

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

Bill No. 04-25

FACTSHEET

TITLE: STREET VACATION NO. 03019, requested by Stone Bridge Creek, L.L.C., Coby and Andrea Boring, and Craig and Lorinda Chipperfield, to vacate a portion of the Whitewater Lane right-of-way, near North 15th Street.

SPONSOR: Planning Department

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

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

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 lots adjacent to this right-of-way are the subject of a proposed final plat. As part of the final plat review, it was discovered that the original plat did not conform to the location of paving and utilities. This right-of-way vacation is required before the proposed final plat can be approved.
2. The staff recommendation is based upon the "Analysis" as set forth on p.2-3. The conditions of approval on p.3 were revised by the staff at the public hearing on January 7, 2004.
3. The applicant's testimony is found on p.5, acknowledging that this right-of-way vacation is simply to correct an error that occurred between survey, platting and construction.
4. There was no testimony in opposition.
5. On January 7, 2004, the Planning Commission agreed with the revised staff recommendation and voted 9-0 to find the proposed right-of-way vacation to be in conformance with the Comprehensive Plan, with the conditions of approval as set forth on p.3, as revised on January 7, 2004.
6. The City Real Estate Division has found that the area should be vacated and deeded to the abutting owners in exchange for an equal amount of new right-of-way being dedicated on the opposite side of the arc. No dollar amount is being required to be paid (See p.8).
7. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied, and the requirement to submit a revised final plat has also been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: February 17, 2004

REVIEWED BY: _____

DATE: February 17, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.03019

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 7, 2004 PLANNING COMMISSION MEETING

****As Revised by Staff and recommended by Planning Commission: 01/07/04****

- P.A.S.:** Street and Alley Vacation #03019
- PROPOSAL:** Vacate a portion of the Whitewater Lane right-of-way to account for errors in street construction.
- LOCATION:** Approximately Whitewater Lane and North 15th Street.
- LAND AREA:** 709 square feet, more or less.
- CONCLUSION:** The vacation of this portion of the street right-of-way is a requirement of a proposed final plat for this area.

RECOMMENDATION:	A finding of conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

A portion of Whitewater Lane abutting Lots 26-28, Stone Bridge Creek 2nd Addition, located in the northwest 1/4 of Section 36 T11N R6E, Lancaster County, Nebraska, and more particularly described on the attached site plan.

SURROUNDING LAND USE AND ZONING:

North:	Single-family residential	R-3 Residential
South:	Single-family residential	R-3 Residential
East:	Single-family residential	R-3 Residential
West:	Single-family residential	R-3 Residential

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows the area around this vacation as Urban Residential. (F 25)

ANALYSIS:

1. This is a request to vacate a portion of the Whitewater Lane right-of-way, near North 15th Street.
2. The lots adjacent to this right-of-way are the subject of a proposed final plat. As part of the final plat review, it was discovered the original plat did not conform to the location of paving and utilities. This right-of-way vacation is required before the proposed final plat can be approved.

3. The proposed final plat shows the vacated area as part of the adjacent lots, and also indicates the dedication of a similar area on the other side of the arc. This is in effect a land swap to correct the surveying error.
4. Applicants intend to purchase this property if vacated, and incorporate it into the front yards of their lots.
5. The vacation of this right-of-way will not create lots without frontage or access to a public street, nor will it create a block length that exceeds 1000'.
6. Aquila, LES, and Public Works all have existing facilities within the area of this vacation, and have requested a permanent easement over the entire vacated area for maintenance of and future additions to these facilities.
7. Public Works has an existing water main in this area. The water main appears to have been installed appropriately within the right-of-way, while the paving is offset in the right-of-way. It appears as though the vacation of this portion of right-of-way in conjunction with approval of the submitted plat will correct the error. The Public Works Department recommends approval of this request.
8. Any relocation of existing facilities will be at property owner's expense.

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 ~~A permanent utility easement over the entire vacated area for maintenance of existing facilities and for future construction of new facilities must be provided. (**As revised by staff and recommended by Planning Commission: 01/07/04**)~~
- 1.3 Property owners must agree any relocation of existing facilities will be at property owner's expense.
- 1.4 The applicant submits a revised final plat for approval by the Planning Director. (**As revised by staff and recommended by Planning Commission: 01/07/04**)

Prepared by:

Greg Czaplewski
Planner

Date: December 29, 2003

Applicants: Stone Bridge creek, L.L.C.
3801 Union Drive, Suite 102
Lincoln, NE 68516

Coby and Andrea Boring
7457 Whitewater Lane
Lincoln, NE 68521

Craig and Lorinda Chipperfield
4305 N. 1st Street, #338
Lincoln, NE 68521

Owners: Same as Applicants

Contact: Engineering Design Associates
Richard Onnen
2200 Fletcher Avenue, #102
Lincoln, NE 68521
438.4014

STREET & ALLEY VACATION NO. 03019

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 of approval.

Ex Parte Communications: None.

Greg Czaplewski of Planning staff requested to add Condition #1.4 requiring the submittal of a revised plat for approval of the Planning Director, and to delete Condition #1.2.

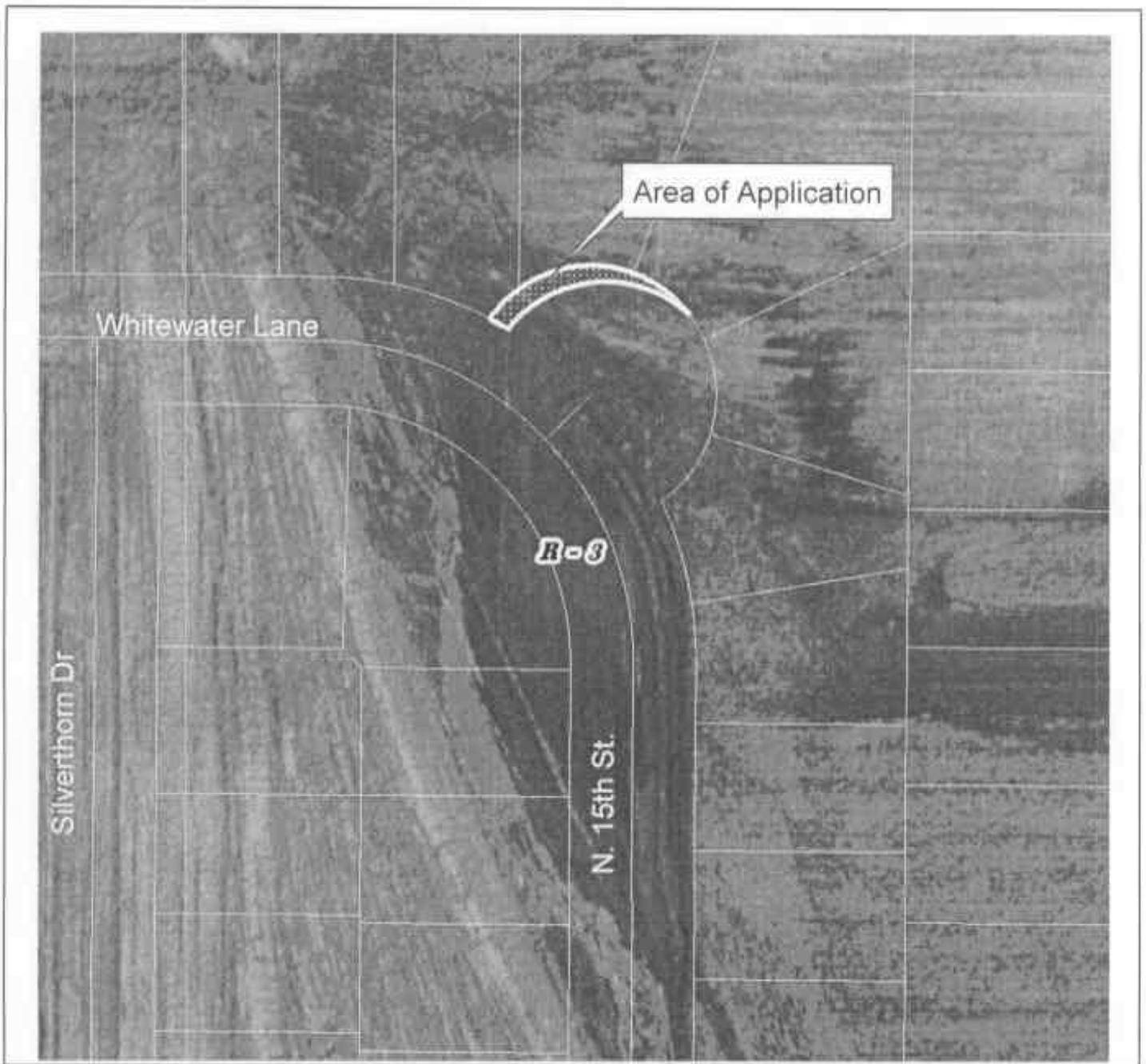
Proponents

1. Rick Onnen with Engineering Design Consultants appeared on behalf of the applicant. This vacation is simply being done to correct an error that occurred between survey, platting and construction. It is necessary to vacate this sliver to replat the lots so that they line up with the water main and paving as they were installed in the field. The applicant agreed with the conditions of approval, as revised today. They will be dedicating an equal piece on the other side of this cul-de-sac and will be asking that this property not be assessed to the owners of the adjacent property. There was no testimony in opposition.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 7, 2004

Carlson moved a finding of conformance with the Comprehensive Plan, with conditions, as revised, seconded by Larson 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.



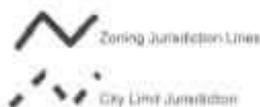
2002 aerial

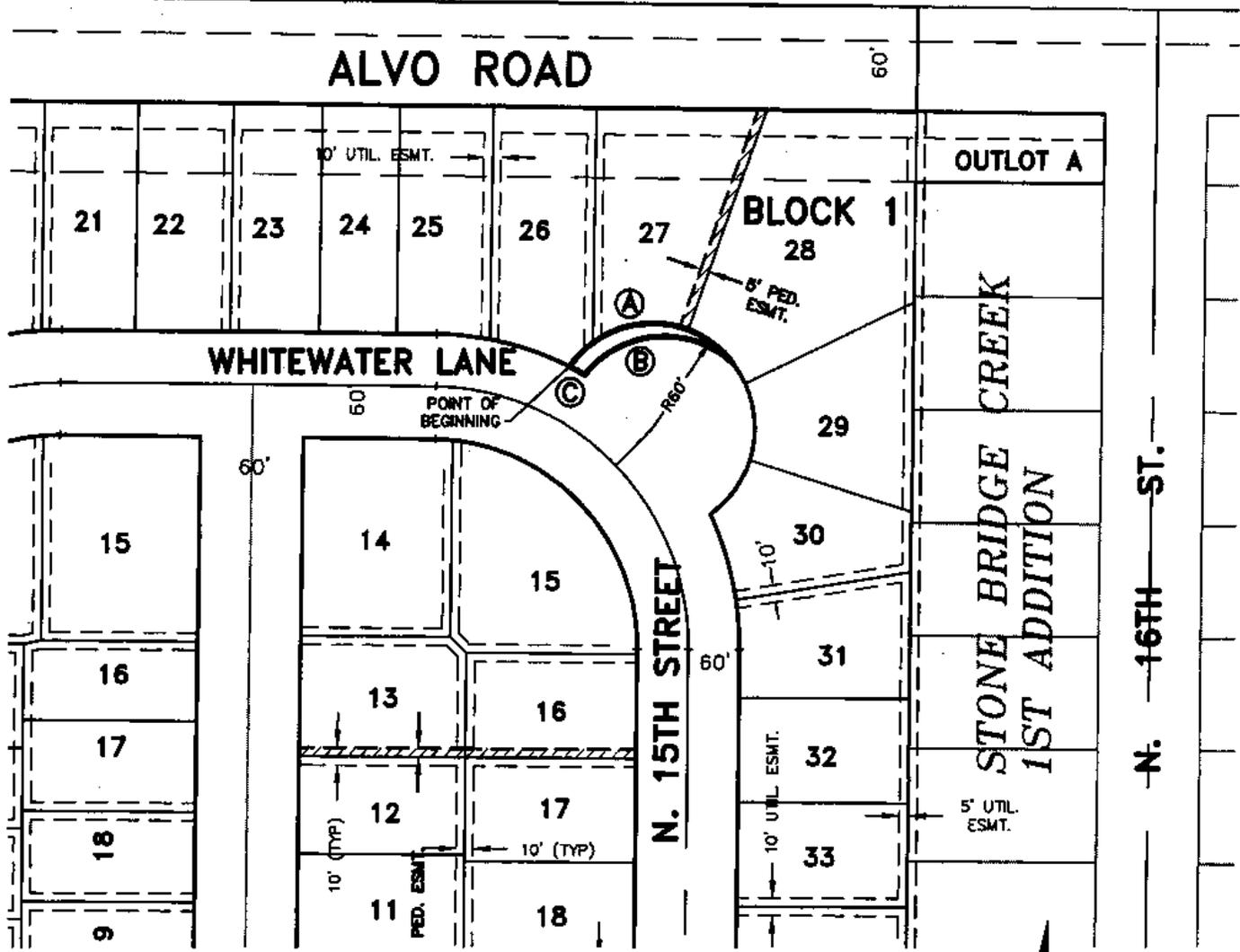
Street & Alley Vacation #03019 Whitewater Lane & N 15th St.

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. 36 T11N R6E

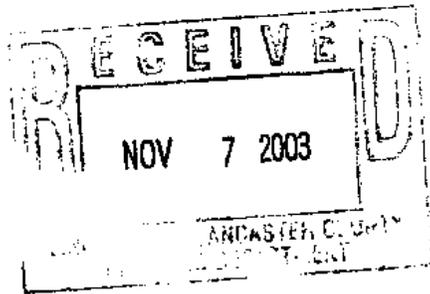




LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF PARCEL OF LAND LOCATED IN STONE BRIDGE CREEK 2ND ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 26, BLOCK 1 OF SAID ADDITION ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF WHITEWATER LANE ON A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 106°03'00", A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 111.06 FEET, A CHORD LENGTH OF 95.87 FEET AND A CHORD BEARING OF N88°51'59"E (ASSUMED); THENCE ALONG SAID RIGHT-OF-WAY LINE ON SAID CURVE, A DISTANCE OF 95.87 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 93°07'21", A RADIUS OF 60.00 FEET, AN ARC LENGTH OF 97.52 FEET, A CHORD LENGTH OF 87.13 FEET AND A CHORD BEARING OF S85°37'51"W; THENCE ON SAID CURVE, A DISTANCE OF 97.52 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 03°13'47", A RADIUS OF 180.00 FEET, AN ARC LENGTH OF 10.15 FEET, A CHORD LENGTH OF 10.14 FEET AND A CHORD BEARING OF N62°08'16"W; THENCE ON SAID CURVE, A DISTANCE OF 10.15 FEET TO THE POINT OF BEGINNING AND CONTAINING A CALCULATED AREA OF 709 SQUARE FEET MORE OR LESS.



CURVE DATA

(A) Δ= 106°03'00"	(B) Δ= 93°07'21"	(C) Δ= 03°13'47"
R=60.00'	R=60.00'	R=180.00'
L=111.06'	L=97.52'	L=10.15'
LC=95.87'	LC=87.13'	LC=10.15'
CB=N88°51'59"E	CB=S85°37'51"W	CB=N62°08'16"W

007



**STONE BRIDGE CREEK 2ND ADDITION
RIGHT-OF-WAY VACATE**

Lincoln, Nebraska

Drawn By: NLH
Dwg.: row vacate
Date: 08/18/03
Job#: 03-054

SHEET
1 OF 1

SAV.03019

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

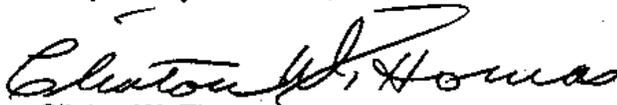
DATE: January 30, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Vacation of Whitewater Lane adjacent
to Lots 26 - 28, Stone Bridge Creek
2nd Addition

A request has been made to vacate a portion of Whitewater Lane in Stone Bridge Creek 2nd Addition. This writer has been advised by Greg Czaplewski of the Planning Department the purpose of this vacation is to shift the arc of Whitewater Lane slightly to correspond more closely with what has been built. Mr. Czaplewski indicated an equal amount of right-of-way on the opposite side of the arc will be dedicated as a replacement of the area being vacated. This being the case it is recommended the area be vacated and deeded to the abutting owners in exchange for an equal amount of new right-of-way being dedicated on the opposite side of the arc.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

