

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 07004, requested by the Lancaster County Engineer, to vacate two portions of Rokeby Road (0.26 acres and 0.15 acres) at its intersection with Breagan Road and the railroad crossing.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/25/07
Administrative Action: 04/25/07

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Carlson, Carroll, Cornelius, Larson, Esseks, Krieser, Strand, Taylor and Sunderman voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation to find the proposed street vacation to be in conformance with the 2030 Comprehensive Plan is based upon the following:

The County Engineer has requested this vacation of two parcels of Rokeby Road, indicating that the track from Rokeby Road to S. 120th Street is the current location for the parking and trade-off of coal trains between the Burlington Northern and Santa Fe Railroad and Omaha Public Power District. Due to the design of the new interchange of the South Beltway, 120th Street and Highway 2, the rail line crossing will be relocated. This relocation will then move the "parking/handoff" location about 1,200 feet to the west, which in turn would block Rokeby Road. The vacation of the road would allow the trains to park and not block a crossing. This closure results in a "one for one" crossing swap of Rokeby Road for a new 120th Street. A new 98th street extension from Rokeby Road to Breagan Road will provide replacement accessibility and connectiveness.
2. The testimony of Don Thomas, County Engineer, is found on p.4, including a request to add the following language: The actual vacation and closure of the Rokeby Road rail crossing shall not occur until the parking area for trains between the existing 120th Street crossing and the Rokeby Road crossing is reduced as a result of the realignment of S. 120th Street (south of Highway #2) and the South Beltway interchange construction or the railroad is abandoned.
3. There was testimony in opposition by Rick Hodtwalker, who farms the property across the road on the south side of Rokeby Road and on the north side of Breagan Road (p.5), and the record consists of one e-mail in opposition from Denise Callies, who resides at 10455 Rokeby Road (p.16).
4. On April 25, 2007, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed vacation to be in conformance with the Comprehensive Plan, with the additional language submitted by the County Engineer.
5. This is a County Road in the City three-mile jurisdiction and will require approval by both the City Council and County Board. The County Board is tentatively scheduled to hold public hearing and take action on Tuesday, June 5, 2007.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 7, 2007

REVIEWED BY: _____

DATE: May 7, 2007

REFERENCE NUMBER: FS\CC\2007\SAV.07004

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for April 25, 2007 PLANNING COMMISSION MEETING

****As Revised and Found to be in Conformance with the Comprehensive Plan by the Planning Commission on April 25, 2007****

PROJECT #: Street and Alley Vacation No. 07004

PROPOSAL: The County Engineer has requested the vacation of portions of Rokeby Road at its intersection with Breagan Road and the railroad crossing.

LOCATION: Rokeby Road at the intersection with Breagan Road and the railraod crossing.

LAND AREA: Two parcels of 0.26 and 0.15 acres. 0.41 acres total.

CONCLUSION: There are no apparent conflicts with the Comprehensive Plan and this is supporting the design and construction of the South Beltway.

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

GENERAL INFORMATION:

LEGAL DESCRIPTION: Two parcels of Rokeby Road right-of-way in the SE 1/4 of Section 25-9-7 and the NE 1/4 of Section 36-9-7, Lancaster County NE. Surveyed legal attached.

SURROUNDING LAND USE AND ZONING:

North: Farmland, residence, zoned AG Agriculture
South: Farmland, residence, zoned AG Agriculture
East: Farmland, zoned AG Agriculture
West: Farmland, zoned AG Agriculture

COMPREHENSIVE PLAN SPECIFICATIONS: This is shown as Agriculture in the 2030 Lincoln Area Future Land Use map, page 19. This is in Tier II, at the upper end of the Steven Creek basin. The 2030 Comprehensive Plan shows Rokeby Road at this location as a local street. The Comprehensive Plan also says:

“D. Local Streets: These are composed of all lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes. “ Pg 105

TRAFFIC ANALYSIS: Rokeby Road and Breagan Road are gravel county roads. This section of Rokeby Road, between S. 84th and S. 120th Streets, is not shown on the 2030 Functional Street and Road classification map or on the Lincoln Area Street and Road Improvements 2030 map. This is a local street.

ANALYSIS:

1. The County Engineer has requested this vacation of two parcels of Rokeby Road. He has indicated the track from Rokeby Road to S. 120th Street is the current location for the parking and trade-off of coal trains between the Burlington Northern and Santa Fe R.R. and Omaha Public Power District. Due to the design of the new interchange of the South Beltway, 120th Street and Highway 2, the rail line crossing will be relocated. This relocation will then move the "parking/handoff" location about 1,200 feet to the west, which in turn would block Rokeby Road. The vacation of the road would allow the trains to park and not block a crossing.
2. This closure results in a "one for one" crossing swap of Rokeby Road for a new 120th Street.
3. A new 98th street extension from Rokeby Road to Breagan road will provide replacement accessibility and connectiveness.
4. The actual vacation and closure of the Rokeby Road rail crossing shall not occur until the parking area for trains between the existing 120th Street crossing and the Rokeby Road crossing is reduced as a result of the realignment of S. 120th Street (south of Highway #2) and the South Beltway interchange construction or the railroad is abandoned. (**Per Planning Commission, at the request of the County Engineer, 04/25/07**)
45. This is a county road in the city three mile jurisdiction, therefore, the vacation must be approved by both the City of Lincoln and the Lancaster County Board.

Prepared by:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
Planner

DATE: April 16, 2007

APPLICANT: Don Thomas, County Engineer
Lancaster County Engineering
444 Cherrycreek Road, Bldg C
Lincoln NE, 68528
(402) 441-7681

OWNER: Lancaster County

CONTACT: Don Thomas
(402) 441-7681

STREET & ALLEY VACATION NO. 07004

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 25, 2007

Members present: Cornelius, Larson, Sunderman, Taylor, Esseks, Krieser, Carroll, Strand and Carlson.

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

Ex Parte Communications: None.

Staff presentation: **Mike DeKalb of Planning staff** explained that this is an application by the County Engineer to vacate two portions of Rokeby Road as demonstrated on the map. The two vacations consist of the original right-of-way and the piece that is the new alignment. Staff understands that this vacation is in conjunction with the South Beltway. The track from Rokeby Road to S. 120th Street is the current location for the parking and trade-off of coal trains between the Burlington Northern and Santa Fe Railroad (BNSF) and Omaha Public Power District (OPPD). Due to the design of the new interchange of the South Beltway, S. 120th Street and Highway 2, the rail line crossing will be relocated. This relocation will move the parking/handoff location to the west. Staff finds that with the benefit of the South Beltway, connectivity will still be maintained; however, it is acknowledged that this could be a local inconvenience for individuals.

Proponents

1. Don Thomas, County Engineer, submitted an aerial photograph of the intersection and explained that this is about the fourth or fifth result of discussions with NDOR, which will go to the public sometime early in the summer. 120th Street will be moved and going northeast. The NDOR was concerned that a railroad crossing is being added; OPPD had no objections to having two crossings that close together; but, as a result of those discussions, something more important came up. They park their train at 120th Street, OPPD gets their own private crew, picks up the train and takes it to Nebraska City and then brings it back. The crossing of Rokeby Road would be closed for up to four hours during this change. We asked the NDOR to look at ways to improve the access in the triangle in exchange for the closure of Rokeby Road. Thomas explained the alternatives that were considered. There is 5-6 times the traffic on 98th Street as compared to Rokeby Road.

This will go to the public for input in May or June. Thomas submitted additional language so that the physical closure will not occur until 120th Street is moved. If the railroad is abandoned there would be no reason to close the crossing:

The actual vacation and closure of the Rokeby Road rail crossing shall not occur until the parking area for trains between the existing 120th Street crossing and the Rokeby Road crossing is reduced as a result of the realignment of S. 120th Street (south of Highway #2) and the South Beltway interchange construction or the railroad is abandoned.

Opposition

1. **Rick Hodtwalker**, 13505 Old Cheney Road, testified in opposition. He farms right across the road on the south side of Rokeby Road and on the north side of Breagan Road. He does not want the crossing closed until absolutely necessary. He urged that if two crossings are closed, then two new ones need to be created because of the traffic pressure out in this area.

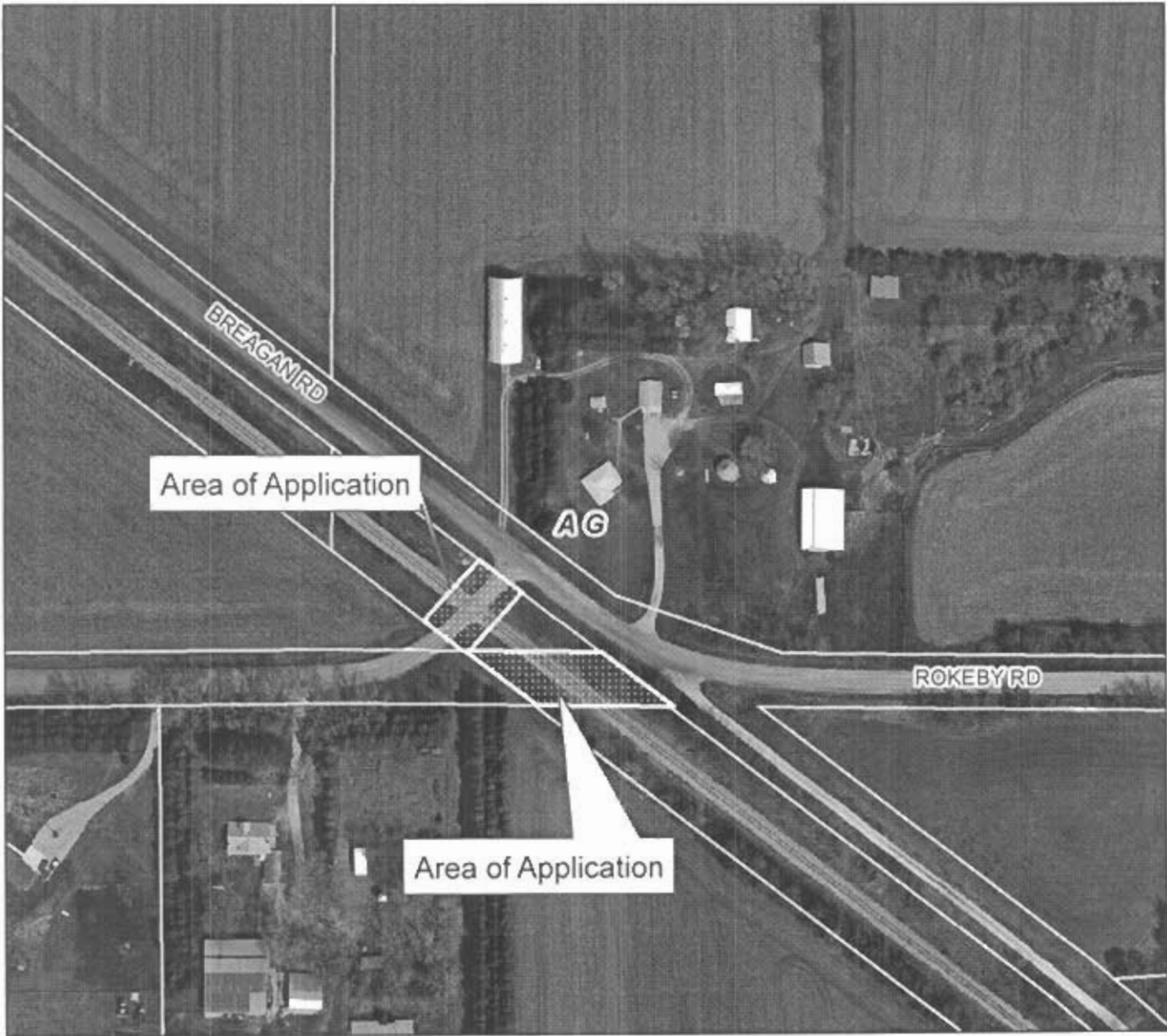
Response by Staff

DeKalb supported the additional language presented by Mr. Thomas. He also observed that this property is in the City's three-mile jurisdiction, but will require both City Council and County Board action.

ACTION BY PLANNING COMMISSION:

April 25, 2007

Carroll moved a finding of conformance, with the additional language submitted by the County Engineer, seconded by Strand and carried 9-0: Cornelius, Larson, Sunderman, Taylor, Esseks, Krieser, Carroll, Strand and Carlson voting 'yes'. This is a recommendation to the City Council and the Lancaster County Board.



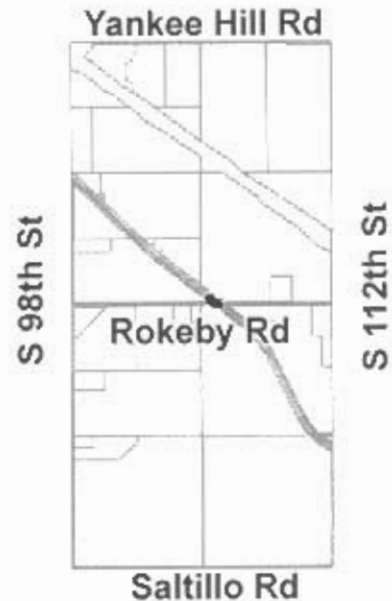
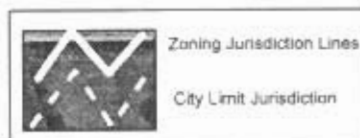
**Street and Alley Vacation #07004
Rokeby Rd and Breagan Rd**

2005 aerial

Zoning:

Two Square Miles
Sec. 25 T09N R07E
Sec. 36 T09N R07E

- 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



EXHIBIT

tabbies'

8



PARCEL 'A'

PARCEL 'B'

Street and Alley Vacation #07004
Rokeby Rd and Breagan Rd

Parcel "A"

A parcel of land located in the SE $\frac{1}{4}$ of Section 25 and the NE $\frac{1}{4}$ of Section 36, Township 9 North, Range 7 East, of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner, of the said SE $\frac{1}{4}$, said point being monumented with an L.C.S.M. cap; thence with an assumed bearing of S89°19'52"E, with the south line, of the said SE $\frac{1}{4}$, a distance of 205.79' to a point of intersection with the southwesterly right-of-way of the "Omaha Public Power District Railroad", said point being a point for corner, said point also being the TRUE POINT OF BEGINNING; thence N52°47'35"W, with the southwesterly right-of-way line of the "Omaha Public Power District Railroad" a distance of 55.43' to a point of intersection with the northerly right-of-way line of "Rokeby Road", said point being located 33.00' northerly from the south line of the said SE $\frac{1}{4}$; thence S89°19'52"E, with the northerly right-of-way line of "Rokeby Road" parallel with and 33.00' northerly from the south line, of the said SE $\frac{1}{4}$, a distance of 168.46' to a point of intersection with the northeasterly right-of-way line of the "Omaha Public Power District Railroad", said line also being the southwesterly right-of-way line of "Breagan Road", said point being a point for corner; thence S52°47'35"E, with the northeasterly right-of-way line of the "Omaha Public Power District Railroad", said line also being the southwesterly right-of-way line of "breagan Road" a distance of 55.43' to a point of intersection with the south line, of the said SE $\frac{1}{4}$, said point being a point for corner; thence continuing S52°47'35"E, with the northeasterly right-of-way line of the "Omaha Public Power District Railroad", said line also being the southwesterly right-of-way line of "Breagan Road" a distance of 55.43' to a point of intersection with the southerly right-of-way line of "Rokeby Road", said point being located 33.00' southerly from the north line, of the said NE $\frac{1}{4}$, said point being a point for corner; thence N89°19'52"W, with the southerly right-of-way line of "Rokeby Road" parallel with and 33.00' southerly from the north line, of the said NE $\frac{1}{4}$, a distance of 168.46' to a point of intersection with the southwesterly right-of-way line of the "Omaha Public Power District Railroad", said point being a point for corner; thence N52°47'35"W, with the southwesterly right-of-way line of the "Omaha Public Power District Railroad" a distance of 55.43' to the TRUE POINT OF BEGINNING.

Containing an area of 0.26 acre, more or less.

**Street and Alley Vacation #07004
Rokeby Rd and Breagan Rd**

Parcel "B"

A parcel of land located in the SE¼ of Section 25, Township 9 North, Range 7 East, of the 6th Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner, of the said SE¼, said point being monumented with an L.C.S.M. cap; thence with an assumed bearing of S89°19'52"E, with the south line, of the said SE¼, a distance of 205.79' to a point of intersection with the southwesterly right-of-way line of the "Omaha Public Power District Railroad", said point being a point for corner; thence N52°47'35"W, with the southwesterly right-of-way line of said "Omaha Public Power District Railroad" a distance of 55.43' to the TRUE POINT OF BEGINNING; thence continuing N52°47'35"W, with the said southwesterly right-of-way line of the "Omaha Public Power District Railroad" a distance of 59.76' to a point for corner; thence N42°43'46"E, a distance of 100.76' to a point of intersection with the northeasterly right-of-way line of said "Omaha Public Power District Railroad" and the southwesterly right-of-way line of "Breagan Road", said point being a point for corner; thence S52°47'35"E, with the northeasterly right-of-way line of said "Omaha Public Power District Railroad" and the southwesterly right-of-way line of "Breagan Road" a distance of 66.31' to a point for corner; thence S42°43'46"W, a distance of 95.51' to a point for corner, said point being located 33.00' northerly from the south line of the said SE¼; thence N89°19'52"W, parallel with and 33.00' northerly from the south line, of the said SE¼, a distance of 8.78' to the TRUE POINT OF BEGINNING.

Containing an area of 0.15 acre, more or less.

**Street and Alley Vacation #07004
Rokeby Rd and Breagan Rd**

RECEIVED

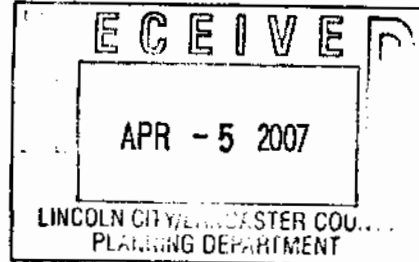
BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

MAR 01 2007

LANC. COUNTY CLERK

DIRECTING THE COUNTY ENGINEER)
TO CONDUCT A STUDY REGARDING)
VACATING A PORTION OF THE ORIGINAL)
ROKEBY ROAD ALIGNMENT AND THE)
RELOCATED ROKEBY ROAD, LOCATED IN)
THE SOUTHEAST QUARTER OF SECTION 25)
AND NORTHEAST QUARTER OF)
SECTION 36, TOWNSHIP 9 NORTH,)
RANGE 7 EAST, OF THE 6TH P.M.,)
LANCASTER COUNTY, NEBRASKA)

RESOLUTION NO. B-07-0014



WHEREAS, pursuant to Neb. Rev. Stat. §39-1722 (Reissue 1998), the Board of County Commissioners of Lancaster County, Nebraska (hereinafter referred to as the "County Board"), may by resolution, when it deems the public interest may require vacation or abandonment of a public road of the county, direct the person responsible for maintenance of the public roads in Lancaster County to conduct a study regarding the use being made of such public road and to submit in writing to the County Board within thirty days, a written report upon the study made and his recommendation as to the vacation thereof pursuant to Neb. Rev. Stat. § 39-1722; and

WHEREAS, the County Board received information from the Lancaster County Engineering Department, see Exhibit "A." attached hereto and incorporated by this reference, that the public interest will be served by vacating a portion of the original Rokeby Road alignment, located in the Southeast Quarter of Section 25 and the Northeast Quarter of Section 36. Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, and vacating a portion of the relocated Rokeby Road, located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, as shown in Exhibit "B", attached hereto and incorporated by this reference; and

WHEREAS, the portion of the original Rokeby Road alignment to be vacated is more particularly described in Exhibit "C" and the portion of the relocated Rokeby Road to be vacated

is more particularly described in Exhibit "D", both of which are attached hereto and incorporated by this reference; and

WHEREAS, the Lancaster County Engineer is the person responsible for the maintenance of county roads in Lancaster County, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the Lancaster County Engineer, or such person designated by the Engineer, shall conduct a study of the use being made of the above-described portions of county road, and to submit in writing to the County Board within thirty days, a report upon the study made and his recommendation as to the vacation thereof; and

BE IT FURTHER RESOLVED, that in accordance with the provisions of Resolution No. 3049, a copy of this Resolution shall be served upon the Lincoln-Lancaster County Planning Department, which shall report in writing within thirty days, unless a longer period is granted by the County Board, as to the character and degree of conformity or nonconformity of the proposed vacation to the Comprehensive Plan.

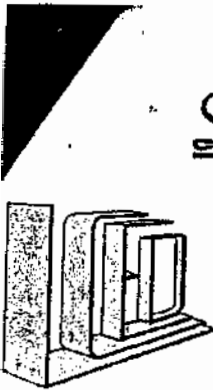
DATED this 6th day of March, 2007.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

[Signature]
[Signature]
[Signature]
[Signature]
Schorr absent

APPROVED AS TO FORM this 6 day of March, 2007.

[Signature]
for GARY E. LACEY
Lancaster County Attorney



Lancaster
County
Engineering
Department

DON R. THOMAS - COUNTY



DEPUTY- LARRY V. WORRELL ^{KE} _{OT}
COUNTY SURVEYOR

February 15, 2007

TO: Lancaster County Commissioners
FROM: Don Thomas Don Thomas
SUBJECT: Vacation of a railroad crossing

RECEIVED

FEB 20 2007

LANCASTER COUNTY
BOARD

I would request that you consider this letter to be my formal request to begin the vacation process of our public interest in a railroad crossing on Rokeby Road near its intersection with Braegan Road. I have attached a map that would indicate this crossing.

If I may be of further assistance to you, please do not hesitate to contact me.

cc: Lou Lenzen, DOR
Doug Pillard

Please provide your comments below, and also identify the reservations and easements you will require should this vacation be approved. Complete ONLY those areas of your jurisdiction.

Type of Facility	Facility presently in place.	Facility to be built. When?
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	No Yes*	2007, 2008*
Electrical Power, Underground	No	2007, 2008 SDS
Street Lighting	NONE	_____
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

* Harris P.P.D. has existing overhead line that HES is acquiring in service area boundary adjustment. This line will be rebuilt to larger capacity by 2008.

Retain easements for existing & future electrical facilities across the entire proposed vacation corridor. Relocation of facilities will be at the owner/developers expense.

4-10-2007
Date

S. Westral / LR
Signature

467-7627
Phone



<bdcallies@windstream.net>

04/19/2007 09:30 PM

To <plan@lincoln.ne.gov>

cc

bcc

Subject street and alley vacation no. 07004

My name is Denise Callies and my husband is Bruce Callies. Our address is 10455 Rokeby Road. We would like an opportunity to share our concerns regarding the street and alley vacation No.07004.

We are concerned that the lack of access to Breagan Road will require us to utilize Rokeby Road exclusively. This road has not been well-maintained, historically. I am a nurse at SERMC and must be able to get to work. That road is often impassable after a snow and is not cleared promptly-sometimes it takes days. I am also not looking forward to the idea of having the train parked by our home "all of the time." We hear the engine rumbling and are unable to enjoy the peace and quiet of the country. Finally, I am concerned that converting our road to a dead-end road, particularly a minimally maintained gravel road, will potentially decrease the value of our property. Thank you for your consideration of our concerns. Denise Callies