

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 06010, requested by Waterford Estates, LLC, and Sunrise Estates Community Association, to vacate Sunny Slope Road east of Avon Lane.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/17/07
Administrative Action: 01/17/07

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

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

FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to eliminate an unneeded street and avoid platting double frontage lots in the development of Waterford Estates. Sunny Slope Road is not paved, does not provide direct access to any homes, and does not have any existing utilities. Connectivity of the street system between Waterford Estates and the existing acreage addition to the north will be provided by Avon Lane.
2. The staff recommendation to find the proposed vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that there is no public need for this street.
3. On January 17, 2007, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. The record consists of a letter in support from the Sunrise Estates Community Association (p.6).
5. On January 17, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
6. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.7, finding that the proposed vacated area should be sold to the abutting property owner for \$9,925.00.
7. The provisions of Chapter 14.20 have been satisfied.
8. The record also consists of a letter from Roger Figard, City Engineer, to Kent Seacrest dated May 13, 2008 (p.8), in support of an appeal of this valuation because the proposed street to the south, as a result of the development of Waterford Estates, replaces Sunny Slope Road and finding that the street should be deeded back at no cost to the Sunrise Estates Community Association, which owns the property on the north side of the vacated street. However, it should be noted that the elimination of Sunny Slope Road does add value to the developer of Waterford Estates, which we estimate would yield two fewer lots if required to incorporate Sunny Slope Road in the platting, and adds over ½ acre to the outlot held in common by the Sunrise Estates Community Association.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: May 28, 2008

REVIEWED BY: _____

DATE: May 28, 2008

REFERENCE NUMBER: FS\CC\2007\SAV.06010

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 17, 2007 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 06010

PROPOSAL: Vacate Sunny Slope Road.

LOCATION: Sunny Slope Road east of Avon Lane.

LAND AREA: Approximately 28,769 square feet.

CONCLUSION: There is no public need for this street.

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

LEGAL DESCRIPTION: Sunny Slope Road east of Avon Lane.

SURROUNDING LAND USE AND ZONING:

North:	Residential	AGR
South:	Future Residential	R-3
East:	Future Residential	R-3
West:	Residential	AGR

ASSOCIATED APPLICATIONS:

This street vacation was a requirement of the Waterford Estates Preliminary Plat #04011. The vacation will prevent double-frontage lots.

COMPREHENSIVE PLAN SPECIFICATIONS:

The land use plan identifies this area as urban residential. (19)

UTILITIES: There are no utilities in Sunny Slope Road.

TRAFFIC ANALYSIS: The street is not paved and no homes take access to it. The only lots adjacent to Sunny Slope Road are Outlot C of the Sunrise Estates Addition and the north half of the southeast quarter of section 23 township 10N range 7E.

ANALYSIS:

1. The reason for vacating the street is to prevent double frontage lots in the future development of Waterford Estates. The vacated street will become part of Outlot C, Sunrise Estates Addition.

2. Sunny Slope Road is not paved, does not provide direct access to any homes, and does not have any existing utilities. Connectivity of the street system for this area will be provided by Avon Lane, which will continue south into Waterford Estates.
3. 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 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: January 8, 2007

APPLICANT/OWNER: Sunrise Estates Community Association
9501 Eastview Road
Lincoln, NE 68505
(402) 429-1417

APPLICANT: Waterford Estates, LLC
2001 Pine Lake Rd., Ste. 100
Lincoln, NE 68512
(402)421-1627

CONTACT: DaNay Kalkowski
1111 Lincoln Mall, Ste. 350
Lincoln, NE 68508
(402)435-6000

STREET & ALLEY VACATION NO. 06010

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 17, 2007

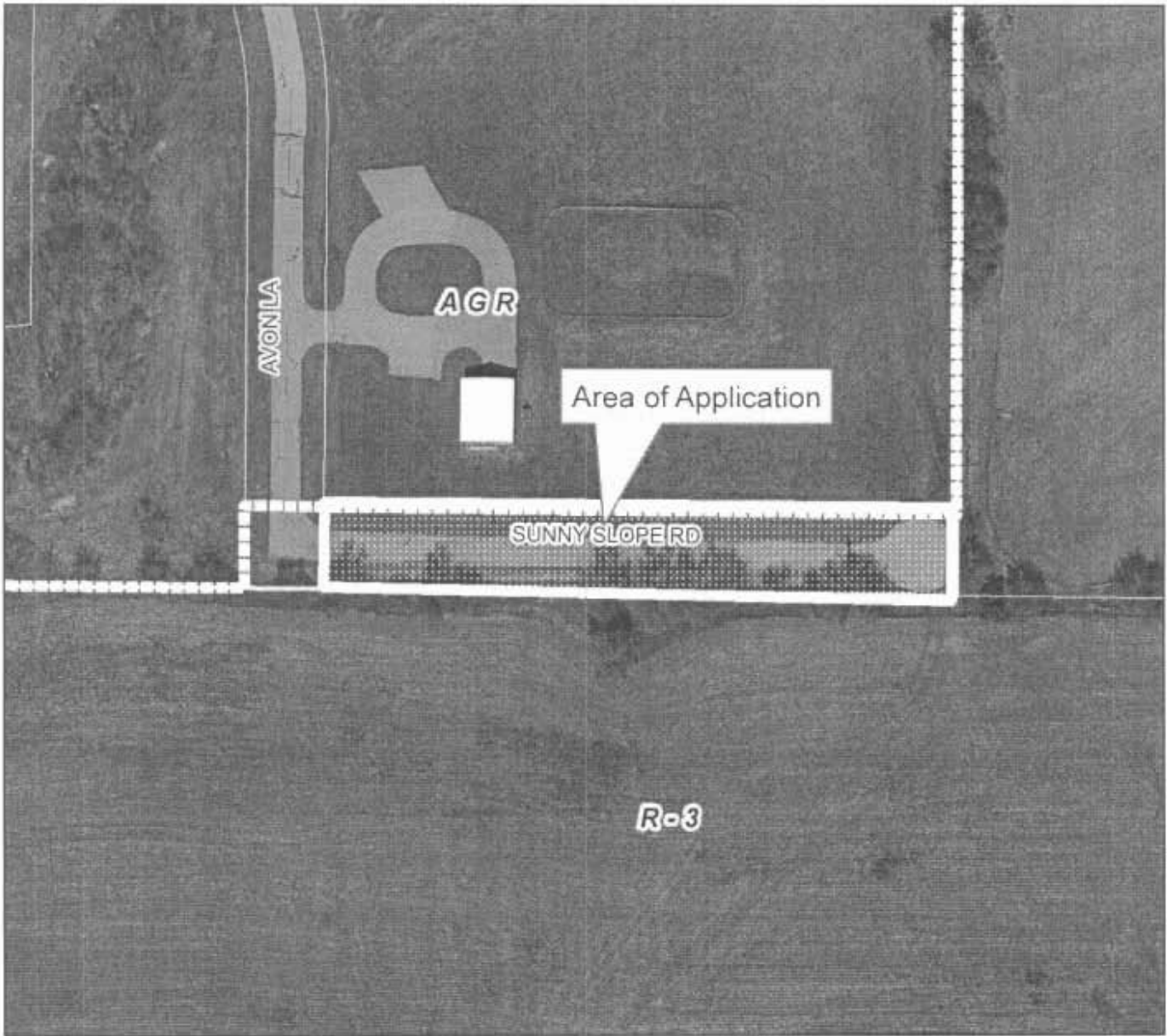
Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor; Strand absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06083, COMPREHENSIVE PLAN CONFORMANCE NO. 06017, COMPREHENSIVE PLAN CONFORMANCE NO. 06019, STREET AND ALLEY VACATION NO. 06009, STREET AND ALLEY VACATION NO. 06010 and STREET AND ALLEY VACATION NO. 06011.**

Ex Parte Communications: None.

Item No. 1.1, Change of Zone No. 06083, was removed from the Consent Agenda and scheduled for separate public hearing.

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



2005 aerial

Street and Alley Vacation #06010 Sunny Slope Rd east of Avon Ln

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 R07E





Janet Chung
<janet40220@yahoo.com>
01/16/2007 12:35 PM

To plan@lincoln.ne.gov
cc bgarrett@lincoln.ne.gov, DaNay Kalkowski
<danay@sk-law.com>, Chris Adamek
<cadamek@ameritas.com>, Stan Berlowitz
bcc
Subject Street & Alley Vacation No. 06010 - Public Hearing on
January 17, 2007

Dear Planning Commission:

This letter is being sent to you on behalf of the Sunrise Estates Community Association (SECA) to ask that you approve the application.

During a meeting on September 24, 2006, SECA discussed and approved to proceed with filing a petition to vacate Sunny Slope Road. The road is blocked off east of Linwood Lane and Avon Lane and is not used.

Thank you for your consideration. You may reach me on my cell phone at 429-1417 if you have questions.

Sincerely,
Janet Chung, President
9501 Eastview Road
Lincoln, NE 68505

SECA Board of Directors
Chris Adamak, Vice President; Allie Rebholz, Secretary; Arnie Finkner, Treasurer
Stan Berlowitz, John Harper, Donna Howe, Gerry Krieser, Ismail Dwiekat

Bored stiff? Loosen up...
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INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: September 6, 2007

COPIES TO: Teresa J. Meier
Marvin Krout
Dana Roper
Byron Blum, Bldg & Safety
Jean Walker, Planning

SUBJECT: Street & Alley Vacation No. 06010
Sunny Slope Road east of Avon Lane

A request has been made to vacate that portion of Sunny Slope Road lying east of Avon Lane. The area was viewed and at the time of the viewing Avon Lane was cabled off to access north of Sunny Slope Road. The portion of Sunny Slope Road requested to be vacated appears to be utilized by only the abutting property owner on the north even though it is surfaced with asphalt surfacing similar to the remaining streets in the rural subdivision. The request to vacate Sunny Slope Road was made as a part of the requirement to plat the area to the south and was being done to avoid lots with double frontage. While streets are being platted in the new subdivision to replace the street being vacated, it is this writer's opinion those street would have to be platted anyway and the vacation of Sunny Slope Road is seen as a benefit to the abutting property rather than a trade off for other dedicated roads.

Long, narrow strips such as this do not have great value, in and of themselves, but will generally assume the value of the abutting property once it is assembled. However, the abutting property owner will rarely pay 100% of the value they hope to realize from the assemblage. It is considered they more likely would pay something in the neighborhood of 25% to 35% of the abutting land value. In this case, the abutting land is considered to have a value of \$50,000.00 per acre, or approximately \$1.15 per square foot. Because the area to be vacated lies on the outer edge of the developing property and only benefits to the extent it eliminates lots with double frontage and adds density, a value of 30% of the value of the abutting property is considered to be appropriate. The calculations are as follows:

$$28,769 \text{ sq. ft.} \times \$1.15/\text{sq. ft.} \times 30\% = \$9,925.31$$

Therefore, it is recommended, if the area be vacated it be sold to the abutting property owner for \$9,925.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023



CITY OF LINCOLN
NEBRASKA

MAYOR CHRIS BEUTLER

lincoln.ne.gov

Engineering Services
Public Works and Utilities Department

531 Westgate Blvd.
Suite 100
Lincoln, Nebraska 68528
402-441-7711
fax: 402-441-6576

May 13, 2008

Seacrest & Kalkoski
Attn: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508

RE: Vacation of Sunny Slope Road

Dear Kent:

Per your request, I have reviewed the determination of value for the vacation of Sunny Slope east of Avon Lane. With the approval of the Waterford Estates preliminary plat, Sunny Slope was proposed for vacation with a replacement street platted one lot depth to the south. Clint Thomas of the Real Estate Division of Urban Development placed a value of \$9,925.31 for this street if vacated.

If you appeal this valuation to the City Council, Public Works and Utilities would support the position that the proposed street to the south replaces Sunny Slope Road and the street should be deeded back at no cost to the owners of the property on the north side of the vacated street. I suggest you attach a copy of this letter to valuation appeal if you wish to have the vacation request proceed to City Council.

Sincerely,

Roger A. Figard
City Engineer

cc: Clint Thomas
Marvin Krout
Ray Hill
Dennis Bartels

SAV06010 Ltr rdq.wpd



9350

SUNNYVALE

LINWOOD

SUNNYVALE

9374

WATERFORD ESTATES

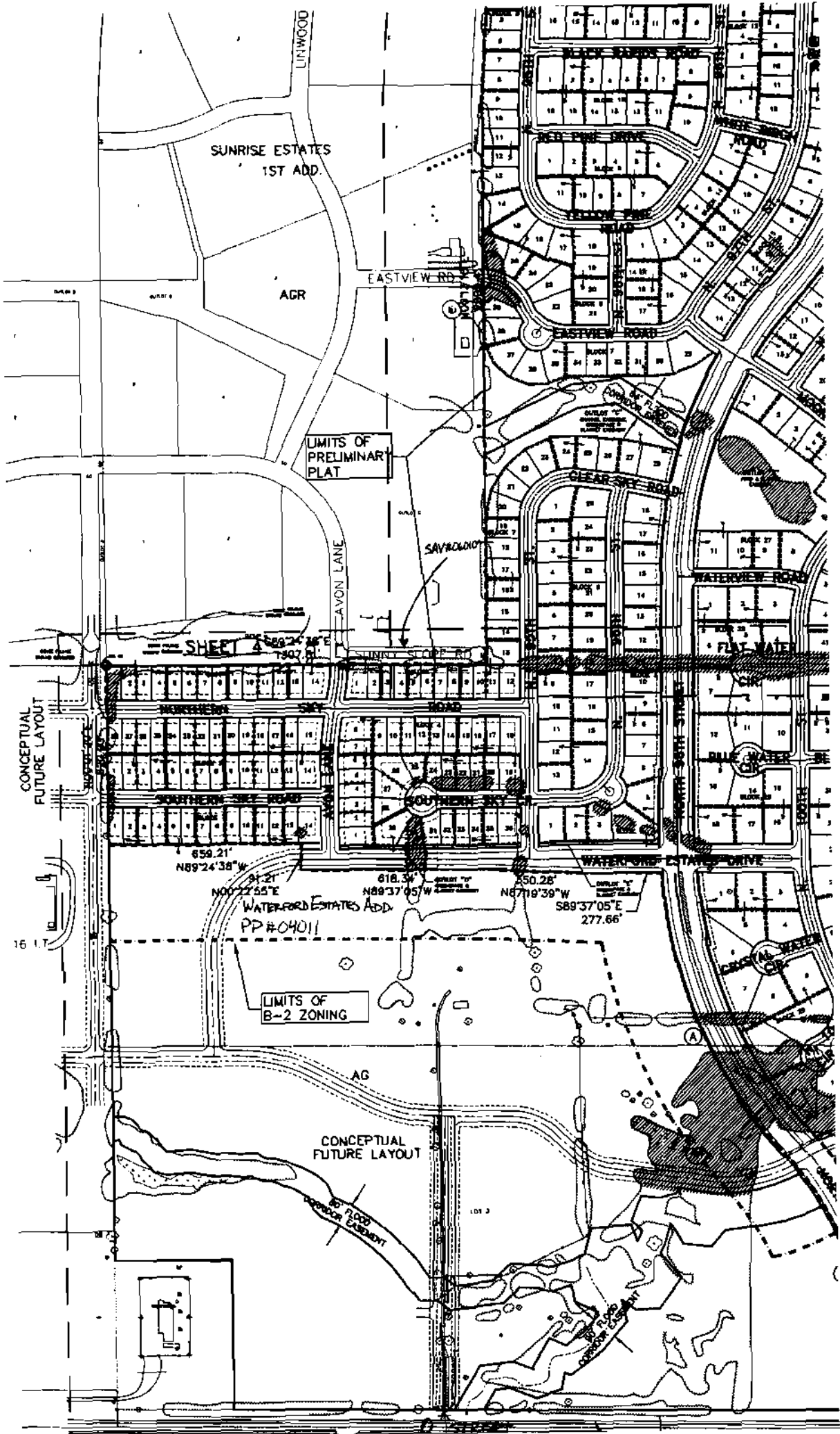
WATERVIEW

PLANT WATER

HILDS

HILLS WOODS

WATERVIEW



D10