

City Council Introduction: **Monday**, February 4, 2002
Public Hearing: **Monday**, February 11, 2002, at **1:30 p.m.**

Bill No. 02-14

FACTSHEET

TITLE: **STREET VACATION NO. 01023**, requested by the City of Lincoln Public Works & Utilities Department, to vacate West Greenfield Street from N.W. 10th Street, north 75 feet, generally located north of N.W. 10th Street, east of N.W. 12th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 01/23/02
Administrative Action: 01/23/02

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Steward, Newman, Bills, Carlson, Krieser and Schwinn voting 'yes'; Duvall, Hunter and Taylor absent).

ASSOCIATED REQUESTS: None

FINDINGS OF FACT:

1. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
2. This application was placed on the Consent Agenda of the Planning Commission on January 23, 2002, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 28, 2002

REVIEWED BY: _____

DATE: January 28, 2002

REFERENCE NUMBER: FS\CC\FSV01023

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01023

DATE: January 9, 2002

PROPOSAL: Vacate West Greenfield Street from N.W. 10th Street north 75 feet.

LAND AREA: 4,500 square feet, more or less.

CONCLUSION: In conformance with the Comprehensive Plan.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: West Greenfield Street from N.W. 10th Street north 75 feet, located in the northwest quarter of Section 3, T10N, R6E of the 6th principal meridian, City of Lincoln, Lancaster County Nebraska.

LOCATION: Generally located north of N.W. 10th Street east of N.W. 12th Street.

APPLICANT: City of Lincoln

OWNER: same

CONTACT: Byron Blum, Engineering Services
Public Works & Utilities Department
(402)441-7700

SURROUNDING LAND USE AND ZONING:

North:	Residential	R-3, Residential
South:	Residential	R-3
East:	Residential	R-3
West:	Highlands Golf Course and Pool	P, Public

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this area as Urban Residential (page 39).

West Greenfield Street is classified as a local street in the Functional Street and Road Classification (Page 91).

HISTORY: The area was zoned A-2, Single Family Dwelling District until it was updated to R-3, Residential during the **1979** zoning update.

Final Plat #706, Highland North 2nd Addition accepting the dedication of Greenfield Street was approved by the City Council on **July 31, 1978**.

Special Permit #706A, amended the site layout of Highland North Community Unit Plan and was approved by the City Council on **August 30, 1976**.

Special Permit #706, Highland North Community Unit Plan was approved by the City Council on **November 4, 1974**.

UTILITIES: The Lincoln Water System has a 16" water main in this area. The main lies in a 50 foot wide easement. The easement includes the west 40.84 feet of this proposed vacation. An easement needs to be retained over the area of the existing 50 foot wide easement.

Peoples Natural Gas has a gas main that extends 4 feet into this right of way. The gas main is abandoned. Alltel has an abandoned cable and innerduct in this area. Peoples Natural Gas and Alltel do not object to the vacation.

TRAFFIC ANALYSIS: The existing West Greenfield Street right-of-way extends 75 feet to the north of N.W. 10th Street and does not connect to any other streets or right-of-ways. The right-of-way stub is limited in its usefulness and the vacation will allow the land to be put to other use.

ANALYSIS:

1. This is an application to vacate West Greenfield Street
2. Chapter 14.20, Vacation of Pubic Ways, requires 100% of the owners abutting upon the proposed street to be vacated to join in petitions for the vacation. Since the owner of Lot 1, Block 3, Highlands North 2nd Addition has not petitioned, then this street can only be vacated upon a request from the City.
3. The Law Department stated in the December 21, 2001 memorandum that since the owners of Outlot C, Highlands Northwest Addition who have petitioned for the vacation are the same owners who dedicated the street as part of Highlands Northwest Addition it does not seem inappropriate for the City to request the vacation, retain title to the street and then sell the street to the owners of Outlot C as the owner of Lot 1, Block 3, Highlands North 2nd Addition never had an ownership interest in West Greenfield Street prior to its dedication.
4. Peoples Natural Gas and Alltel do not object to the vacation.
5. The Lincoln Water System requests to retain the existing 50 foot wide water main easement.
6. The Public Works & Utilities Department recommends approval of this vacation.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Becky Horner
Planner

STREET VACATION NO. 01023

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

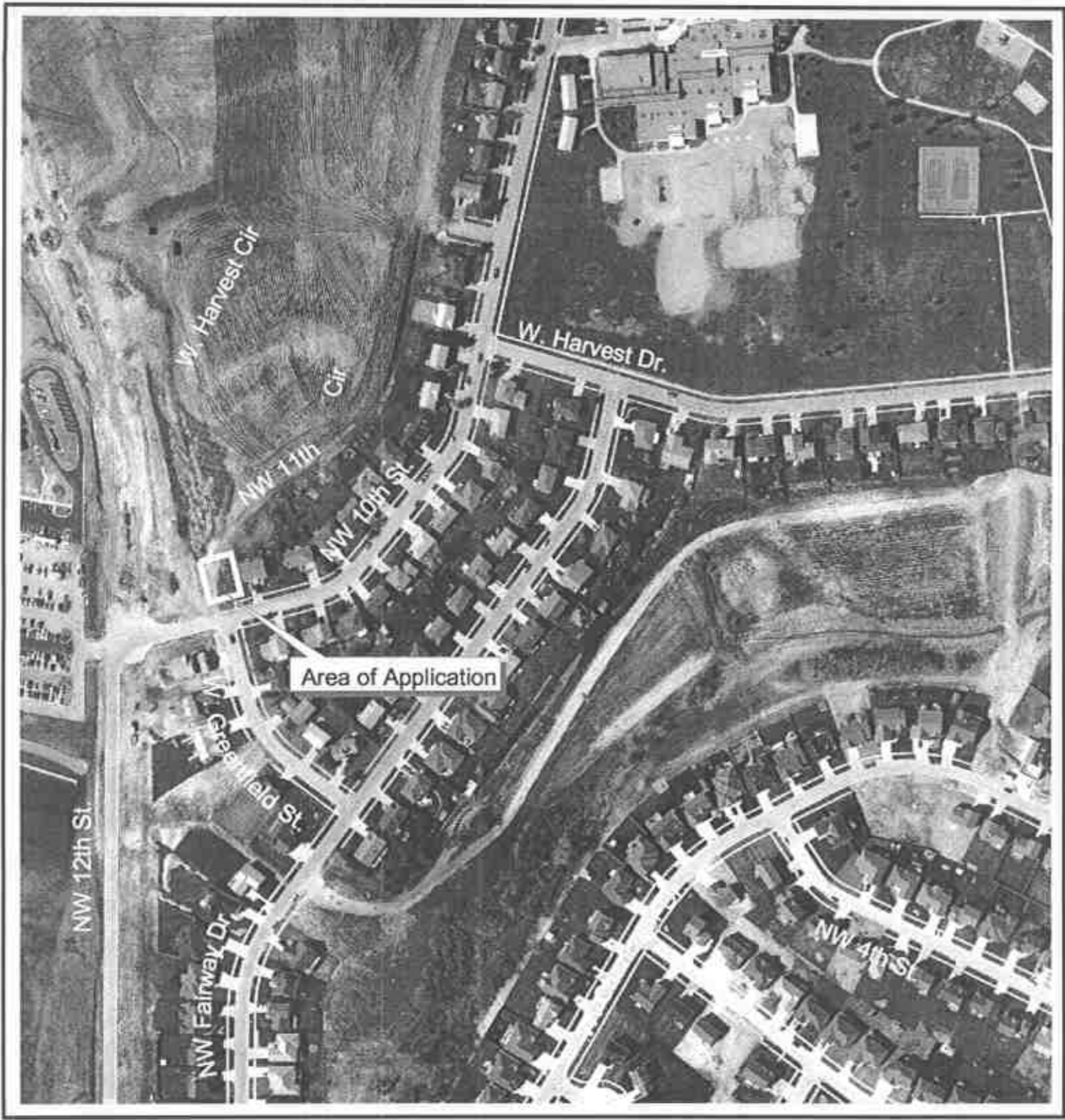
January 23, 2002

Members present: Bills, Carlson, Krieser, Newman, Schwinn and Steward; Duvall, Hunter and Taylor absent.

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3254; SPECIAL PERMIT NO. 1943; STREET AND ALLEY VACATION NO. 01022; COUNTY FINAL PLAT NO. 01036, PRAIRIE VISTA; COMPREHENSIVE PLAN CONFORMANCE NO. 01005; COMPREHENSIVE PLAN CONFORMANCE NO. 01006; STREET AND ALLEY VACATION NO. 01023;** and STREET AND ALLEY VACATION NO. 01024.

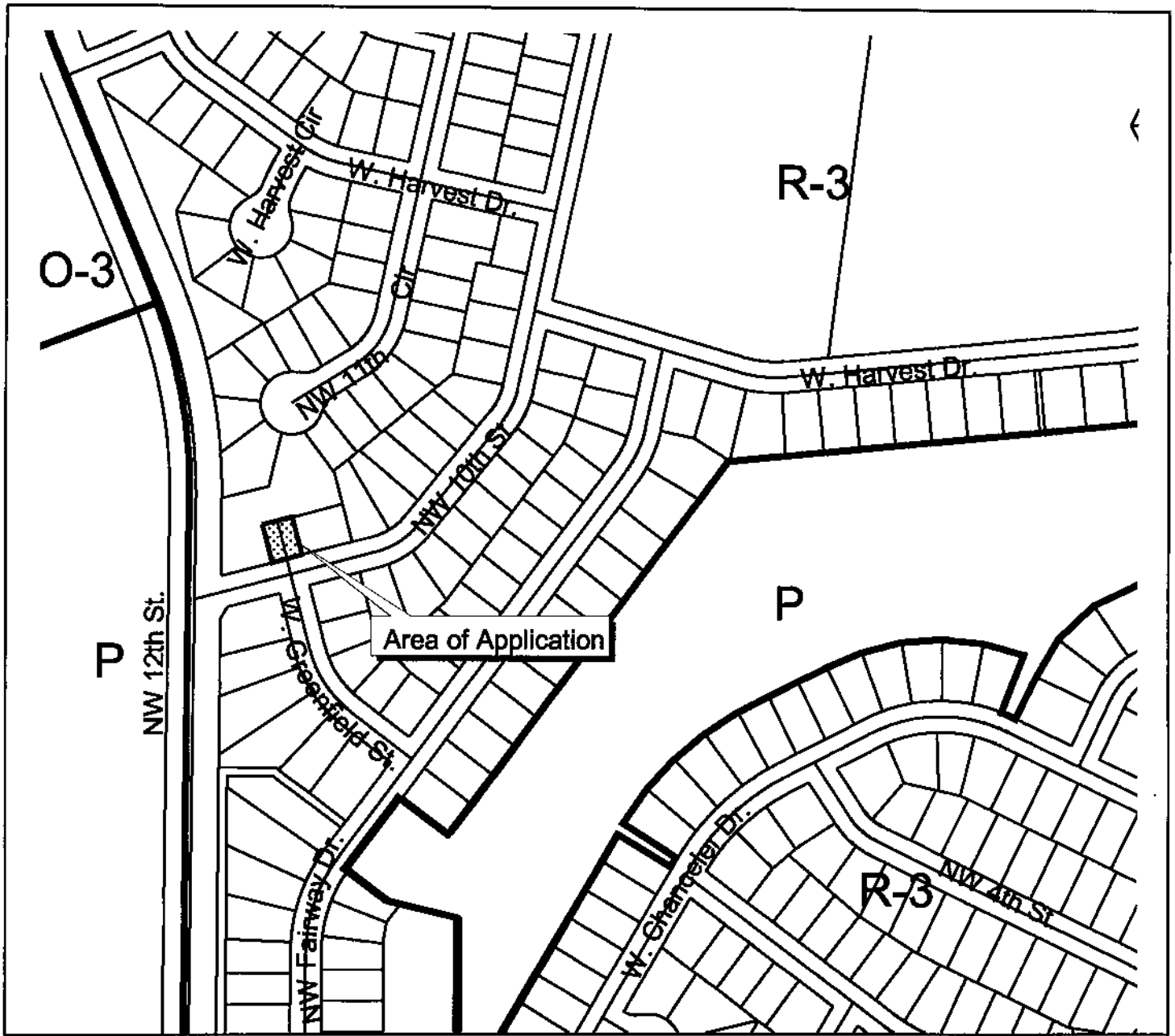
Item No. 1.1, Change of Zone No. 3254; Item No. 1.2a, Special Permit No. 1943; Item No. 1.2b, Street and Alley Vacation No. 01022; and Item No. 1.3, County Final Plat No. 01036 were removed from the Consent Agenda and scheduled for separate public hearing.

Carlson moved to approve the remaining Consent Agenda, seconded by Bills and carried 6-0: Bills, Carlson, Krieser, Newman, Schwinn and Steward voting 'yes'; Duvall, Hunter and Taylor absent.



**Street & Alley Vacation #01023
Greenfield & NW 10th St.**



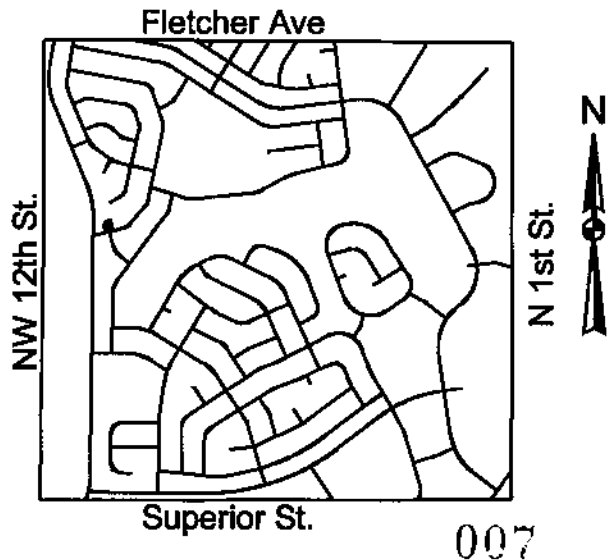
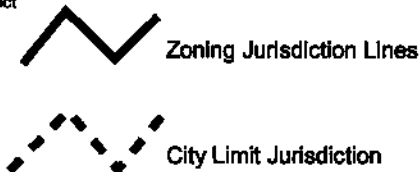


Street & Alley Vacation #01023 Greenfield & NW 10th St.

Zoning:

R-1 to R-8	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. 03 T10N R6E



Lincoln



Nebraska's Capital City

January 7, 2002

Lincoln City/Lancaster County
Planning Commission
Lincoln, Nebraska 68508

RE: Vacating Greenfield Street from N.W. 10th Street north 75 feet

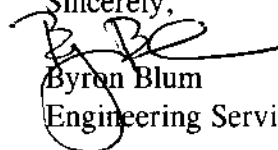
Dear Ladies and Gentlemen:

The Department of Public Works and Utilities is requesting that the above described public right-of-way be vacated. Gerald Schleich, President of Southview, Inc. Thomas White and John Brager, Presidents of Ridge Development Company, are the Owners of Outlot "C", Highlands Northwest Addition. The City has received a petition from Ridge Development Company, but no petition has been received and none is anticipated from the owner of the lot abutting the east side of the right-of-way. Purpose of this vacation is for the creation of residential lots.

The Lincoln Water System has a 16" water main in this area. The main lies in a 50 foot wide easement. The easement includes the west 40.84 feet of this proposed vacation. Peoples Natural Gas has a gas main that extends 4 feet into this right-of-way. This main is abandoned. Alltel also has abandoned cable and innerduct in this area. Neither utility objects to this vacation.

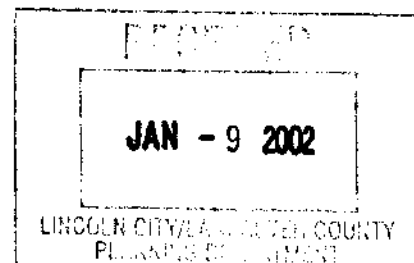
The Department of Public Works and Utilities recommends approval of this vacation with the above described conditions. This vacation contains an area of 4,500 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services

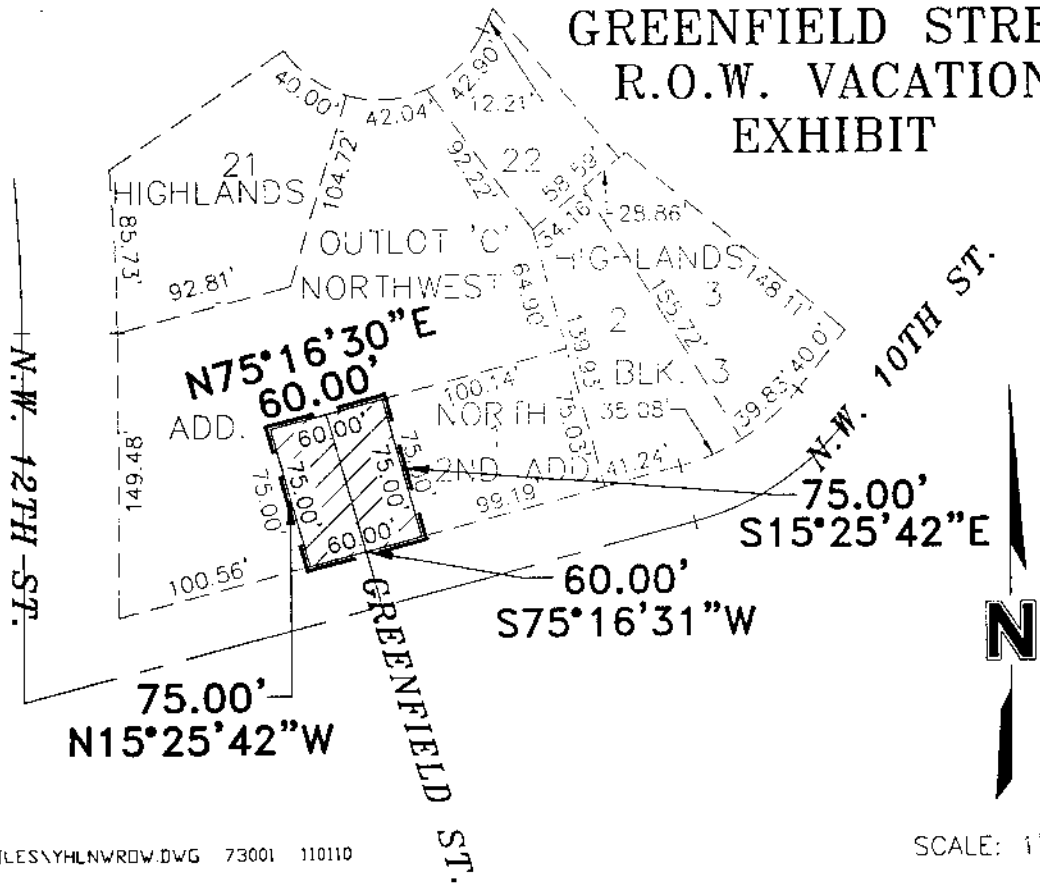
fcg grnfdvac2 blb.wpd

cc: Mayor Wesely
Allan Abbott
Kathleen Sellman
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper



008

GREENFIELD STREET R.O.W. VACATION EXHIBIT



SCALE: 1"=100'

009

017-21

MEMORANDUM

26

TO: Kathleen Sellman, Planning
Allan Abbott, Public Works & Utilities

COPIES TO: Roger Figard, Public Works
Clint Thomas, Real Estate
Joan Ross, City Clerk
Byron Blum, Public Works
Dennis Bartels, Public Works

FROM: Rick Peo, Chief Assistant City Attorney *RP*

DATE: December 21, 2001

RE: Vacating Greenfield Street from N.W. 10th Street north 75 feet

This is in response to the December 17, 2001 letter from Byron Blum to the Lincoln City-Lancaster County Planning Commission regarding the vacation of Greenfield Street. In his letter, Byron states that no petition has been received and none is anticipated from the lot abutting the east side of the right-of-way (i.e. Lot 1, Block 3, Highlands North 2nd Addition). If this vacation is to proceed without a petition from the owners of Lot 1, Block 3, Highlands North 2nd Addition, it must be processed as a City request to vacate Greenfield Street as opposed to a request to vacate by petition pursuant to Chapter 14.20. That chapter requires 100% of the owners abutting upon the proposed street to be vacated to join in petitions for the vacation. Since the owner of Lot 1, Block 3, Highlands North 2nd Addition has not so petitioned, then this street can only be vacated upon a request from the City to do so.

It is my understanding that the owners of Outlot C, Highlands Northwest Addition, who have petitioned for the vacation are the same owners who dedicated the street in question as part of Highlands Northwest Addition. Therefore, it does not seem inappropriate for the City to request the vacation, retain title to the street, and then sell the street to the owners of Outlot C as the owner of Lot 1, Block 3, Highlands North 2nd Addition never had an ownership interest in Greenfield Street prior to its dedication.

ERP/ce

code/erp/Greenfield Street Vac.

Lincoln



Nebraska's Capital City

December 17, 2001

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating Greenfield Street from N.W. 10th Street north 75 feet

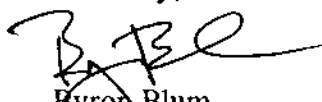
Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a petition from Gerald Schleich, President of Southview, Inc. Thomas White and John Brager, Presidents of Ridge Development Company, Owners of Outlot "C", Highlands Northwest Addition, to vacate the above described public right-of-way. No petition has been received and none is anticipated from lot abutting the east side of the right-of-way. Purpose of this vacation is for the creation of residential lots.

The Lincoln Water System has a 16" water main in this area. The main lies in a 50 foot wide easement. The easement includes the west 40.84 feet of this proposed vacation. Peoples Natural Gas have a gas main that extends 4 feet into this right-of-way. This main is abandoned. Alltel also has abandoned cable and innerduct in this area. Neither utility objects to this vacation.

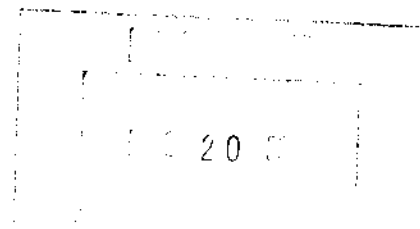
The Department of Public Works and Utilities recommends approval of this vacation with the above described conditions. This vacation contains an area of 4,500 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services

fcp grnflvac blb.wpd

cc: Mayor Wesely
Allan Abbott
Kathleen Sellman
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper



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