

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 08011, requested by NEBCO, to vacate southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way, and to vacate Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way.

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

SPONSOR: Planning Department

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

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

FINDINGS OF FACT:

1. The applicant is requesting this street vacation in order to realign Tallgrass Parkway and Penrose Drive in order to preserve trees. The new alignment will be dedicated with the Fallbrook 21st Addition final plat. The vacated area will be in a drainage corridor.
2. The staff recommendation to find the proposed vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. 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.
4. On January 14, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed right-of-way vacation to be in conformance with the Comprehensive Plan (Gaylor Baird absent).
5. 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 area is vacated, it should be deeded to the abutting property owner at no cost with the understanding a street will be platted as shown on the subsequent final plat.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 13, 2009

REVIEWED BY: _____

DATE: February 13, 2009

REFERENCE NUMBER: FS\CC\2009\SAV.08011

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for January 14, 2009 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No.08011

PROPOSAL: Vacate southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way and Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way.

LOCATION: Tallgrass Parkway and Aster Road

LAND AREA: 1.74 acres, more or less

CONCLUSION: The vacation of this right-of-way conforms to the Comprehensive Plan provided an easement is retained for LES. The area being dedicated for the new alignment of Tallgrass Pkwy. and Penrose Dr. will be approximately the same as the vacated area.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Southbound Tallgrass Parkway from the north right-of-way line of Aster Road north to the end of the right-of-way and Penrose Drive from the west right-of-way line of northbound Tallgrass Parkway west to the end of the right-of-way.

SURROUNDING LAND USE AND ZONING:

North:	AG, Agricultural & R-3, Residential	Undeveloped
South:	AG, Agricultural & R-3, Residential	Undeveloped
East:	R-3, Residential	Future School Middle School and undeveloped.
West:	AG, Agricultural	Undeveloped

ASSOCIATED APPLICATIONS: Final Plat # 08062 Fallbrook 21st Addition

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2030 Comprehensive Plan identifies this area as urban residential. Tallgrass Parkway and Aster Rd are local streets.

HISTORY:

February 22, 2007 Fallbrook 18th Addition was approved by the Planning Director

UTILITIES: Lincoln Electric System has underground facilities in the area to be vacated. An easement will need to be retained.

ANALYSIS:

1. The applicant is requesting this street vacation in order to realign Tallgrass Parkway and Penrose Dr. The new alignment of the streets will be dedicated with the Fallbrook 21st addition final plat.
2. The applicant's petition states that the primary reason for the street vacation and realignment is to save trees. The vacated area will be in a drainage corridor.
3. A permanent easement will be required for an existing LES underground facility.
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. Past practice has been to not charge for the vacated right-of-way when new right-of-way is being platted with a final plat.
5. The street is classified as a local street in the 2030 Comprehensive plan.

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 22, 2008

APPLICANT: NEBCO
1815 "Y" St.
Lincoln, NE 68508

OWNER: same as applicant

CONTACT: Mike Johnson
Olsson Associates
1111 Lincoln Mall
Lincoln, NE 68508

STREET & ALLEY VACATION NO. 08011

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.**

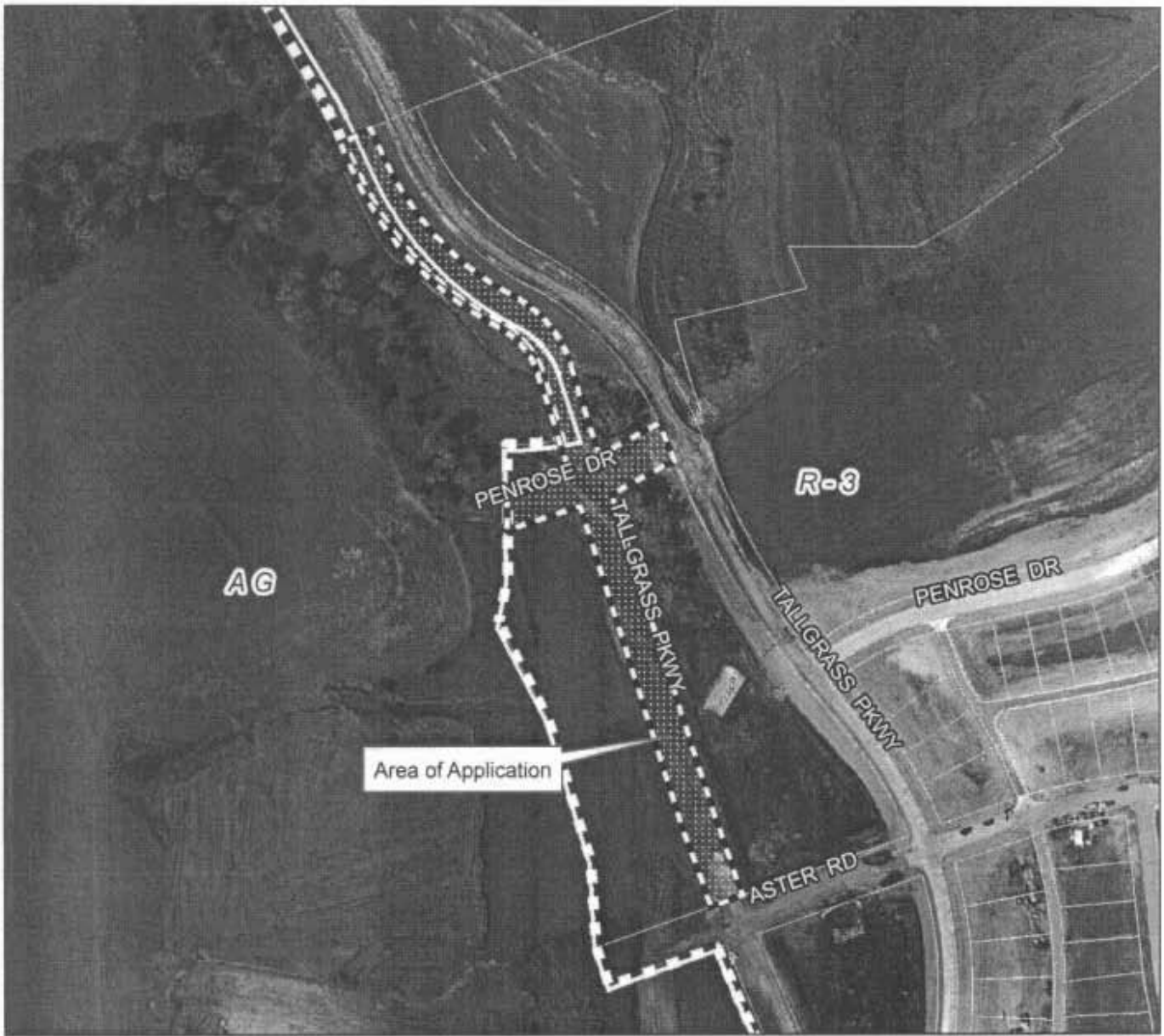
Ex Parte Communications: None

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.



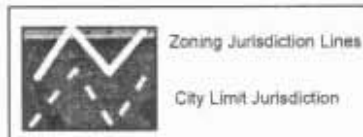
2007 aerial

Street & Alley Vacation #08011 Tallgrass Prkwy & Aster Rd

Zoning:

One Square Mile
Sec. 34 T11N R06E

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-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



LOT 13

LOT 1
BLOCK 4

LOT 13

OUTLOT "N"
RESERVED FOR
FUTURE
DEVELOPMENT
BLANKET UTILITY
EASEMENT

OUTLOT "M"
RESERVED FOR
FUTURE
DEVELOPMENT
BLANKET UTILITY
EASEMENT

OUTLOT "L"
OPEN GREEN SPACE
BLANKET UTILITY
EASEMENT

OUTLOT "K"
OPEN GREEN SPACE
BLANKET UTILITY
EASEMENT

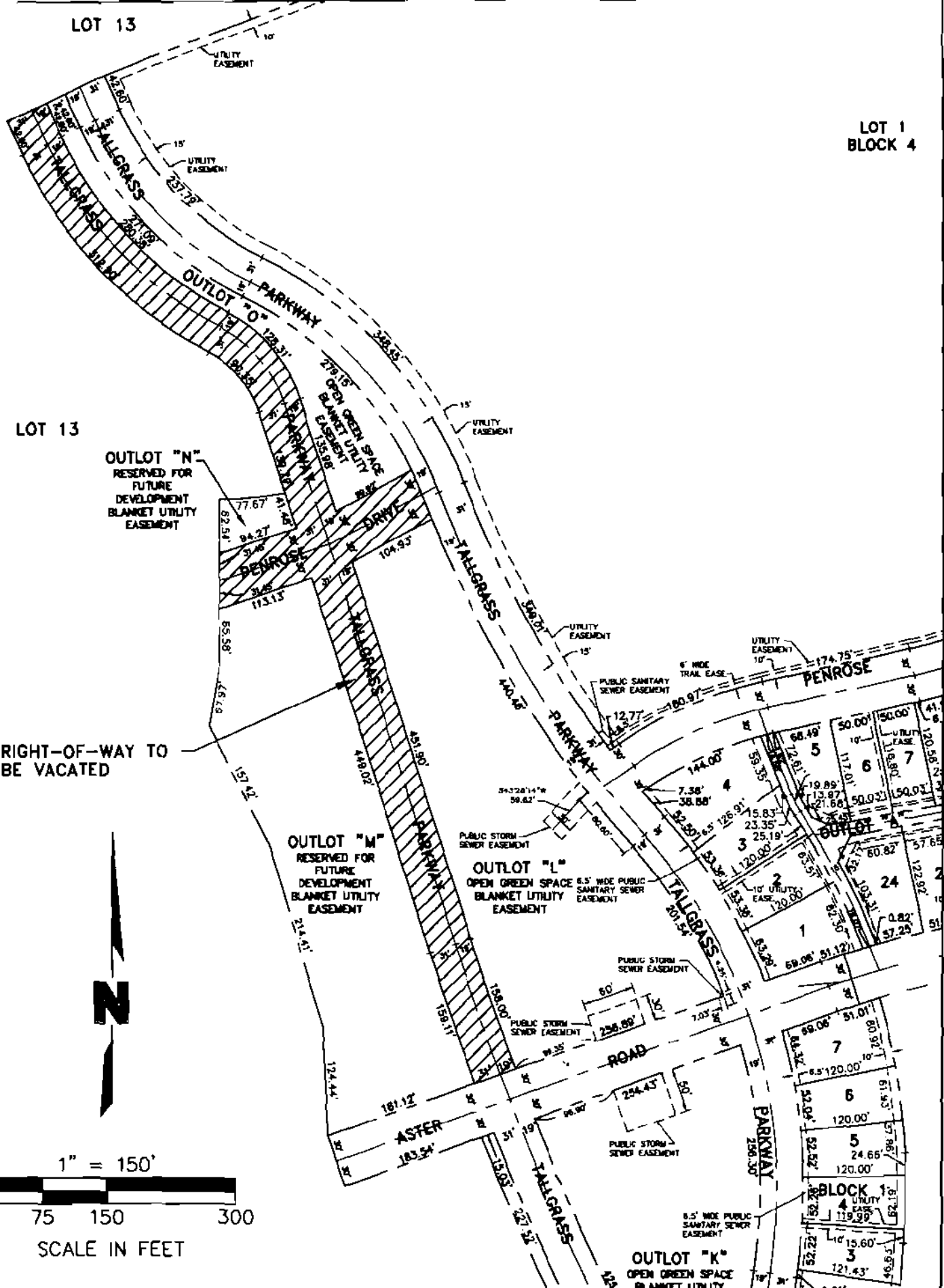
RIGHT-OF-WAY TO
BE VACATED



1" = 150'

0' 75 150 300

SCALE IN FEET



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	—	—
Electrical Power, Underground	yes	_____
Street Lighting	_____	_____
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

UG Feeder cables was installed to west of proposed R.O.W. (Fallbrook 18th) with street vacation and replot (Fallbrook 21st) existing UG feeder cable will be under the street paving. No conflicts have been found with current plans. If UG feeder cable is found to be in conflict - developer will have relocation cost to move the existing cable. Retain EASEMENT for Existing cable

12/9/2008
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: February 5, 2009

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

SUBJECT: Street & Alley Vacation No. 08011
Tallgrass Parkway north of Aster Road

A request has been made to vacate a portion of Tallgrass Parkway north of Aster Road. The area was viewed and appeared as natural ground. Fire hydrants were in evidence along the area to be vacated as a water line was just being installed and what appeared to be rough grading for the road was the result of the water line installation.

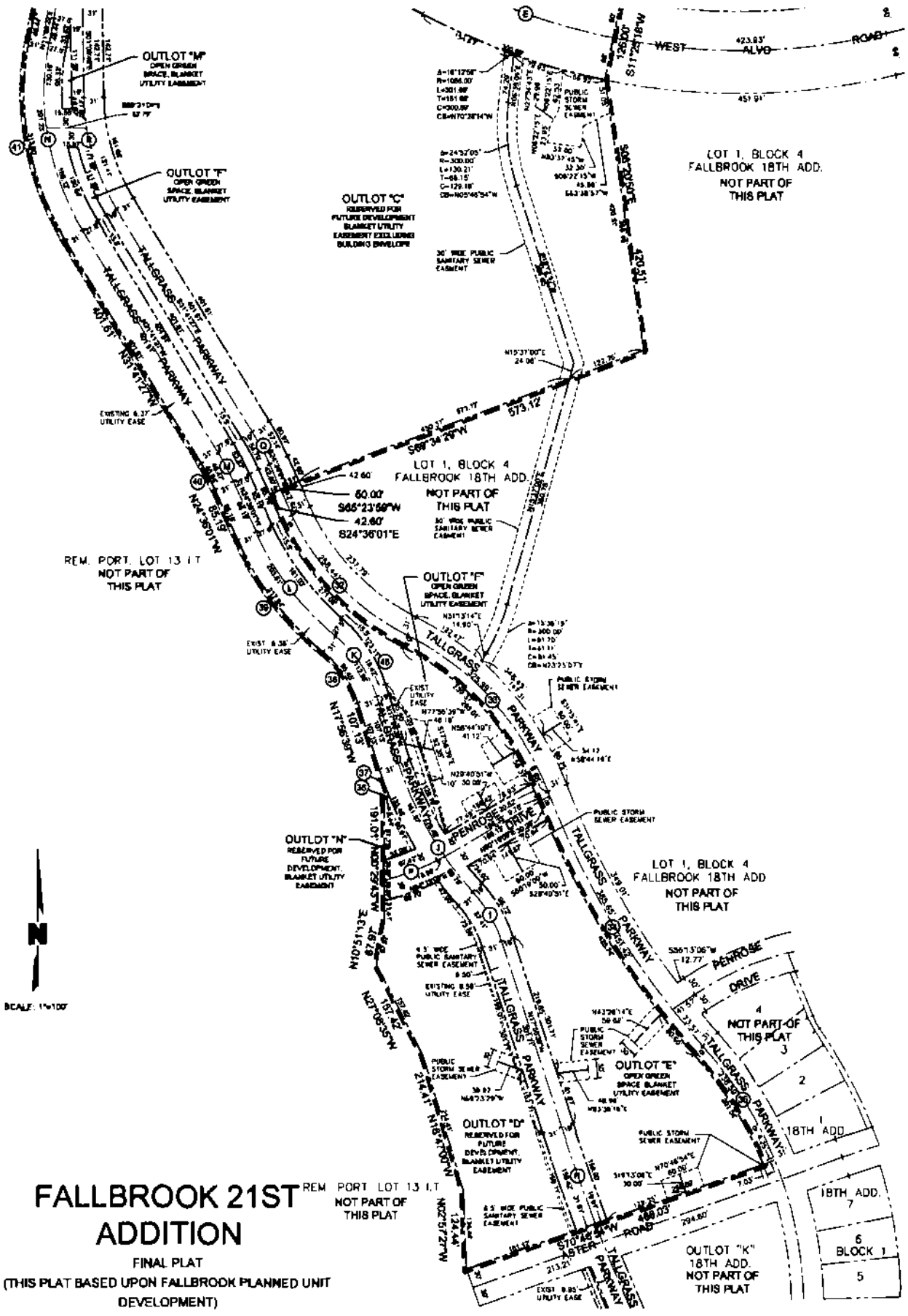
Planning has indicated the existence of underground electric facilities and an easement for those facilities has been requested. Planning has also indicated this request for street vacation is a result of the final plat of a subsequent subdivision which will dedicate a street in approximately the same location. It has been requested the dedication be treated as an offset for the street which is being vacated. This is considered to be appropriate.

There have been no requests for utility easements other than the electrical utilities which exist. The existence of a water line in the area is cause for concern, but subsequent conversations with the owner's engineering firm have indicated the water line currently being installed is located within the area of the new street to be dedicated in the following plat. Therefore, it is recommended if the area be vacated it be deeded to the abutting property owner at no cost with the understanding a street will be platted as shown on the subsequent final plat.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023



FALLBROOK 21ST

ADDITION

FINAL PLAT

(THIS PLAT BASED UPON FALLBROOK PLANNED UNIT DEVELOPMENT)

200546-5

SHEET 5 OF 8

REM. PORT LOT 13 I.T. NOT PART OF THIS PLAT

LOT 1, BLOCK 4 FALLBROOK 18TH ADD. NOT PART OF THIS PLAT

LOT 1, BLOCK 4 FALLBROOK 18TH ADD. NOT PART OF THIS PLAT

LOT 1, BLOCK 4 FALLBROOK 18TH ADD. NOT PART OF THIS PLAT

LOT 1, BLOCK 4 FALLBROOK 18TH ADD. NOT PART OF THIS PLAT

OUTLOT "K" 18TH ADD. NOT PART OF THIS PLAT

OUTLOT "N" RESERVED FOR FUTURE DEVELOPMENT. BLANKET UTILITY EASEMENT

OUTLOT "C" RESERVED FOR FUTURE DEVELOPMENT. BLANKET UTILITY EASEMENT EXCEEDS BUILDING ENVELOPE

OUTLOT "F" OPEN GREEN SPACE, BLANKET UTILITY EASEMENT

OUTLOT "M" OPEN GREEN SPACE, BLANKET UTILITY EASEMENT

SCALE: 1"=100'

