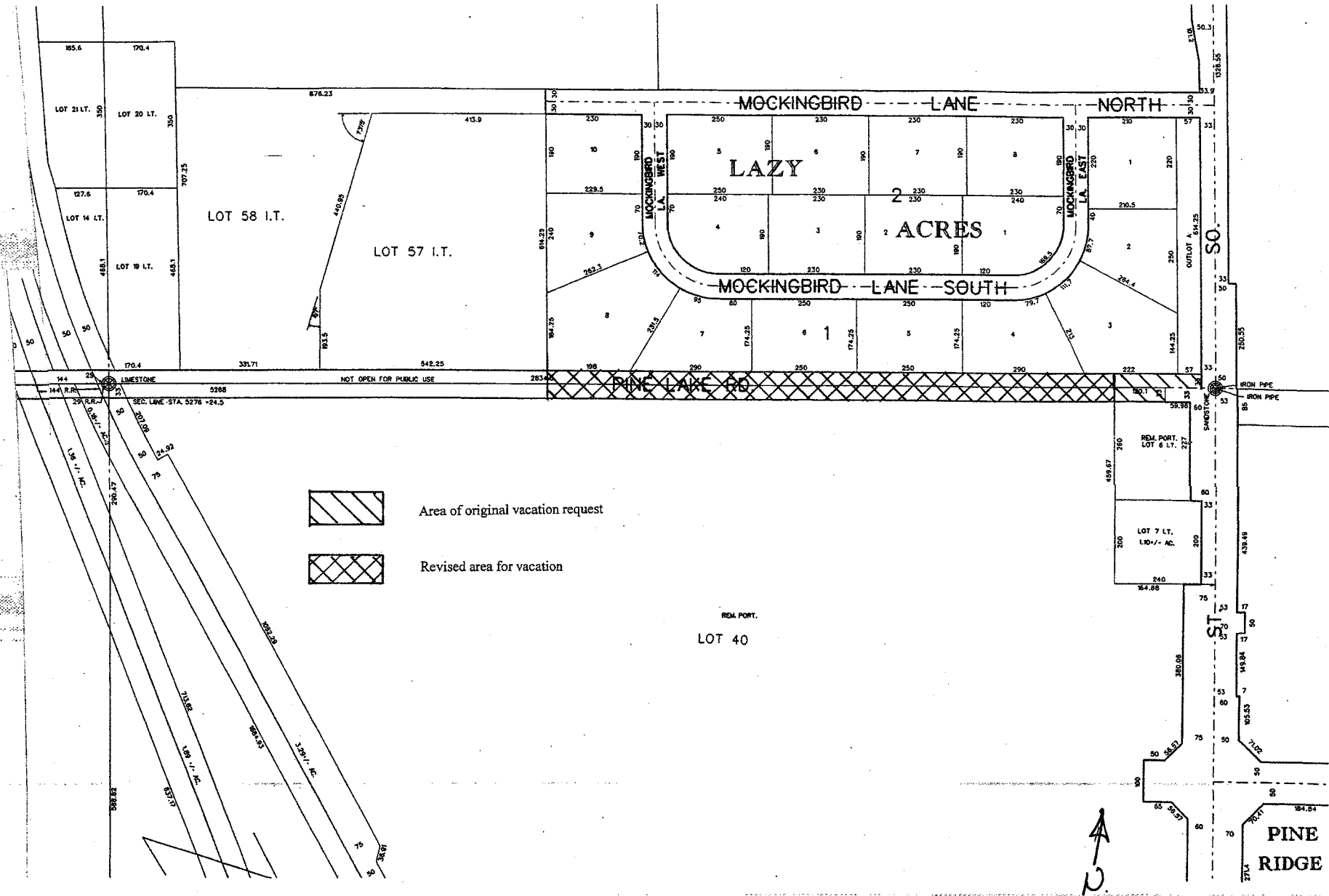
Sheet 2 of 3

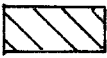

Date: 1-4-01

Photograph Date: 1999 007

Lincoln City - Lancaster County Planning Dept.

3/3



-  Area of original vacation request
-  Revised area for vacation

REMA. PORT.
LOT 40

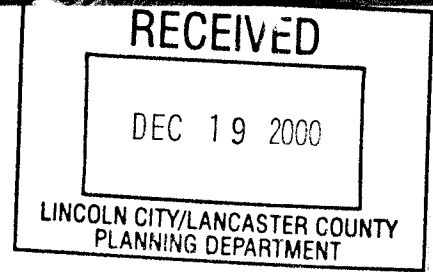


Lincoln



Nebraska's Capital City

December 19, 2000



Lincoln City/Lancaster County
Planning Commission
555 South 10th Street, Suite 213
Lincoln, Nebraska 68508

RE: Vacating that portion of Pine Lake Road from the West Line of Lot 6 Irregular Tract to the west line of Lazy Acres Subdivision.

Dear Ladies and Gentlemen:

The department of Public Works and Utilities has received sufficient and proper petitions from David and Joan Kiple, owners of Lots 3 and 4, Block 1 Lazy Acres and the south 394.3 feet of the west 40 feet of Outlot A, Block 1 Lazy Acres, Emily Harris, owner of Lot 5, Block 1 Lazy Acres, Charles and Louise Kiner, owners of Lot 6, Block 1 Lazy Acres, Melva Plouzek, owner of Lot 7, Block 1 Lazy Acres, Gary and Dianne Reznicek, owners of Lot 8, Block 1 Lazy Acres, and Lincoln Public Schools, owners of Lot 40 Irregular Tract in the Northeast Quarter of Section 23, Township 9 North, Range 6 East, to vacate the above described public right-of-way. Petitioners are requesting this vacation in order to add to their properties and create a buffer between the residential area and the school site.

The original request was to vacate Pine Lake Road from the west line of South 14th Street west to the west line of Lazy Acres Subdivision. The City did not receive a petition from the owner of Lot 6 Irregular tract. Therefore, it was decided that the limits of this vacation would be changed from the west line of South 14th Street to the west line of Lot 6 Irregular Tract.

The Lincoln Electric System has existing facilities in the area for vacation. They are requesting that a permanent easement be established for their existing and future facilities. Public Works is also requesting a permanent easement for the entire vacated corridor for a possible future sanitary sewer.

The Department of Public Works and Utilities recommends approval of this vacation with the above described conditions. This vacation contains an area of 88,440 square feet, more or less.

Sincerely,

Byron Blum
Engineering Services

jaj PineLkVac blb

cc: A. Abbott R. Figard J. Ross
A. Harrell D. Roper M. Wullschleger
K. Sellman C. Thomas

Public Works and Utilities Department / Allan Abbott, Director

009

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)

West Pine Lake Road abutting Lazy Acres Subdivision

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lots 3 and 4, Block 1, Lazy Acres, and the South 394.3 feet of the West 40 feet of Outlot A, Block 1, Lazy Acres, Lincoln, Lancaster County, Nebraska.

DATED this 17 day of June, 2000.

Joan Marie Kiple
Joan Marie Kiple

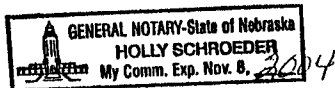
David L. Kiple
David L. Kiple

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 17th day of June, 2000, by David L. Kiple and Joan Marie Kiple, husband and wife.

(Seal)

Holly Schroeder
Notary Public



PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

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West Pine Lake Road abutting Lazy Acres Subdivision

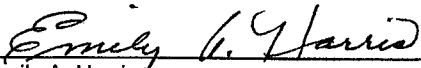
in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

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The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lot 5, Block 1, Lazy Acres, Lincoln, Lancaster County, Nebraska.

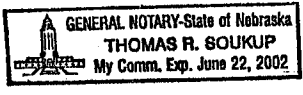
DATED this 2nd day of June, 2000.

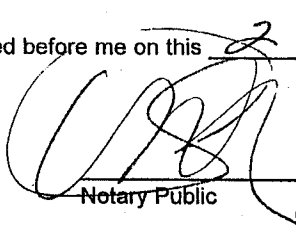


Emily A. Harris

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 2 day of June, 2000, by Emily A. Harris, a single person.

(Seal) 



Notary Public

PETITION TO VACATE PUBLIC WAY
with
**RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN**

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

West Pine Lake Road abutting Lazy Acres Subdivision

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lot 6, Block 1, Lazy Acres, Lincoln, Lancaster County, Nebraska.

DATED this 1st day of June, 2000.

Charles K. Kiner and Louise F. Kiner, Trustees of an Intervivos Trust under Declaration of Trust dated August 6, 1993.

Charles K. Kiner

Charles K. Kiner, Trustee

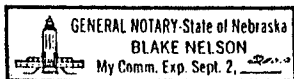
Louise F. Kiner

Louise F. Kiner, Trustee

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 1st day of June, 2000, by Charles K. Kiner and Louise F. Kiner, Trustees of an Intervivos Trust under Declaration of Trust dated August 6, 1993.

(Seal)



Blake Nelson
Notary Public

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

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in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

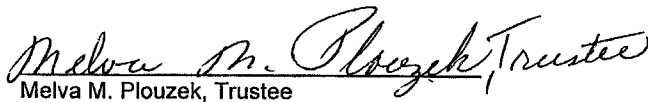
TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lot 7, Block 1, Lazy Acres, Lincoln, Lancaster County, Nebraska.

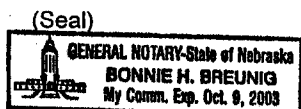
DATED this 1st day of June, 2000.

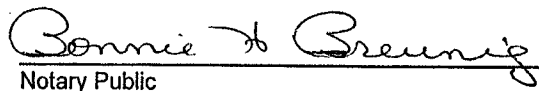
MELVA M. PLOUZEK, TRUSTEE OF AN INTERVIVOS TRUST UNDER DECLARATION OF TRUST DATED JULY 29, 1991.


Melva M. Plouzek, Trustee

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 1 day of June, 2000, by Melva M. Plouzek, Trustee of an intervivos trust under Declaration of Trust dated July 29, 1991.




Notary Public

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

West Pine Lake Road abutting Lazy Acres Subdivision

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lot 8, Block 1, Lazy Acres, Lincoln, Lancaster County, Nebraska.

DATED this 1 day of June, 2000.

GARY L. REZNICEK REVOCABLE TRUST

DIANNE R. REZNICEK REVOCABLE TRUST

Deceased
Gary L. Reznicek, Trustee

Dianne R. Reznicek - single person
Dianne R. Reznicek, Trustee

Dianne R. Reznicek - single person
Dianne R. Reznicek, Trustee

Gary L. Reznicek, Trustee

STATE OF NEBRASKA)

) ss.

LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 1 day of June, 2000, by Gary L. Reznicek and Dianne R. Reznicek as Trustee of the Gary L. Reznicek Revocable Trust and Dianne R. Reznicek and Gary L. Reznicek as Trustee of the Dianne R. Reznicek Revocable Trust.

014

02/9-31-00/de/law #20

FILED
CITY CLERK'S OFFICE
AUG 22 2000
CITY OF LINCOLN
NEBRASKA

PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

REFERRED
AUG 28 2000
Law Dept.

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of the 1st St. to the south line of the 2nd St.*)

South 33 feet of the Pine Lake Road right-of-way along the section line north of Lot Forty (40) of the irregular tracts in the Northeast Quarter (NE 1/4) of Section Twenty-three (23), Township Nine (9) North, Range Six (6) East of the 6th p.m., Lancaster County, Nebraska

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representative, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (*Legal description from deed or abstract*)

Lot Forty (40) of the irregular tracts in the Northeast Quarter (NE1/4) of Section Twenty-Three (23), Township Nine (9) North, Range Six (6) East of the 6th P.M., Lancaster County, Nebraska.

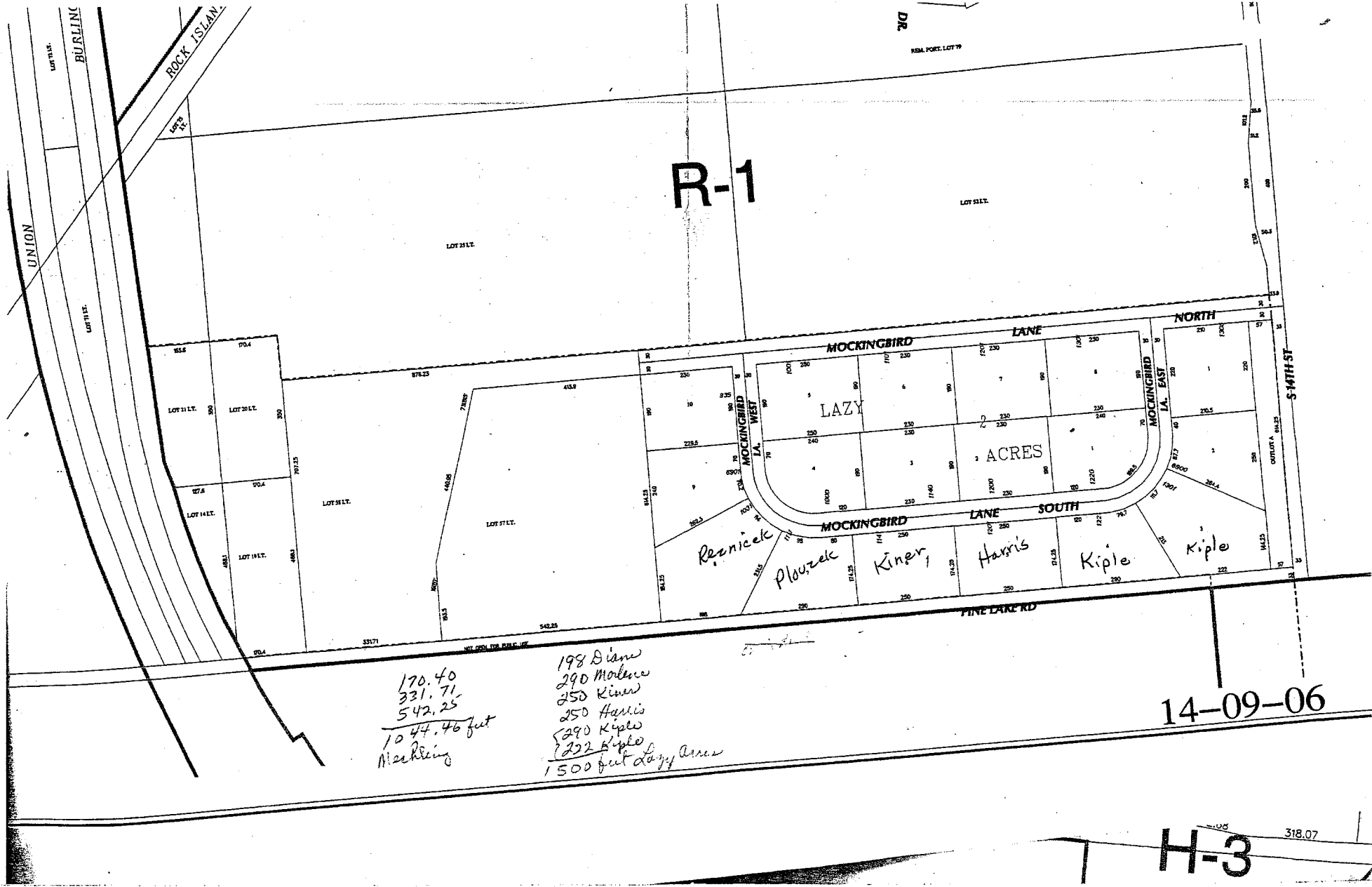
DATED this 22 day of August, 2000.

LINCOLN SCHOOL DISTRICT LEASING CORPORATION
and LANCASTER COUNTY SCHOOL DISTRICT 0001,
a/k/a Lincoln Public School, by Shirley Doan, President

Shirley Doan

015

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION BEFORE A NOTARY PUBLIC -- NOTARIAL ACKNOWLEDGMENTS ON REVERSE)



R-1

DIR.
NBA PORT LOT 79

14-09-06

170.40
 331.71
 542.25
 1044.46 feet
 Mockingbird
 198 Diane
 290 Molen
 250 Kiner
 250 Harris
 290 Kiple
 222 Kiplo
 1500 feet Lazy Acres

H-3

318.07