

City Council Introduction: **Monday**, February 23, 2004
Public Hearing: **Monday**, March 1, 2004, at 1:30 p.m.

Bill No. 04-19

FACTSHEET

TITLE: **STREET VACATION NO. 03014**, requested by William Cintani, John and Marilyn Long and B&J Partnership, Ltd., to vacate that portion of the east-west alley from vacated South 26th Street to South 27th Street, between "N" and "O" Streets, that has not already been vacated.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/07/04
Administrative Action: 01/07/04

RECOMMENDATION: A finding of conformance with the Comprehensive Plan, with conditions, as amended (9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. The purpose of this proposed alley vacation is to use the vacated area for parking and building access.
2. The staff "Analysis" as set forth on p.3 concludes that the vacation of this alley conforms with the 2025 Comprehensive Plan.
3. The applicant's testimony is found on p.5, requesting amendment to Condition #1.3 to allow the applicant to construct an "entry only" driveway as opposed to removal of the alley return at South 27th Street. The Public Works Department agreed with the proposed amendment.
4. There was no testimony in opposition.
5. On January 7, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan, with the conditions of approval as set forth on p.3, with the amendment to Condition #1.3 as requested by the applicant.
6. The appraisal submitted by the City Real Estate Division is found on p.10.
7. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 17, 2004

REVIEWED BY: _____

DATE: February 17, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.03014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

****As Revised by Planning Commission: 01/07/04****

- P.A.S.:** Street and Alley Vacation #03014
- PROPOSAL:** Vacate that portion of the east west alley from vacated South 26th Street to South 27th Street, between “N” and “O” Streets, that has not already been vacated.
- LOCATION:** Approximately South 27th and “O” Streets.
- LAND AREA:** 2,480 square feet, more or less.
- CONCLUSION:** The vacation of this alley conforms to the Comprehensive Plan and Zoning Ordinance provided necessary public easements are retained.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

That portion of the east west alley adjacent to Lots 1-3, the east 5 feet of Lots 4 and 9, and Lots 10-12, Block 1, J O Youngs East Lincoln Addition, located in the northeast 1/4 of Section 25 T10N R6E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-3 Commercial
South:	Commercial	B-3 Commercial
East:	Commercial	B-3 Commercial
West:	Commercial	B-3 Commercial

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Land Use Plan shows the area of this vacation as Commercial. (F 25)

TRAFFIC ANALYSIS:

The Comprehensive Plan shows South 27th as a Minor Arterial and “O” Streets as a Principal Arterial, both now and in the future. (E49, F103) This alley extends west from South 27th Street, and dead-ends approximately half-way to vacated South 26th Street. This alley appears to serve primarily as access to a parking lot and trash receptacles. The parking lot also has access off of “N” Street. Therefore, the alley return onto South 27th Street should be removed, and curb, gutter and sidewalk should be installed across the vacated right-of-way.

ALTERNATIVE USES:

The area within this vacation is too narrow and too small to be utilized on its own for building purposes.

ANALYSIS:

1. This is a request to vacate that portion of the east west alley from vacated South 26th Street to South 27th Street, between "N" and "O" Streets, that has not already been vacated.
2. Applicants intend to purchase this property if vacated, and use it for parking area and building access.
3. The vacation of this alley will not create lots without frontage or access to a public street, nor will it create a block length that exceeds 1000'.
4. The vacation of this alley will eliminate an existing dead-end right-of-way.
5. Alltel, LES, and Public Works all have existing facilities within the area of this vacation, and have requested a permanent easements over the entire vacated area for maintenance of and future additions to these facilities.
6. LES must be contacted if this right-of-way is vacated so they can remove one street light.
7. Upon approval of this request, Applicants should be required to remove the existing alley return at South 27th Street and install new curb, gutter and sidewalk across the area, at an estimated cost of \$3,5000. Applicant should post a bond to guarantee this work.

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 must be met.
- 1.2 Provide a permanent utility easement over the entire vacated area for maintenance of existing facilities and for future construction of new facilities.
- 1.3 ~~Post a bond in the amount of \$3,500 to guarantee the removal of the alley return at South 27th Street and construction of new curb, gutter, and sidewalk.~~ The applicant shall apply for a driveway permit making the vacated alley an "entry only" driveway. (**Per Planning Commission, at the request of the applicant and agreed upon by staff, 01/07/04**)

Prepared by:

Greg Czaplewski
Planner

Date: December 15, 2003

Applicants: William Cintani
9221 Tuscan Court
Lincoln, NE 68520

John and Marilyn Long
2645 "O" Street
Lincoln, NE 68510

B & J Partnership, Ltd.
340 Victory lane
Lincoln, NE 68528

Owner: Same as Applicants

Contact: William Cintani
9221 Tuscan Court
Lincoln, NE 68520
483.7465

ALLEY VACATION NO. 03014

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 7, 2004

Members present: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand.

Staff recommendation: A finding of conformance with the Comprehensive Plan, with conditions.

Ex Parte Communications: None.

This application was removed from the Consent Agenda and had separate public hearing at the request of Michael Rierden.

Proponents

1. Michael Rierden appeared on behalf of the property owners, **Mr. and Mrs. Long, Mr. and Mrs. Cintani and B&J Partnership**. This request relates to the southwest corner of the intersection at 27th & "O". The first business on the corner is the hot tub business owned by the Longs, and then it goes further to the west. Mr. Rierden was involved in the vacation of the west portion of this alley several years ago, so they are now finishing the job as far as having the alley entirely vacated.

Under the conditions of approval, there is a requirement that the alley at 27th Street go away and that the curb and gutter and sidewalk be replaced, thus there would be no ingress or egress at that location. The primary concern of Public Works is that, when exiting, you have to practically be in 27th Street before you can see the north/south traffic. Rierden and Public Works have reached a compromise that requires the owners to post the alley as an "entry only" driveway. This is satisfactory to Public Works and to the property owners. This will allow a point of egress for the parking lot.

Larson inquired whether all of the property owners along "O" Street that are affected by this alley vacation are involved. Rierden indicated that they all agree.

Carroll inquired as to how long they will extend the driveway in from 27th to the west. Rierden stated that it would remain "as is" but needs reconstruction. It will extend all the way to the property owned by B&J, which is the old Jacob North property which is past the existing parking lot.

There was no testimony in opposition.

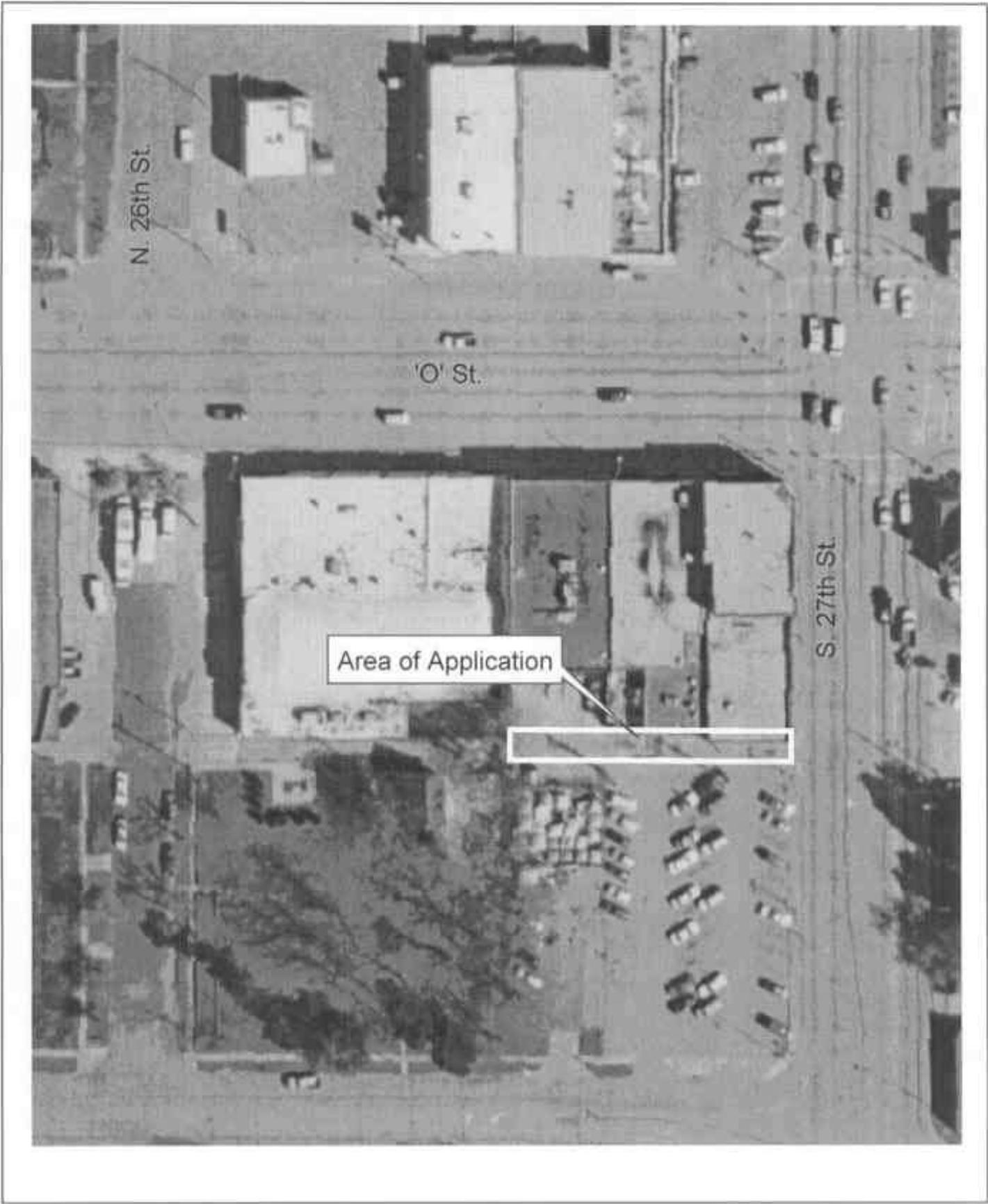
Dennis Bartels of Public Works stated that principally, Public Works would agree, but they would like to see an application for a permit to locate that driveway there just for record keeping purposes, i.e. to convert the alley return to a driveway permit. This could be done by amending Condition #1.3 to require the applicant to apply for a driveway permit for an "entry only" driveway.

Carroll inquired about the portion of the alley now extending past the parking lot. Bartels explained that the existing alley is a dead-end alley and it will become private property when vacated. Public Works would take care of the details of design when they make the application.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

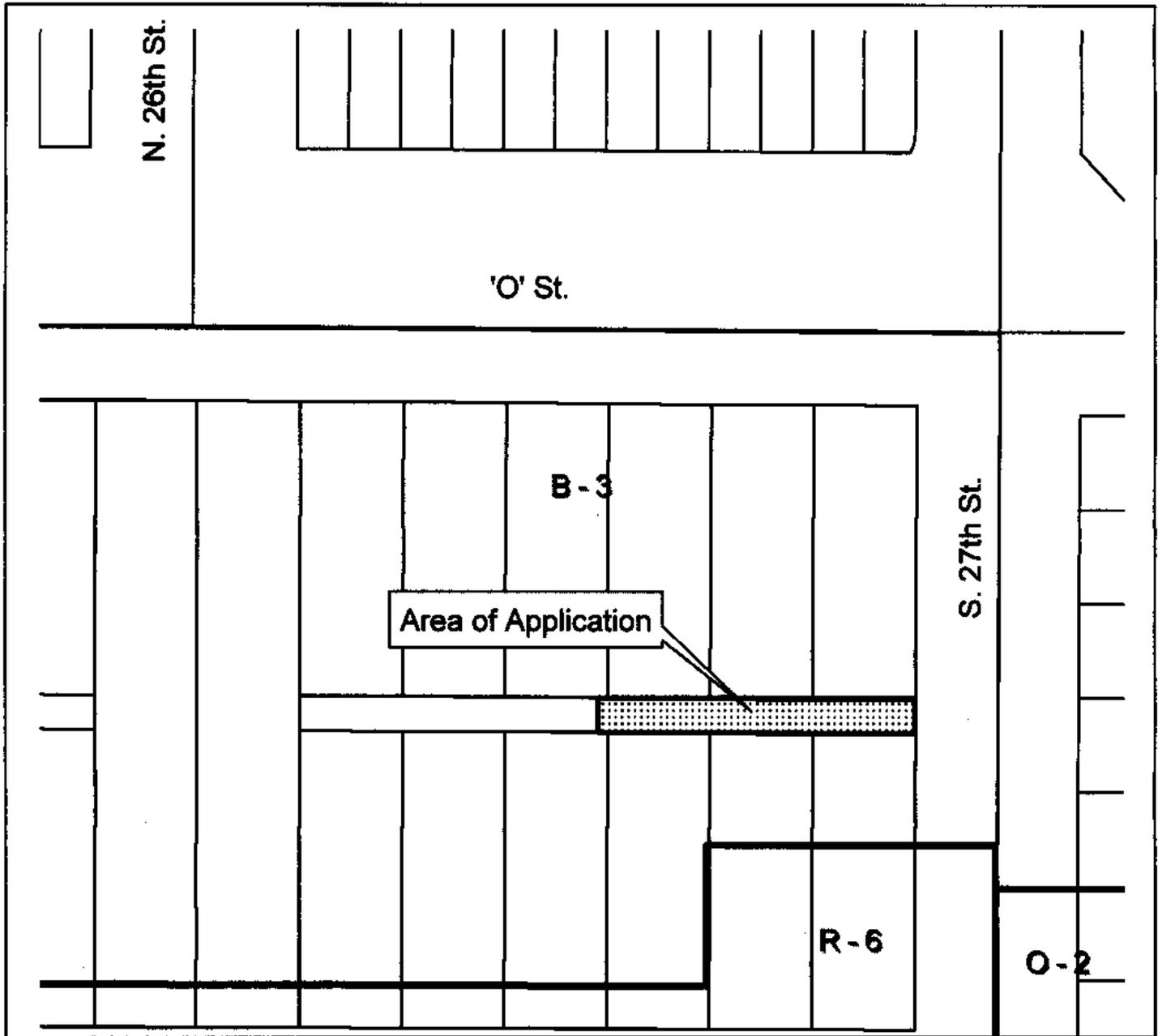
Carlson moved a finding of conformance with the Comprehensive Plan, with amendment to Condition #1.3 as suggested by Public Works, seconded by Sunderman and carried 9-0: Carlson, Krieser, Larson, Marvin, Sunderman, Pearson, Taylor, Carroll and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



Street & Alley Vacation #03014
E/W alley between 'O' and 'N'- 26th to 27th

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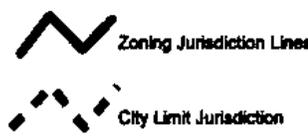
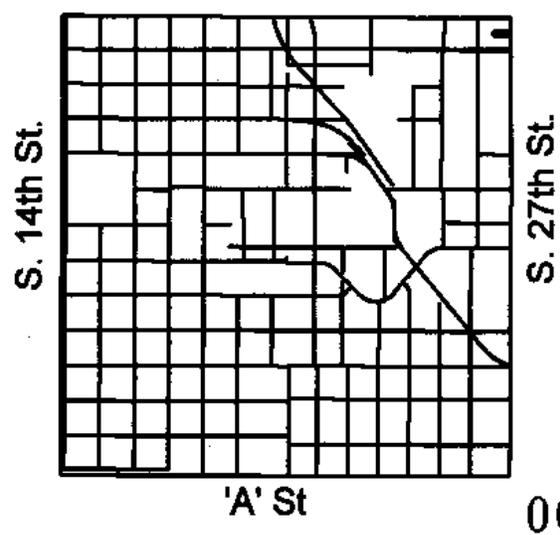
Street & Alley Vacation #03014
E/W alley between 'O' and 'N'- 26th to 27th



Zoning:

One Square Mile
 Sec. 25 T10N R6E

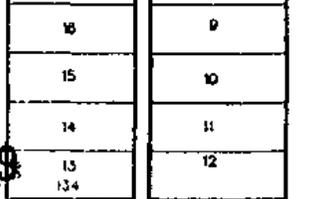
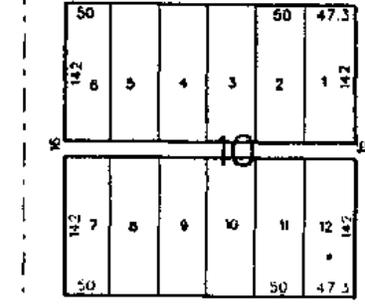
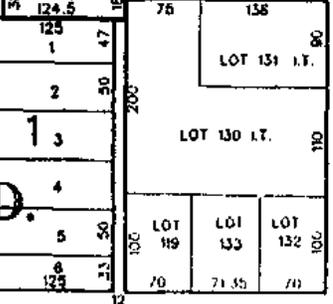
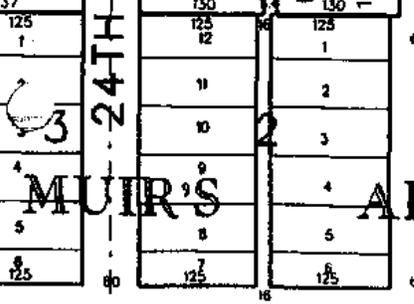
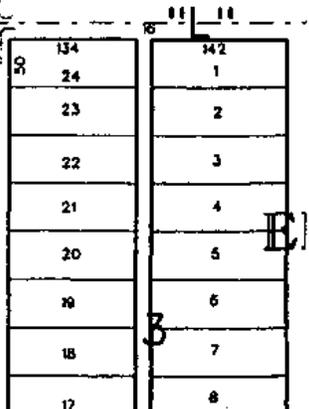
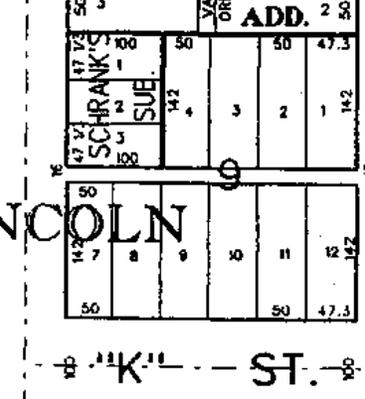
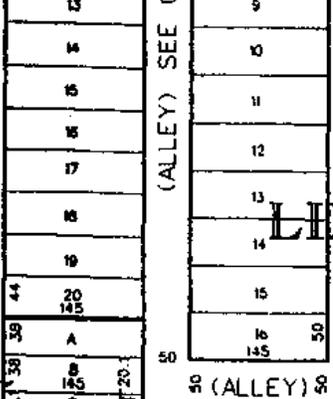
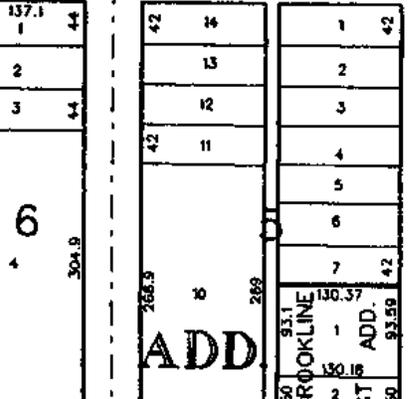
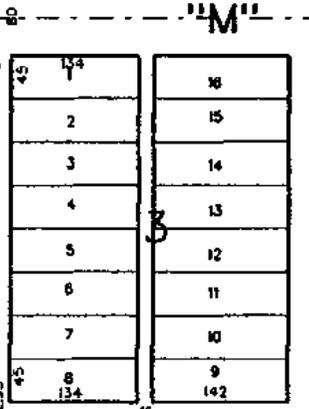
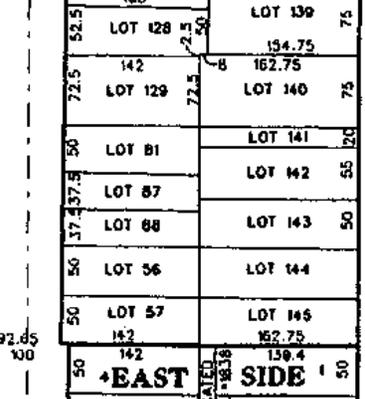
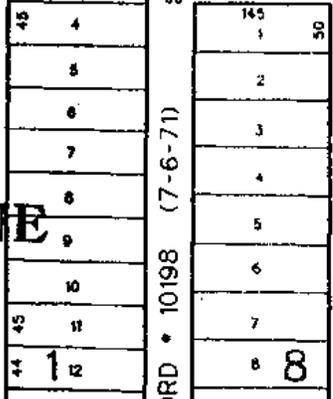
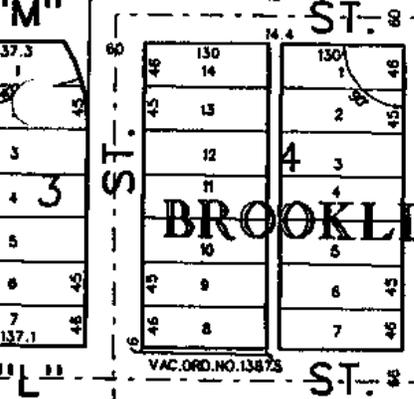
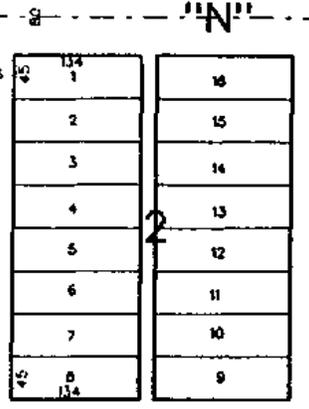
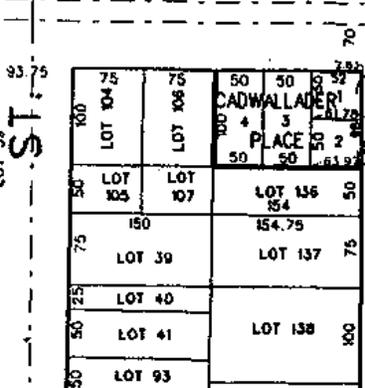
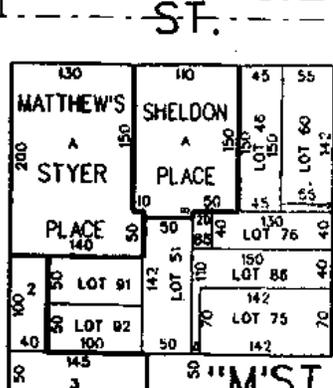
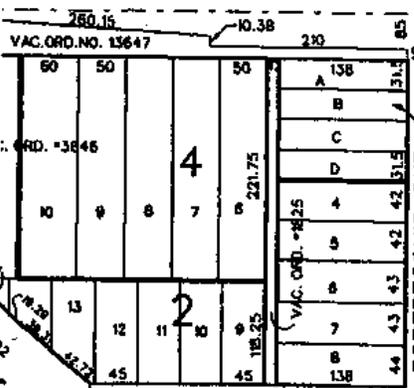
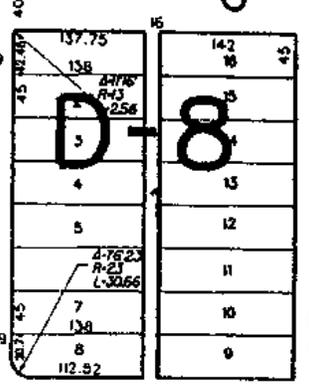
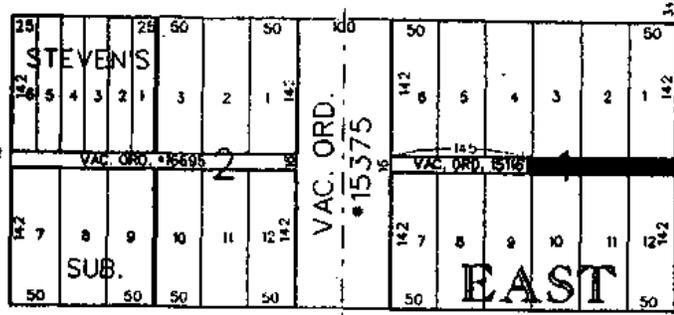
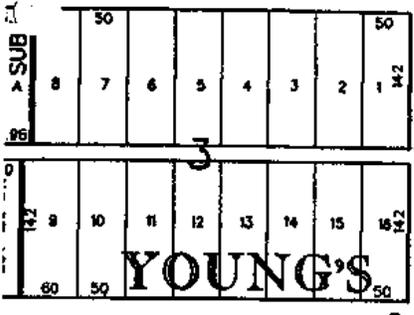
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-8 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



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N 1/2 SEC. 25 T10N R6E

ST.



008

SAV.03014

INTEROFFICE MEMORANDUM

TO: Mayor Seng & City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 5, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Vacating that portion of East-West Alley between O & N Streets and 26th & 27th Streets not previously vacated

A request has been made to vacate that portion of the alley in the block bounded by O and N Streets and 26th and 27th Streets which has not previously been vacated. When the area was viewed, it appeared as an open alley running approximately one-half way through the block which had been asphalt surfaced at some point, although the surfacing appeared to be in poor condition. Electric and telephone lines were observed running along the south side of the alley and the existence of a storm sewer grate inlet at the east end of the alley was also noted. Public Works has indicated the existence of a sanitary sewer as well as the storm sewer and other utilities located within the alley and has asked easements be retained over the entire area for these utilities.

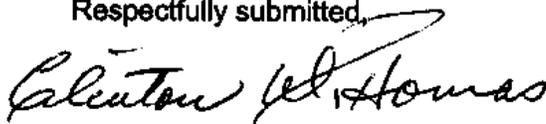
Small, narrow strips such as this have little or no value in and of themselves and may have only assemblage value to the abutting properties. In a case like this where the area is entirely encumbered by permanent easements for several utilities, the likelihood of future encroachment within the area is heightened. As such, a nominal value of \$0.15 per square foot is considered appropriate. Calculations are as follows:

$$2,480 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$372.00$$

Therefore, if the alley were to be vacated it is recommended it be sold to the abutting property owners for \$372.00. A division based on the amount each property owner would be expected to acquire is as follows:

Lot 10 and the east 5 feet of Lot 9	440 sq. ft.	X	\$0.15/sq. ft.	=	\$66.00
Lots 1, 2, and 12	1,200 sq. ft.	X	\$0.15/sq. ft.	=	\$180.00
Lots 3, east 5 feet of Lot 4, and Lot 11	840 sq. ft.	X	\$0.15/sq. ft.	=	\$126.00

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

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