

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 05007, requested by Union College, to vacate Stockwell Street west of South 52nd Street, within the Union College Campus.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 08/03/05
Administrative Action: 08/03/05

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

FINDINGS OF FACT:

1. This street vacation request was heard before the Planning Commission in association with an amendment to Pre-Existing Special Permit No. 28 to expand the boundaries of the Union College Campus. The vacated area will be used for a parking lot which was found to include a piece of city right-of-way.
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.2-3, concluding that the portion of Stockwell Street proposed to be vacated serves no public purpose.
3. The minutes of the public hearing before the Planning Commission are found on p.4.
4. There was no testimony in opposition.
5. On August 3, 2005, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
6. On August 3, 2005, the Planning Commission also adopted Resolution No. PC-00943 approving the associated amendment to the pre-existing use permit.
7. The appraisals by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department are found on p.9-10, finding that if the street is vacated, it should be sold to the abutting property owner for \$30,000.00.
8. The provisions of Chapter 14.20 have now been satisfied by payment of the \$30,000.00 to the City Clerk.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: February 13, 2009

REVIEWED BY: _____

DATE: February 13, 2009

REFERENCE NUMBER: FS\CC\2009\SAV.05007

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 3, 2004 PLANNING COMMISSION MEETING

PROJECT #: Street/Alley Vacation #05007

PROPOSAL: Vacate Stockwell Street west of South 52nd Street, within the Union College Campus.

LOCATION: South 52nd and Stockwell Streets.

LAND AREA: 11,060 square feet, more or less.

CONCLUSION: This portion of Stockwell Street serves no public purpose. The vacation of this right-of-way conforms to the Comprehensive Plan.

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

GENERAL INFORMATION:

LEGAL DESCRIPTION: Stockwell Street from the west line, extended, of the vacated north/south alley in Blocks 14 & 15, College View Addition, to the west line of S. 52nd Street, located in the SE 1/4 of Section 5 T9N R7E, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North:	Union College	R-4 Residential
South:	Union College	R-4 Residential
East:	Single-family dwellings	R-4 Residential
West:	Union College	R-6 Residential

ASSOCIATED APPLICATIONS: Pre-Existing Special Permit #28A

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies the Union College campus area as Public. (F 25)

ANALYSIS:

1. This is a request to vacate the portion of Stockwell Street west of South 52nd Street within the Union College campus.
2. This portion of right-of-way has been improved with a parking lot. A building permit is required for a parking lot of this size; however, a review of Building and Safety records revealed no permit for this parking lot.
3. The existing street return is being used as part of the parking lot, and the sidewalk ramps were recently reconstructed. Public Works will not require that the street return be removed.

4. This portion of Stockwell Street terminates in a dead-end within the Union College campus and does not provide any traffic functions for the general public.
5. The vacation of this right-of-way will not create lots without frontage and access to a public street.
6. There are no existing or future planned facilities located within this right-of-way, therefore no easements are requested.
7. Applicant has indicated their intent to purchase this right-of-way if vacated.
8. 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 must be met.

Prepared by:

Greg Czaplewski
Planner

(Project now being handled by Brian Will, 441-6362, bwill@lincoln.ne.gov)

Date: July 20, 2005

Owner: Union College
3800 South 48th Street
Lincoln, NE 68506

**PRE-EXISTING SPECIAL PERMIT NO. 28A
and
STREET & ALLEY VACATION NO. 05007**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 3, 2005

Members present: Carroll, Larson, Taylor, Sunderman, Esseks, Krieser, Pearson, Carlson and Bills-Strand.

Staff recommendation: Conditional approval of the amendment to Pre-Existing Use Permit No. 28, and a finding of conformance with the Comprehensive Plan on the street vacation.

Ex Parte Communications: None.

These applications were removed from the Consent Agenda at the request of the Planning staff.

Greg Czaplowski of Planning staff submitted revised conditions of approval for the Pre-Existing Special Permit. He explained that this resolution will rescind Special Permit No. 814. The revised conditions of approval will also rescind Special Permit No. 814A, thus keeping all of the buildings under one special permit. The revisions to the conditions of approval are as follows:

- 2.1.3 Revise the site plan to include the building addition approved by Special Permit No. 814A.
- 4. Special Permits #814 and #814A ~~is~~ are voided and superseded with the approval of this permit.

Proponents

1. Brian Carstens appeared on behalf of **Union College**. The applicant had no objections to the revised conditions of approval. This proposal basically expands the boundaries of the property that has been owned by Union College and to do some housing on the east side of the campus. The street vacation is for a parking lot which was found to include a piece of city right-of-way.

There was no testimony in opposition.

**PRE-EXISTING SPECIAL PERMIT NO. 28A
ACTION BY PLANNING COMMISSION:**

August 3, 2005

Taylor moved to approve the staff recommendation of conditional approval, as revised by staff today, seconded by Carroll and carried 9-0: Carroll, Larson, Taylor, Sunderman, Esseks, Krieser, Pearson, Carlson and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council within 14 days.

STREET & ALLEY VACATION NO. 05007
ACTION BY PLANNING COMMISSION:

August 3, 2005

Taylor moved a finding of conformance with the Comprehensive Plan, seconded by Carroll and carried 9-0: Carroll, Larson, Taylor, Sunderman, Esseks, Krieser, Pearson, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



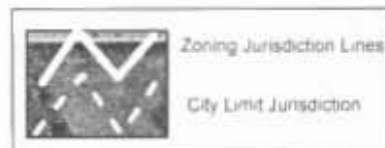
2005 aerial

Street & Alley Vacation #05007 Stockwell Street at S. 52nd St.

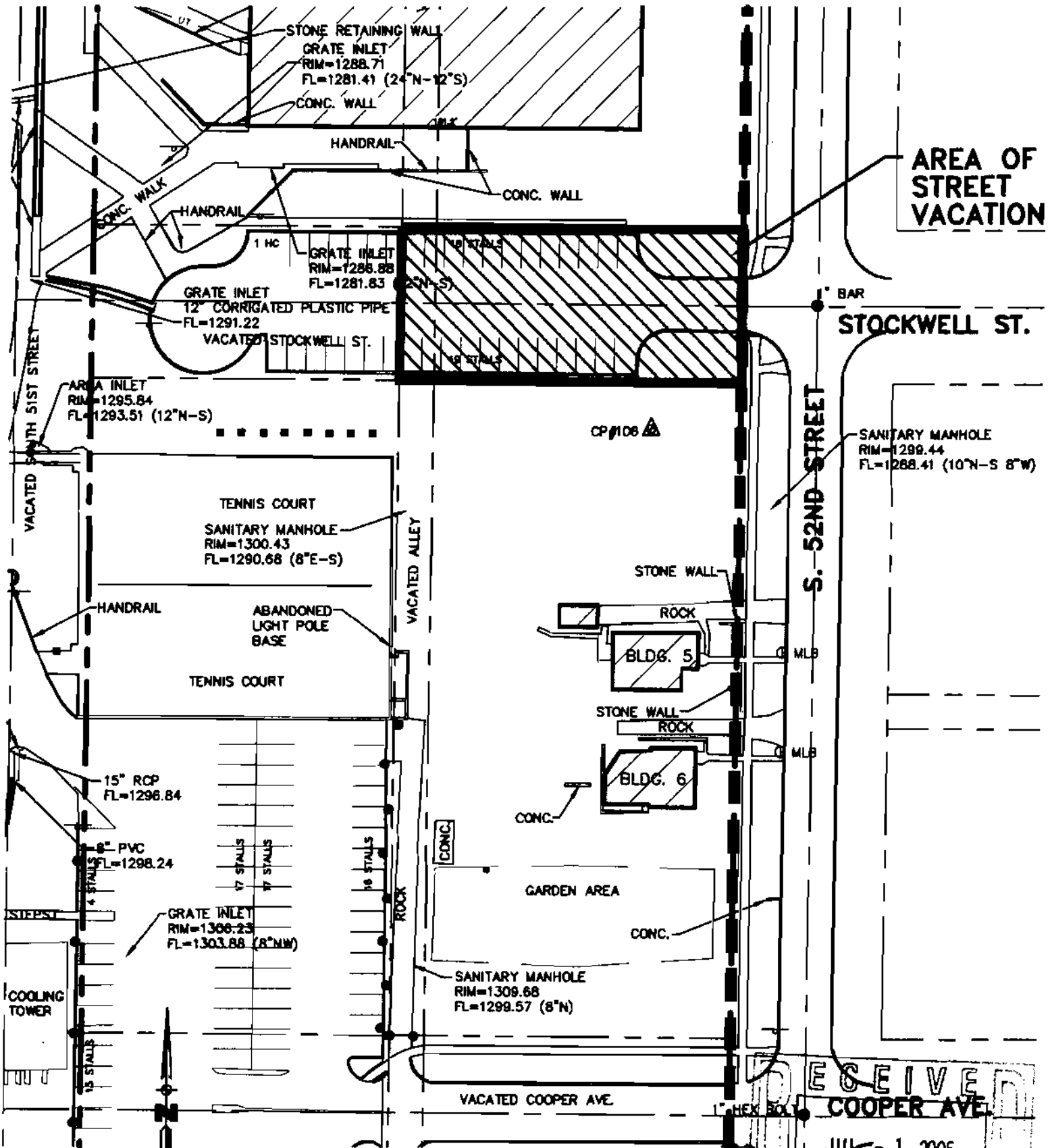
Zoning:

- 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. 5 T9N R7E



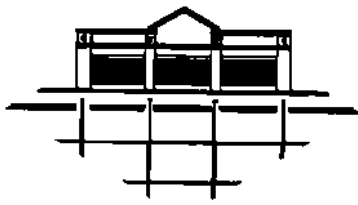
STOCKWELL STREET STREET VACATION



SCALE: 1" = 60'

007

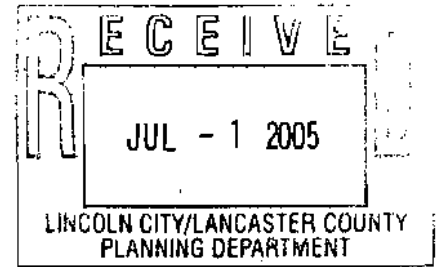
RECEIVED
COOPER AVE.
JUL - 1 2005
LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT



BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

July 1, 2005

Mr. Marvin Krout, AICP
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508



RE: UNION COLLEGE – PRE-EXISTING SPECIAL PERMIT #28B

Dear Marvin,

On behalf of Union College, we submit the following project for your review. Union College has been acquiring additional properties adjacent to their existing campus for quite some time. They have now assembled the property on the west side of South 52nd Street, from the vacated Cooper Avenue, to Stockwell Street.

Union College wants to expand their student housing by building additional living units in this area of the amendment. Therefore, we need to include these parcels within the limits of the Pre- Existing Special Permit.

We have also recently discovered that Stockwell Street had not been vacated from the west line of South 52nd Street as previously thought. A parking lot was constructed in this area, and is actually on City of Lincoln right of way. Therefore we are submitting a petition to vacate the right of way in question.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Cc: Union College

Enclosures: 24 copies of sheet 1 of 1
Application for an Amendment to a Pre-Existing Special Permit
Certificate of Ownership
Application for a Street and Alley Vacation
8-1/2" x 11" reductions of the plans

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: October 23, 2006

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

SUBJECT: Street & Alley Vacation No. 05007
Stockwell Street west of South 52nd
Street

A request has been made to vacate that portion of Stockwell Street lying west of South 52nd Street. When the area was viewed, it appeared as a surfaced parking lot with curb and gutter being utilized by the adjoining college. Building and Safety has indicated there was no permit for that particular parking lot. Public Works has indicated there are no utilities within the area to be vacated; and, as such, no easements are requested to be retained.

Given the zoning of R-4 on the abutting properties to the north and south, I have assumed the most logical zoning to be R-4 which would allow a duplex to be built on the 11,060 square foot area. Since there are no utility easements to be retained, the area to be vacated is considered to have a highest and best use as a residential building lot. Given its location adjacent to, or virtually on, a college campus, it is considered this lot would be a prime lot on which to build duplex rental units; and, as such, would command a value at, or near, the top of the range for similar lots in the area. This range is considered to be in the neighborhood of \$30,000.00 to \$40,000.00 per lot. However, in order to utilize the lot for a residential purpose, the existing concrete parking lot and drive access would have to be removed and a residential drive installed. Considering this expense, it is considered the lot would still command a value in the middle of the range at \$35,000. Therefore, it is recommended if the area be vacated and sold to the abutting property owner, it be sold for \$35,000.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

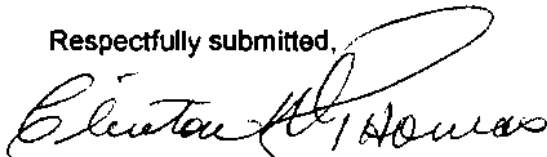
DATE: January 28, 2009

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

SUBJECT: Street & Alley Vacation No. 050007
Stockwell Street west of South 52nd St.

A request to vacate a portion of Stockwell Street was made in 2005 and a letter of value in the amount of \$35,000.00 was sent October 23, 2006. The vacation was not completed that time as the payment had never been made to the City Clerk. However, the petitioner is now prepared to remit the required amount, but has made a request that the amount be reviewed in light of the passage of time. At the time of the valuation, I stated that logical zoning would be R-4 and this would be a prime lot for a duplex rental unit and the range of value for lots of this type would be \$30,000 to \$40,000. I still believe this to be a prime lot, but given the current economy and the slow down in the real estate market we are currently experiencing, I believe a value nearer the lower end of the range to be more appropriate. As such, it is recommended if the street be vacated, it be sold to the abutting property owner for \$30,000. This letter of valuation should be treated as an addendum to the October 23, 2006 letter and used in conjunction therewith.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023