

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 08012,
They Thi Nguyen, to vacate a portion of the east-west
alley, generally located between North 26th Street and
North 27th Street, north of W Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/14/09
Administrative Action: 01/14/09

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

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

ASSOCIATED REQUESTS: Comprehensive Plan
Conformance No. 08026 (09R-19) and Change of
Zone No. 08067 (09-13)

FINDINGS:

1. This is a proposal to vacate the east-west alley from the east line of North 26th Street, east approximately 125 feet, located between North 26th Street and North 27th Street, north of W Street. This alley vacation request was heard before the Planning Commission at the same time as the associated amendment to the North 27th Street Corridor and Environs Redevelopment Plan and Change of Zone No. 08067.
2. The purpose of this proposed alley vacation is to enable the construction of a new building pursuant to the North 27th Street Corridor and Environs Redevelopment Plan.
3. 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.3, concluding that the right-of-way is not needed provided there is a public access easement over the future driving aisle leading to W Street.
4. On January 14, 2009, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
5. On January 14, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the 2030 Comprehensive Plan.
6. On January 14, 2009, the Planning Commission also voted 8-0 to recommend approval of the associated Change of Zone No. 08067 and to find the proposed amendment to the North 27th Street Corridor and Environs Redevelopment Plan to be in conformance with the Comprehensive Plan, both of which are scheduled for public hearing before the City Council on February 9, 2009.
7. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.8, finding that if the alley is vacated, it should be sold to the abutting property owner for \$200.00 with retention of utility easements and dedication of an access easement to W Street.
8. The provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied and the petitioner has paid the \$200.00 to the City Clerk.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 2, 2009

REVIEWED BY: _____

DATE: February 2, 2009

REFERENCE NUMBER: FS\CC\2009\SAV.08012+

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 14, 2009 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.08012

PROPOSAL: Vacate the east-west alley from the east line of N. 26th St. east approximately 125 feet.

LOCATION: Between N. 26th St. and N. 27th St., north of "W" St.

LAND AREA: 2,182 sf, more or less

CONCLUSION: The right-of-way is not needed provided a public access easement is provided over the future driving aisle leading to "W" St.

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

LEGAL DESCRIPTION: East-west alley abutting Lots 4,5,6 and a portion of 7, Block 8, Trester's Addition from the east line of N. 26th St. to the west line of the vacated north-south alley located in the NE 1/4 of Section 24-10-06, Lancaster County, NE.

SURROUNDING LAND USE AND ZONING:

North:	I-1, Industrial	Retail/Commercial building
South:	R-6, Residential	Undeveloped
East:	I-1, Industrial	Parking lot
West:	I-1, Industrial	Manufacturing

ASSOCIATED APPLICATIONS: CPC#08026 N. 27th St. Corridor and Environs Redevelopment amendment and CZ#08067 from R-6 and I-1 to B-3

HISTORY:

March 29, 2006 Special Permit #06011 for a parking lot in a residential district was denied by Planning Commission.

October 28, 2002 The North 27th Street Corridor and Environs Redevelopment Plan was approved by the City Council.

June 19, 2000 The North 26th/27th Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study was approved by the City.

UTILITIES: There is a LES overhead line in the alley that will need to be relocated.

ANALYSIS:

1. This is an application to vacate a portion of the east-west alley between N. 26th St. and N. 27th St. abutting Lots 4,5,6 and a portion of 7, Block 8, Trester's Addition.
2. The petition identifies the reason to vacate is to enable the construction of a new building pursuant to the North 27th Street Corridor and environs Redevelopment Plan.
3. The vacation of the west half of this alley will result in a dead end alley. The site plan provided with CPC #08026 shows a parking lot with access to "W" St. A public access easement should be provided on the driving aisle to provide a continuous movement from N. 27th St.
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 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.

Prepared by:
Tom Cajka
Planner

DATE: December 29, 2008

APPLICANT: T Nguyen Hung
940 N. 26th St.
Lincoln, NE 68503

CONTACT: Ernie Castillo, Urban Development Department
808 "P" St. Suite 400
Lincoln, NE 68508

**COMPREHENSIVE PLAN CONFORMANCE NO. 08026,
AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND
ENVIRONS REDEVELOPMENT PLAN
and
CHANGE OF ZONE NO. 08067
and
STREET & ALLEY VACATION NO. 08012**

**CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:**

January 14, 2009

Members present: Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor; Gaylor Baird absent.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 08027, COMPREHENSIVE PLAN CONFORMANCE NO. 08026, CHANGE OF ZONE NO. 08067, STREET AND ALLEY VACATION NO. 08012, ANNEXATION NO. 08024, ANNEXATION NO. 08026, CHANGE OF ZONE NO. 08064, COUNTY CHANGE OF ZONE NO. 08065, CHANGE OF ZONE NO. 08068, CHANGE OF ZONE NO. 08069, CHANGE OF ZONE NO. 05026B, SPECIAL PERMIT NO. 08050 and STREET AND ALLEY VACATION NO. 08011.**

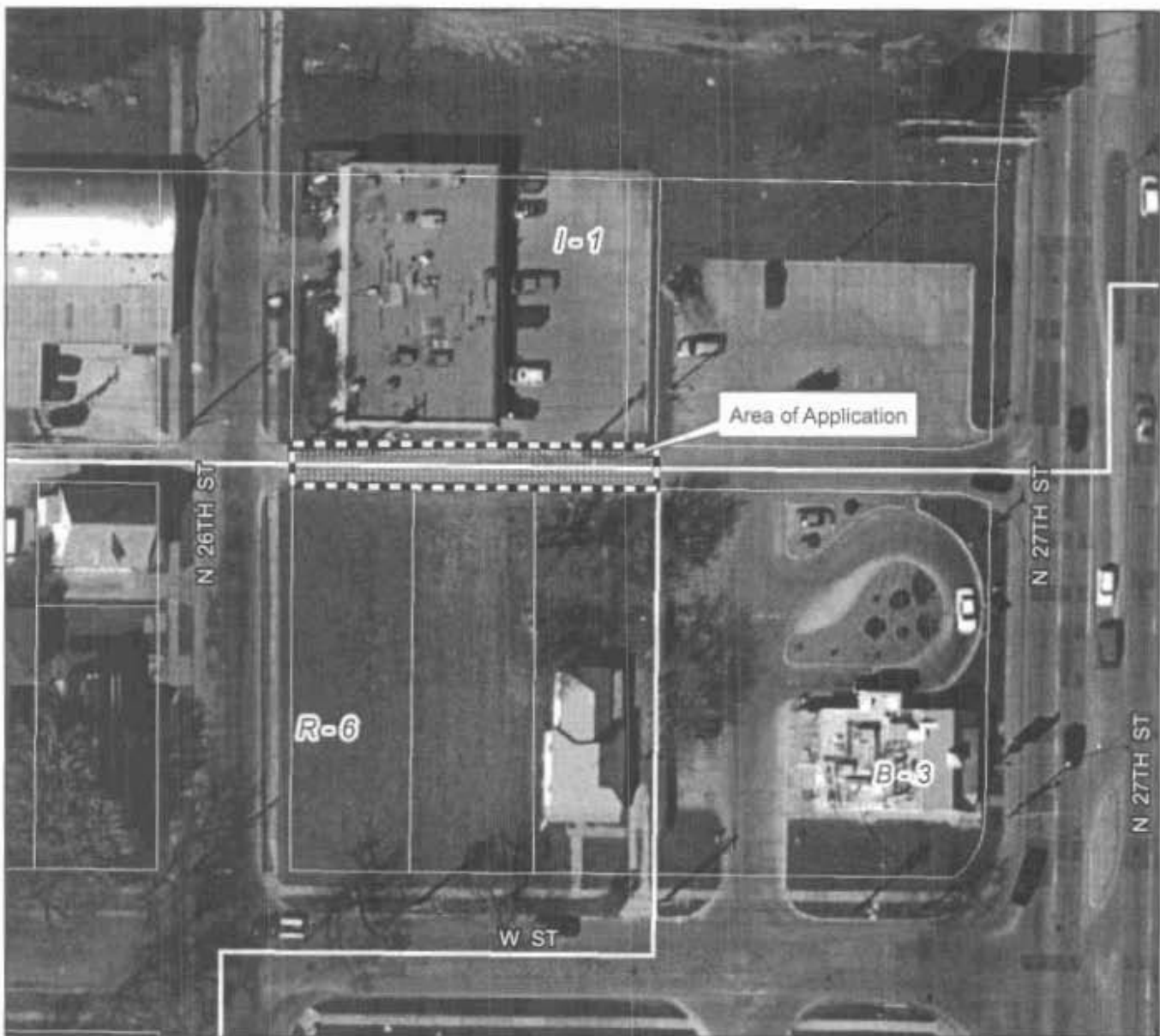
Ex Parte Communications: None

Item No. 1.1, Comprehensive Plan Conformance No. 08027, was removed from the Consent Agenda and scheduled for separate public hearing.

Item No. 1.7, Change of Zone No. 08068, was withdrawn.

Larson moved to approve the remaining Consent Agenda, seconded by Francis and carried 8-0: Carroll, Cornelius, Esseks, Francis, Larson, Partington, Sunderman and Taylor voting 'yes'; Gaylor Baird absent.

Note: This is final action on Special Permit No. 08050, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



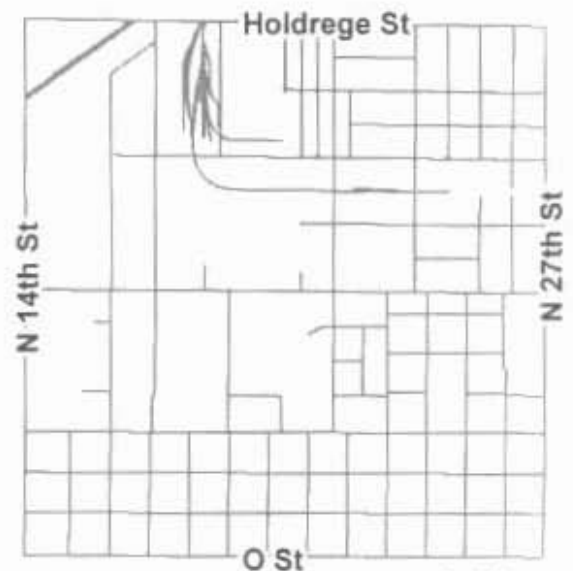
2007 aerial

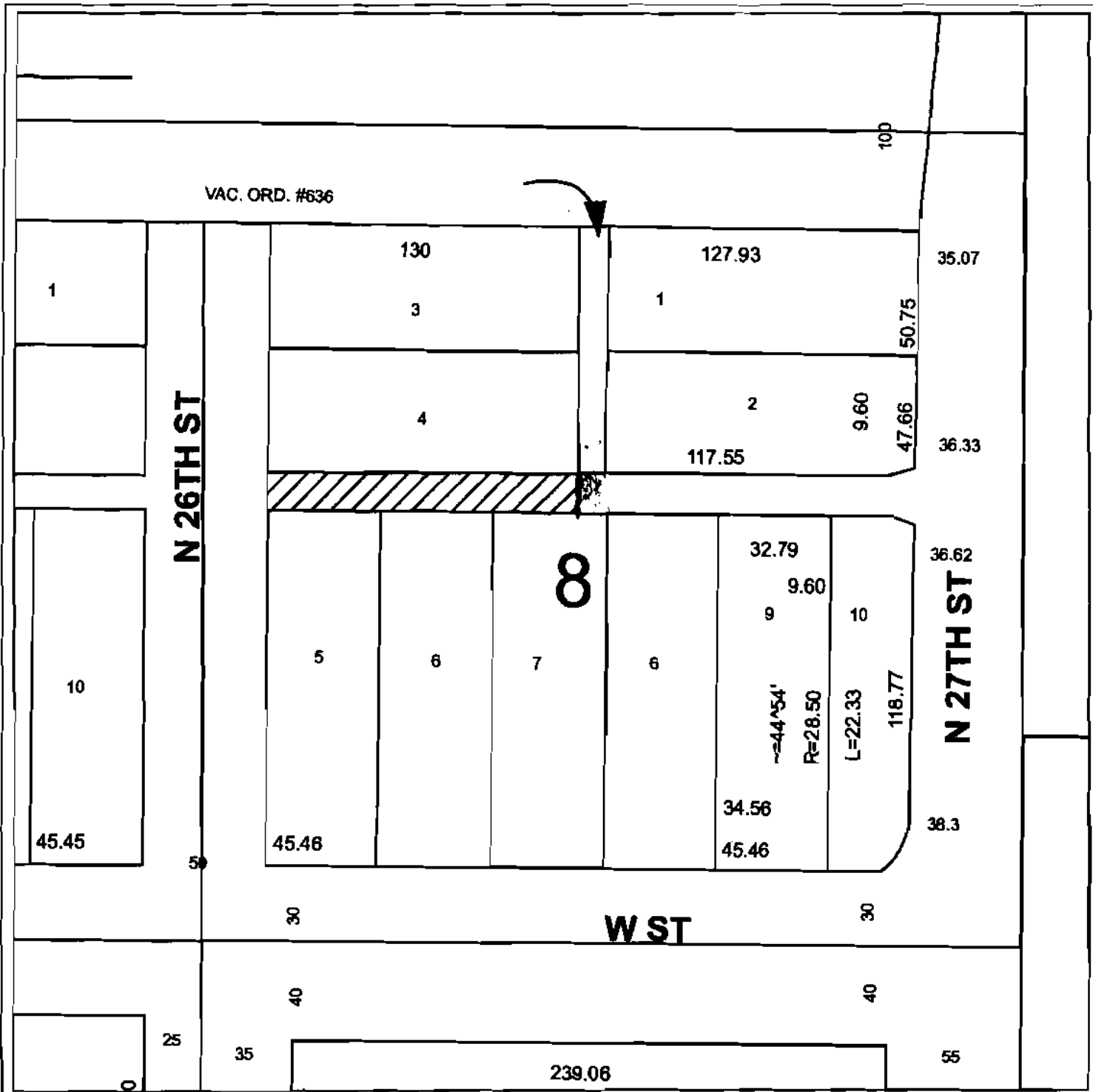
Street & Alley Vacation #08012 N 26th & W St

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-1	Residence 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

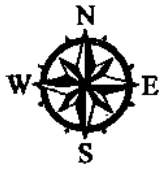
One Square Mile
Sec. 24 T10N R06E





Alley Vacation Request

Landbase
 alley vacation



City of Lincoln
 Urban Development GIS
 Printed 4/22/08

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.

<u>Type of Facility</u>	<u>Facility presently in place.</u>	<u>Facility to be built. When?</u>
Sanitary Sewer	_____	_____
Water Mains	_____	_____
Storm Sewer	_____	_____
Electrical Power, Overhead	_____	_____
Electrical Power, Underground	_____	_____
Street Lighting	_____	_____
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

3" runs north-south
along 26th St.
retain easement for
street light service

General Comments:

Retain easement for OH & UG Relocations (LR) w/ # 5015046
address entire portion of easement considered

12/24/2008
Date

Stanley D. Wastel
Signature

467-7627
Phone

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: January 23, 2009

COPIES TO: Teresa J. Meier
Marvin Krout
John Hendry
Byron Blum, Bldg & Safety
Jean Preister, Planning

SUBJECT: Street & Alley Vacation No. 08012
East/West Alley 26th to 27th Street
north of W Street

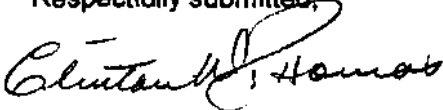
A request has been made to vacate the west half of the east/west alley running east from 26th Street in the block north of W Street. The area was viewed and appeared as a gravel surfaced alley. The only utilities visible in the alley were poles with electric, telephone, and cable attached. Public Works has indicated that because of the creation of a dead end alley, a drive aisle, a permanent easement across the drive aisle to W Street must be provided to alleviate the need for a turn around. No other public utilities are thought to exist in the alley.

Small, narrow strips such as this rarely have any value, in and of themselves, but will take on the value of the abutting property once it is assembled into it. However, in the case of an alley which has easements retained for utilities there is very little value to be added unless the utilities are relocated. Since this relocation would have to be done at the owner's expense coupled with the fact the owner must provide an access easement which is nearly equal to any value the alley might have, it is deemed the alley would have only nominal value. A value of \$0.10 per square foot is considered appropriate. The calculations are as follows:

$$2,182 \text{ sq. ft.} \times \$0.10/\text{sq. ft.} = \$218.20 \text{ Called } \$200.00$$

Therefore it is recommended if the alley be vacated, it be sold to the abutting property owner for \$200.00 with retention of utility easements and dedication of an access easement to W Street.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023