

City Council Introduction: **Monday**, March 11, 2002  
Public Hearing: **Monday**, March 18, 2002, at **1:30 p.m.**

Bill No. 02-31

## **FACTSHEET**

**TITLE: STREET VACATION NO. 01025**, requested by Gale and Louise Shields, to vacate a 5' x 30'6" portion of North 7<sup>th</sup> Street adjacent to the south 37' of Lot 9, Block 22, Original Plat of Lincoln, generally located at No. 7<sup>th</sup> & "P" Streets.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 02/06/02  
Administrative Action: 02/06/02

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

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn 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, concluding that the vacation is supported by the Public Works & Utilities Department and the Historic Preservation Commission.
2. The applicant's testimony is found on p.4.
3. There was no testimony in opposition.
4. On February 6, 2002, the Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed vacation to be in conformance with the Comprehensive Plan.
5. The provisions of Chapter 14.20 of the Lincoln Municipal Code have been met.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 4, 2002

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 4, 2002

**REFERENCE NUMBER:** FS\CC\2002\SAV.01025

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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**P.A.S.:** Street and Alley Vacation #01025  
700 "P" Street

**DATE:** January 25, 2002

**PROPOSAL:** To vacate a 5' by 30'6" portion of North 7<sup>th</sup> Street adjacent to the south 37' of Lot 9, Block 22, Original Plat of Lincoln.

**LAND AREA:** 152.5 square feet, more or less.

**CONCLUSION:** The vacation conforms to the Comprehensive Plan and is supported by the Public Works & Utilities Department and the Historic Preservation Commission.

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

**LEGAL DESCRIPTION:** 5' by 30'6" portion of N. 7<sup>th</sup> Street adjacent to the south 37' of Lot 9, Block 32, Original Plat of Lincoln located in the SW 1/4 of Section 23 T10N R6E, Lincoln, Lancaster County, Nebraska.

**LOCATION:** Generally located at N. 7<sup>th</sup> Street and P Street.

**APPLICANT:** Gale and Louise Shields  
6942 Sumner Street  
Lincoln, NE 68506  
(402)488-6861

**OWNER & CONTACT:** Same

### **SURROUNDING LAND USE AND ZONING:**

The subject property is located in the Haymarket Landmark District, a designated landmark district within the B-4 zone (Downtown Business District). West of the site is Lincoln Station, a mixed use commercial building including a restaurant, banquet hall, offices, retail, and Amtrack passenger depot. North and east of the site are commercial buildings including restaurants, a portion of the Empyrean Ale brewery, and Hillis Floral & Catering. South of the site are commercial and human services uses including retail uses in the Creamery, art studios and apartments in Burkholder Project, and the Salvation Army store and rehabilitation facility.

**HISTORY:** This vicinity developed as the railroad and wholesale center of Lincoln following the Lincoln arrival of Burlington & Missouri River Railroad in 1870. A depot was built at 7<sup>th</sup> and P in

1880 and replaced with the current Lincoln Station in 1927. Haymarket was designated a landmark district in accordance with LMC27.57 in 1982 and the Haymarket Redevelopment Plan was adopted in 1984.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Comprehensive Plan (1994) encourages the continued redevelopment of Downtown and its districts such as Haymarket as the mixed-use center of the community (pp. 60-2).

**UTILITIES:** There are no utilities in the area of the proposed vacation.

**ANALYSIS:**

1. This is a request to vacate a portion of the right of way generally located at 7<sup>th</sup> and P Streets in order to construct a stairway for an emergency exit from the basement of the building located at 700 P Street.
2. This request is within the Haymarket Historic District. The Historic Preservation Commission conducted a public hearing on January 17, 2002 on the requested vacation of right-of-way, and on a certificate of appropriateness for the proposed staircase and railing to be built in the vacated space. The Commission voted 6-0 to recommend the vacation and to approve the certificate.
3. There is an existing fire escape to the second floor which occupies a portion of the proposed area to be vacated.
4. There are no existing utilities in the right-of-way to be vacated.
5. The Public Works & Utilities Department recommends approval of the vacation since the fire escape and the proposed lower level access impede the use of the right of way for the normal utility and pedestrian uses, however, requires that the sale of the vacated right-of-way will be subject to a condition that the use shall be restricted to prevent enclosed building additions into the vacated area. The certificate of appropriateness approved January 17<sup>th</sup> by the Historic Preservation Commission is for an open staircase and protective railing, and would not conflict with the restriction recommended by Public Works.

**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:

Ed Zimmer  
Historic Preservation Planner

# STREET VACATION NO. 01025

## **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

February 6, 2002

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

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

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

### Proponents

1. **Mr. Funk** appeared on behalf of the applicants, who lease property to Telesis, Inc. at 729 Q Street in the Haymarket. This is a request to vacate a portion of the sidewalk that appears underneath the existing fire escape on the west side of the former Jabrisco Restaurant. The purpose is to construct a fire escape from the basement of his building. As it stands now, they cannot do anything with the property underneath the fire escape. This request has been approved by the Historic Preservation Commission.

Mr. Funk agreed with the staff recommendation and the conditions of approval.

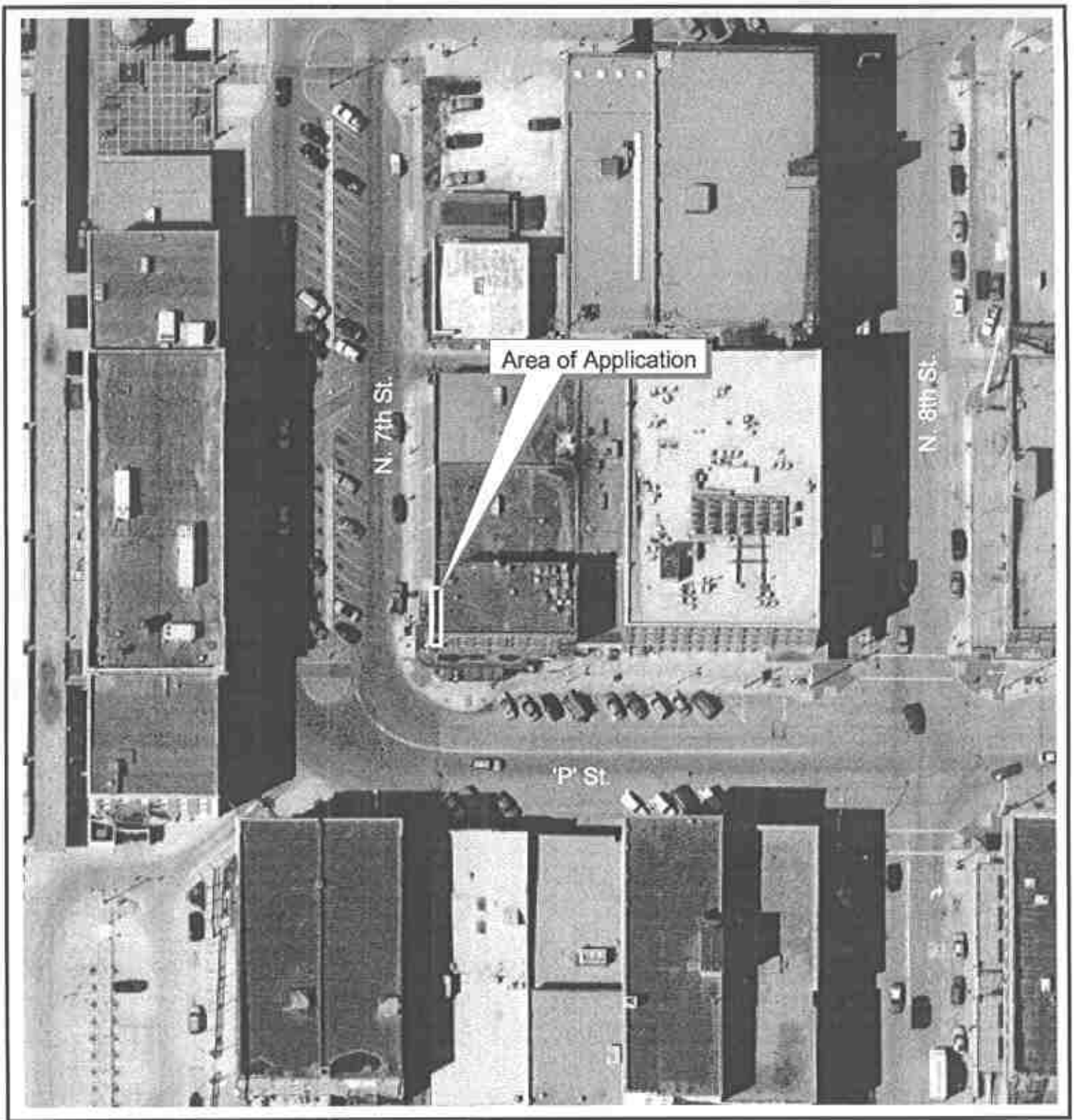
There was no testimony in opposition.

Public hearing was closed.

## **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

February 6, 2002

Carlson moved to approve the staff recommendation and to find the street vacation to be in conformance with the Comprehensive Plan, seconded by Duvall and carried 7-0: Carlson, Newman, Bills, Taylor, Duvall, Steward and Krieser voting 'yes'; Hunter and Schwinn absent.



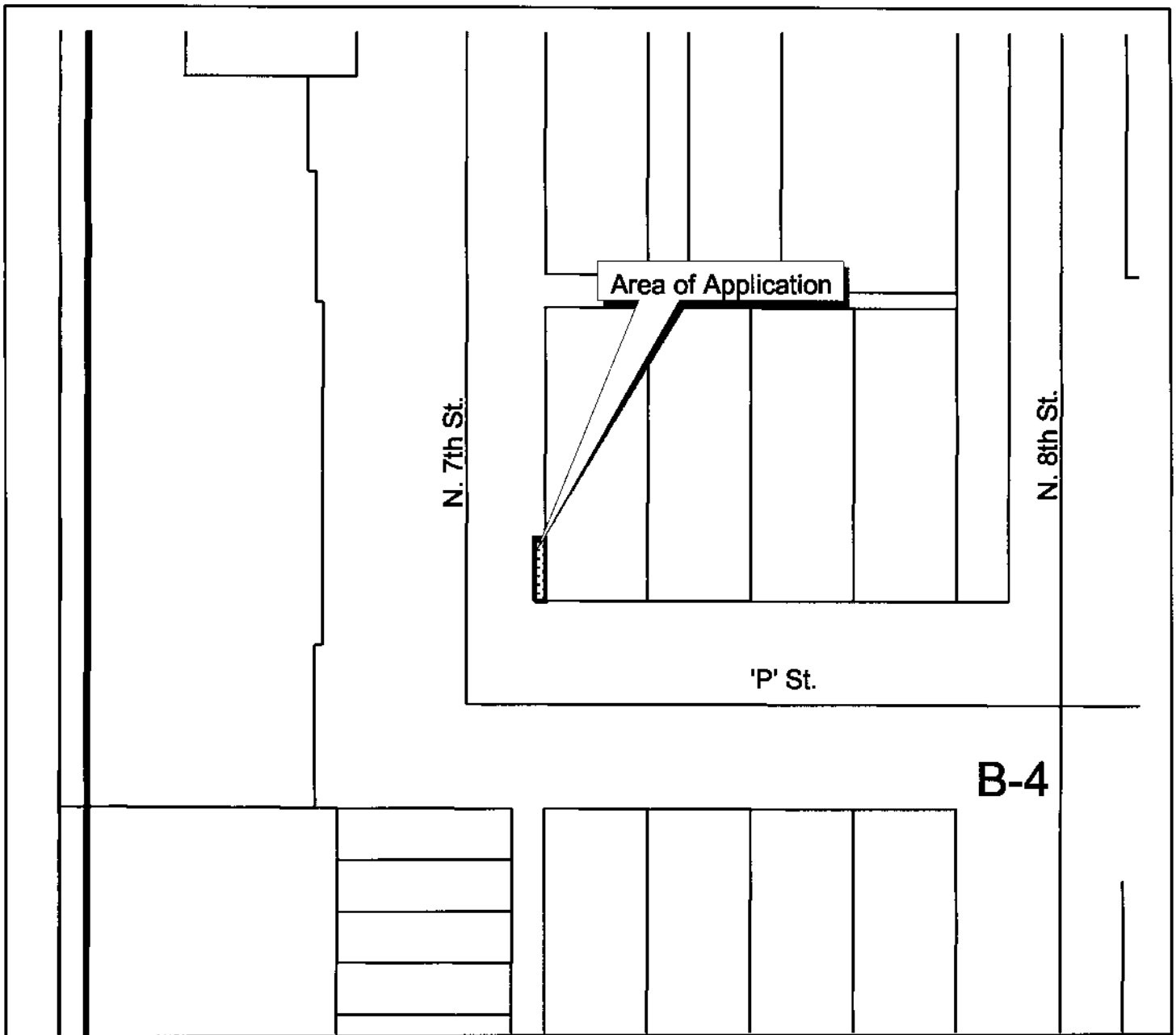
**Street & Alley Vacation #01025  
N. 7th & 'P' St.**



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Photograph Date: 1999

Lincoln City - Lancaster County Planning Dept.

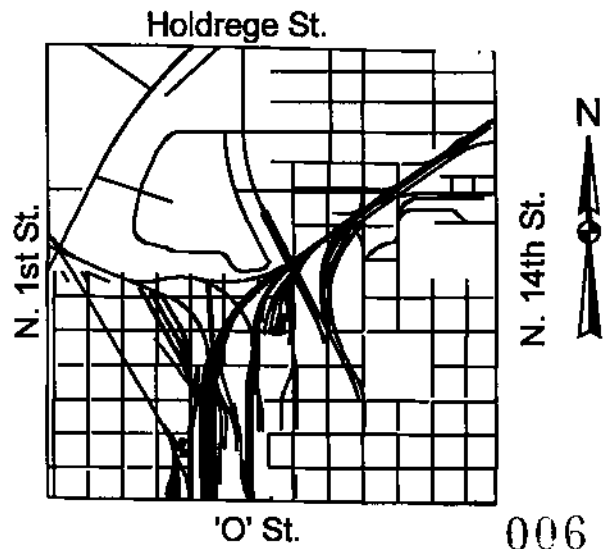
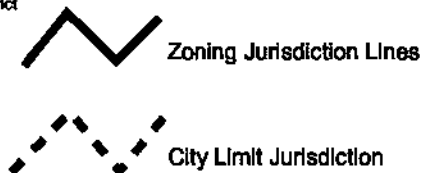


## Street & Alley Vacation #01025 N. 7th & 'P' St.

### 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. 23 T10N R6E



006

Lincoln



Nebraska's Capital City

December 21, 2001

Lincoln City / Lancaster County  
Planning Commission  
Lincoln, NE 68508


RE: Vacating a 5 Feet by 30 Feet 6 Inch Portion of North 7th Street Adjacent to the South 37 Feet of Lot 9, Block 32, Original Plat of Lincoln

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Gale and Louise Shields, owners of the south 37 feet of Lot 9, Block 32 Original Plat of Lincoln, to vacate the above described public right-of-way. Petitioner requests this vacation to construct a stairway for an emergency exit from the basement of the buildings located at 700 "P" Street.

The building also has an existing fire escape to the second floor which occupies a portion of the proposed area to be vacated. Public Works recommends approval of the vacation since the fire escape and the proposed lower level access impede the use of the right-of-way for the normal utility and pedestrian uses. Engineering Services however, recommends that the sale of the vacated right-of-way restrict the use to prevent enclosed building additions into this area. There are no existing utilities in the right-of-way to be vacated. The vacation contains an area of 152.5 square feet, more or less

Sincerely,



Byron Blum  
Engineering Services

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

7th & P Vac tdm w.pd

SAV01025

INTEROFFICE MEMORANDUM

TO: Mayor Wesely  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 9, 2002

COPIES TO: Joan Ross  
Kathleen Sellman  
Dana Roper  
Byron Blum

SUBJECT: Vacation of a 5-foot portion of North  
7<sup>th</sup> Street adjacent to the south 37  
feet of Lot 9, Block 32, Original Plat  
of Lincoln

A request has been made to vacate a 5-foot portion of North 7<sup>th</sup> Street adjacent to the south 37 feet of Lot 9, Block 32, Original Plat of Lincoln adjacent to 700 P Street. The area was viewed and appears as a sidewalk adjacent to the building. The area to be vacated is partially occupied by a fire escape leading from the upper floors of the adjacent building. Public Works has indicated there are no utilities within the area to be vacated, but have asked a building restriction be placed on the land so that no enclosed building addition can be built on the area.

The abutting property is estimated to have a land value in the range of \$7 to \$9 per square foot. The area to be vacated is quite small and has very little value of itself. It's only value is to the abutting property owner. It is expected an adjoining property owner would not be willing to pay much more than 30% of the abutting value to obtain a small parcel such as this. Assuming an adjacent land value of \$8 per square foot, the value of the area to be vacated is estimated at \$2.40 per square foot. The calculated value of the area to be vacated is as follows:

$$152.5 \text{ sq. ft.} \times \$2.40 = \$366$$

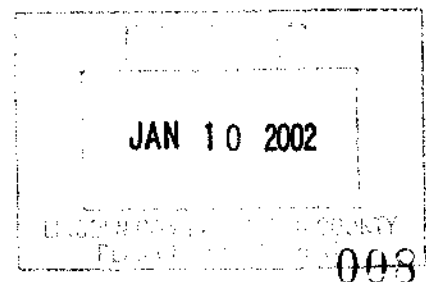
Therefore, it is recommended that if the area be vacated it be sold to the abutting land owner for \$366 with the restrictions recommended by Public Works.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

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7TH

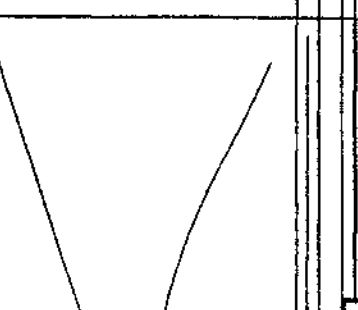
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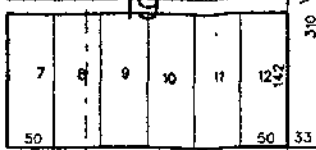
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LINCOLN STATION

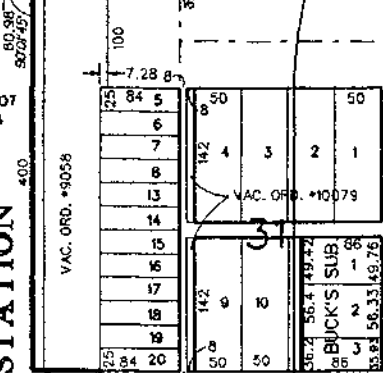
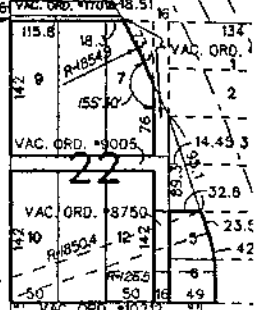
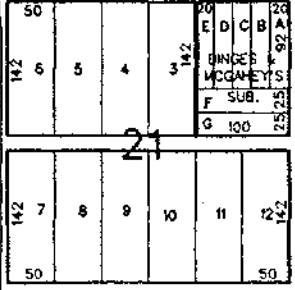
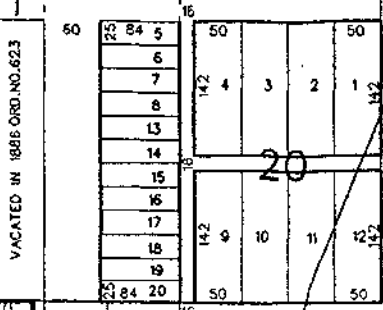
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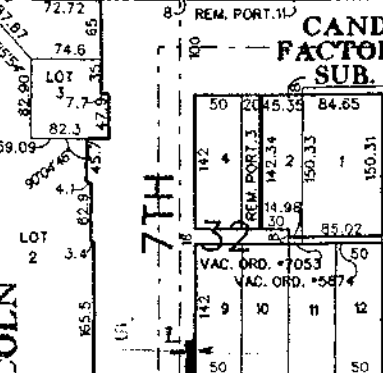
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MARKET SQUARE 29

CANDY FACTORY SUB.

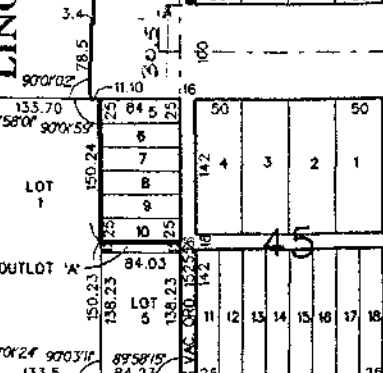
HAMBLETON-WEBB SUB.

J. G. MILLERS SUB.

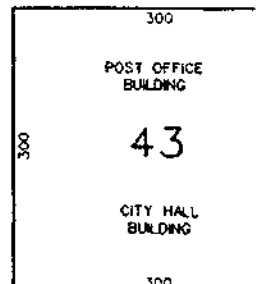
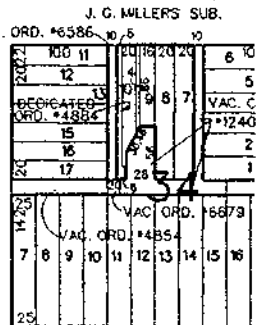


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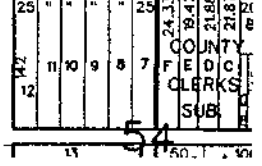
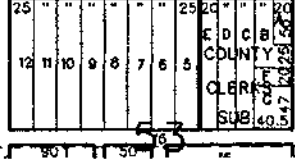
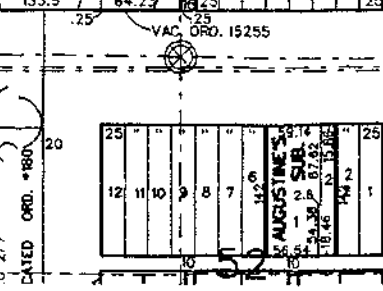
9TH



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SAV01025

INTEROFFICE MEMORANDUM

TO: Mayor Wesely  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 9, 2002

COPIES TO: Joan Ross  
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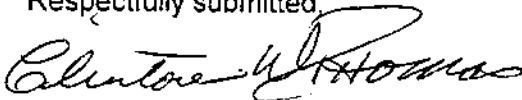
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