

City Council Introduction: **Monday**, February 6, 2006
Public Hearing: **Monday**, February 13, 2006, at **1:30 p.m.**

Bill No. 06-14

FACTSHEET

TITLE: **STREET VACATION NO. 05009**, requested by the American Historical Society of Germans from Russia and Kenters Investments, LLC, to vacate a portion of the north/south alley located in the block bounded by 6th and 7th Streets and C and D Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 11/09/05
Administrative Action: 11/09/05

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman, and Strand voting 'yes'; Taylor absent).

FINDINGS OF FACT:

1. The purpose of this proposed alley vacation consisting of approximately 355 sq. ft., more or less, is to vacate a portion of the north/south alley between 6th and 7th Streets, and C and D Streets, which is currently being used by the American Historical Society of Germans from Russia.
2. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that the alley is not necessary for public uses.
3. On November 9, 2005, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On November 9, 2005, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.
5. The report by the Housing Rehab and Real Estate Division of the City Urban Development Department is found on p.6, and the petitioner has complied with the provisions of Chapter 14.20 of the Lincoln Municipal Code.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 27, 2006

REVIEWED BY: _____

DATE: January 27, 2006

REFERENCE NUMBER: FS\CC\2006\SAV.05009

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 9, 2005 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 05009

PROPOSAL: Vacate portion of North/South alley on the block occupied by the American Historical Society of Germans from Russia.

LOCATION: In the block bounded by 6th & 7th, C & D Streets.

LAND AREA: 355 square feet, more or less.

CONCLUSION: The alley is not necessary for public uses.

<u>RECOMMENDATION:</u>	Conforms to the Comprehensive Plan
-------------------------------	------------------------------------

GENERAL INFORMATION:

LEGAL DESCRIPTION: North/South alley west of Lot 1 Krause & Schmitts Subdivision, East of Lot 10 Block 203 Original Plat of Lincoln, Nebraska, between 6th & 7th, C & D Streets.

SURROUNDING LAND USE AND ZONING:

North:	R-4 Residential	Single-Family Dwellings
South:	R-4 Residential	Museum/Single-family dwellings
East:	R-4 Residential	Museum/Single-family dwellings
West:	R-4 Residential	Museum/Single-family dwellings

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as urban residential.

UTILITIES: Lincoln Electric System requests that an easement for existing and future electrical facility be retained across the entire proposed vacated corridor.

ANALYSIS:

1. This is a request to vacate a portion of the North/South alley between 6th and 7th, C and D Streets.
2. This portion of right of way requested to be vacated is approximately 10 by 35 feet.
3. This portion of right of way appears to be in current use by the American Historical Society of Germans from Russia and is not a functioning alley. In addition, this segment

proposed to be vacated is the only remaining segment of right of way and is only accessible from 7th Street via an east/west alley.

4. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

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

- 1.1 All petitions to vacate must be properly completed and submitted.
- 1.2 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Joe Rexwinkle
441-6373, jrexwinkle@lincoln.ne.gov
Planner

DATE: October 25, 2005

**APPLICANT
and
CONTACT:** Jerome Siebert
American Historical Society of Germans from Russia
631 D Street
Lincoln, NE 68502

OWNER: Kenters Investments, LLC
2143 O Street
Lincoln, NE 68510

STREET & ALLEY VACATION NO. 05009

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

November 9, 2005

Members present: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand;
Taylor absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 05052; CHANGE OF ZONE NO. 05076HP; SPECIAL PERMIT NO. 05051; USE PERMIT NO. 33D; COUNTY FINAL PLAT NO. 05106, THE PRESERVE AT CROSS CREEK 2ND ADDITION; COUNTY FINAL PLAT NO. 05107, WENDELIN ESTATES; and STREET AND ALLEY VACATION NO. 05009.**

Ex Parte Communications: None.

Strand moved to approve the Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Esseks, Krieser, Larson, Pearson, Sunderman and Strand voting 'yes'; Taylor absent.



2005 aerial

Street & Alley Vacation #05009 631 D St.

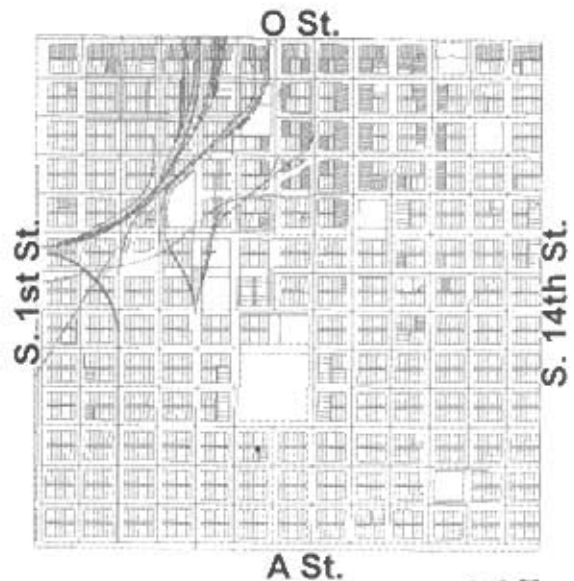
Zoning:

- R-1 to R-4 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. 26 T10N R6E



Zoning Jurisdiction Lines
City Limit Jurisdiction



005

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: January 4, 2006

COPIES TO: Teresa J. Meier
Marvin Krout
Dana Roper
Byron Blum

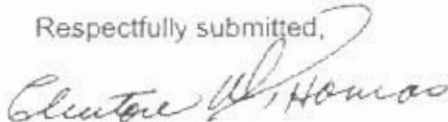
SUBJECT: Street & Alley Vacation No. 05009
North/South Alley, west of Lot 1,
Kraus & Schmitts Subdivision

A request has been made to vacate the remaining, unvacated portion of the north/south alley lying in the block bounded by 6th, 7th, C and D Streets. The area was viewed and appears the portion to be vacated has been filled with some of the fill which was placed on the abutting lots. A utility pole with disconnected wires dangling from it was observed along the west side of the area where the alley is perceived to be. It is not known if these utilities were abandoned or simply placed underground; however, Lincoln Electric System has requested an easement be retained over the area for any existing, or future, utilities.

The area to be vacated contains approximately 355 square feet. Due to its small size and location in the center of the block, it is considered to have very little, if any, value to anyone except the abutting property owner. Given its size and the fact utility easements will be retained over the area, its value to the abutting property owner is also considered to be minimal. It is suggested a nominal sum of \$50.00 be placed on it.

Therefore, if the area is vacated, it is recommended a nominal amount of \$50.00 be charged to the abutting property owner.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge