

FACTSHEET

TITLE: MISCELLANEOUS NO. 09002, requested by Sanitary & Improvement District #6 (Emerald), to acquire 1.58 acres, more or less, by condemnation, for a water well site, on property generally located at S.W. 98th Street and West "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: N/A

STAFF RECOMMENDATION: Approval.

FINDINGS OF FACT:

1. This is a request by William F. Austin on behalf of the Emerald Sanitary & Improvement District No. 6 of Lancaster County, Nebraska, to acquire 1.5 acres, more or less, by condemnation, for a water well site on property generally located at S.W. 98th Street and West O Street. The application submitted by Mr. Austin is found on p.6-8.
2. The property proposed to be acquired is located in both the City of Lincoln and County of Lancaster jurisdictions. The proposal does not require review by the Lincoln-Lancaster County Planning Commission.
3. The staff recommendation to approve this application is based upon the "Analysis" as set forth on p.3-4, concluding that the new well is intended to resolve current issues with the water supply for the Sanitary & Improvement District, and that the City of Lincoln does not plan to annex the Village of Emerald in the next 25 years, nor will the City extend water service to the SID.
4. This proposal will have public hearing before the Lancaster County Board of Commissioners on Tuesday, March 17, 2009.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: March 8, 2009

REVIEWED BY: _____

DATE: March 8, 2009

REFERENCE NUMBER: FS\CC\2009\MISC.09002

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

For City Council and County Board

PROJECT #: City/County Miscellaneous No. 09002

PROPOSAL: Emerald SID #6 acquisition of a well site by condemnation.

LOCATION: SW 98th Street and West O St.

LAND AREA: 1.58 acres plus or minus

CONCLUSION: This new well is intended to resolve current issues with the water supply for the Sanitary Improvement District.

RECOMMENDATION:	Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: A portion of Lot 61, IT, located in the Northeast 1/4 of Section 28, T 10, R 5 E of the 6th PM. Lancaster County, Nebraska. See attached legal.

EXISTING ZONING: Split City/County AG Agriculture

EXISTING LAND USE: Farm land and acreages

SURROUNDING LAND USE AND ZONING: Farm uses and scattered acreage and farm residences. Emerald is located about 1 1/4 mile east of this site. BNSF Rail Road abutting on the west.

HISTORY: The Emerald SID was created in 1975 for community sewer, with city approval. The SID purpose was expanded to include water in 1990 to address VOC contamination in the area.

TRAFFIC ANALYSIS: This future well site abuts West O street/ State Highway 6.

ENVIRONMENTAL CONCERNS: A new source of water is needed for the SID

COMPREHENSIVE PLAN SPECIFICATIONS:

The core promise embedded in the Comprehensive Plan is to maintain and enhance the health, safety and welfare of our community during times of change, and to promote our ideals and values as changes occur. Pg 6

Clean air, clean water, parks and open space, mature trees, signature habitats, and prime and productive farmlands are valuable assets. Pg 6

Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood. Preserve existing affordable housing and promote the creation of new affordable housing throughout the community. Pg 65

One of Lincoln's most valuable community assets is the supply of good, safe, and decent single family homes that are available at very affordable costs when compared to many other communities across the country. Preservation of these homes for use by future generations will protect residential neighborhoods and allow for many households to attain the dream of home ownership. Pg 65

A safe residential dwelling should be available for each citizen: pg 65

Development proposals should ensure that there is adequate quantity and quality water available to serve their project without impacting adjacent customers. Pg 75

ANALYSIS:

1. The Emerald Sanitary and Improvement District (SID) # 6 was created in 1975. The SID provides sewer and water service to the unincorporated village of Emerald.
2. The existing wells of the SID, located next to the Pla mor Ballroom at about SW 83rd and West O Street, are experiencing increasing nitrate levels and need to be replaced with a safe and acceptable public water source.
3. Lincoln does not plan to annex the village in the next 25 years nor will the city extend water service to the SID, in violation of City policy and other impacts.
4. This is a proposed acquisition by condemnation of about 1.5 acres of land for a water well site for the SID. The site is located on the south side of West "O" Street adjacent to the BNSF rail line, about ½ mile west of SW 98th Street. The surrounding area is rural in nature with acreages and farming uses.
5. The Neb. Rev. Stat. 31-736 requires the approval of the local jurisdiction, Lincoln and Lancaster County, for this action. The SID activities themselves are exempt from local zoning regulations as a separate governmental agency with condemnation powers.
6. The County Engineer notes no objections
7. The City/County Health Department fully supports the application.

Prepared by:

Mike DeKalb
441-6370, mdekalb@lincoln.ne.gov
February 24, 2009

APPLICANT: William Austin, for the Emerald SID #6
Erickson Sederstrom
301 S. 13th Street, Suite 400
Lincoln, NE 68508
402-476-1000

OWNER: Susan J and Dennis Allen, Trust
9931 W. O Street
Lincoln, NE 68528

OTHER: Becky Vandenberg, Chair
Emerald SID # 6
8301 W. O Street
Lincoln, NE 68528
402-476-3590

CONTACT: William Austin



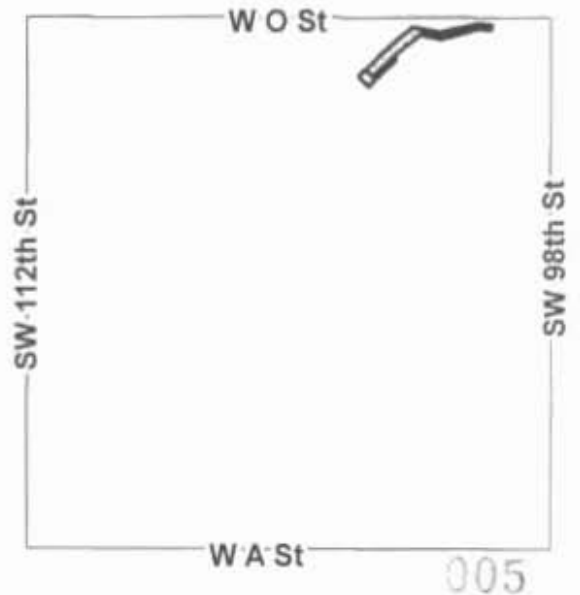
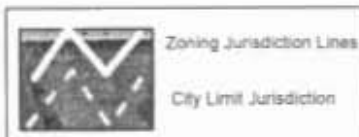
Miscellaneous #09002
SW 98th & W O St

2007 aerial

Zoning:

One Square Mile
 Sec. 28 T10N R05E

- 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-6 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



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FEB 17 2009

ERICKSON | SEDERSTROM
ATTORNEYS AT LAW

301 So. 13th STREET, SUITE 400
LINCOLN, NEBRASKA 68508
TELEPHONE (402) 476-1000
FACSIMILE (402) 476-6167

Lincoln/Lancaster Co.
Planning Department

austin@eslaw.com

WILLIAM F. AUSTIN

February 17, 2009

COPY

Mr. Marvin Krout, Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: SID No. 6 of Lancaster County, Nebraska – Water Well Field Acquisition
Our File No.: 26510.53764

Dear Mr. Krout:

I am writing on behalf of the Board of Trustees of Sanitary and Improvement District No. 6 of Lancaster County, Nebraska. The Board has concluded, after due study and analysis, that it is necessary and in the best interests of the District and its residents to acquire by purchase, condemnation, or otherwise, 1.5 acres, more or less, for a water well site on property located on the Northwest portion of Irregular Tract 61, located in the Northeast Quarter of Section 28, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska, together with necessary permanent and temporary easements.

Neb. Rev. Stat. § 31-736 (Reissue 2008) requires a sanitary improvement district to obtain the approval of the municipality or county having zoning jurisdiction over the property to be acquired. The property proposed for acquisition by the District is within the three-mile zoning jurisdiction of the City of Lincoln. The purpose of this letter is to request that you initiate the necessary review of this proposed acquisition by the District and submit the same for approval by the City of Lincoln.

Enclosed for your reference is a parcel description and easement plat prepared by JEO Consulting showing the property involved and extent of property rights to be acquired. It is my understanding that the review and approval would involve a report by your department forwarded to the City Council for approval by resolution.

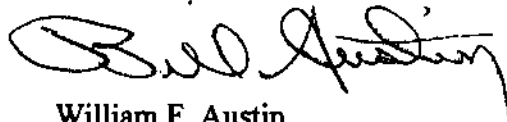
Mr. Marvin Krout, Planning Director

Page 2

February 17, 2009

If you have any questions, or if any further information or documentation is needed, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Austin". The signature is fluid and cursive, with a large initial "B" and a long, sweeping tail.

William F. Austin

WFA:rln

Enclosures

By Hand Delivery

cc/enc: Mike DeKalb, Planning Department
Rick Peo, Esq., City Attorney's Office
Timothy R. Engler, Esq.
Becky Vandenberg, SID No. 6

RECEIVED

FEB 23 2009

Lincoln/Lancaster Co.
Planning Department

austin@eslaw.com

ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

301 So. 13th STREET, SUITE 400
LINCOLN, NEBRASKA 68508
TELEPHONE (402) 476-1000
FACSIMILE (402) 476-6167

WILLIAM F. AUSTIN

February 23, 2009

COPY

Mr. Marvin Krout, Planning Director
Lincoln/Lancaster County Planning Department
555 South 10th Street, Suite 213
Lincoln, NE 68508

Re: SID No. 6 of Lancaster County, Nebraska – Water Well Field Acquisition
Our File No.: 26510.53764

Dear Mr. Krout:

This is a follow up to my letter of February 17, 2009, regarding the approval needed for the acquisition of a water well proposed by SID No. 6. I'm afraid I misspoke when I indicated in the letter that the entity having zoning jurisdiction over the property to be acquired is the City of Lincoln. Rather, it appears from the zoning maps, that the acquisition is located in both the zoning jurisdiction of the City and Lancaster County, and so we would ask that the matter be submitted to the appropriate Lancaster County body for approval as well.

Sincerely,



William F. Austin

WFA:rln

cc: Mike DeKalb, Planning Department
Rick Peo, Esq., City Attorney's Office
Timothy R. Engler, Esq.
Becky Vandenberg, SID No. 6

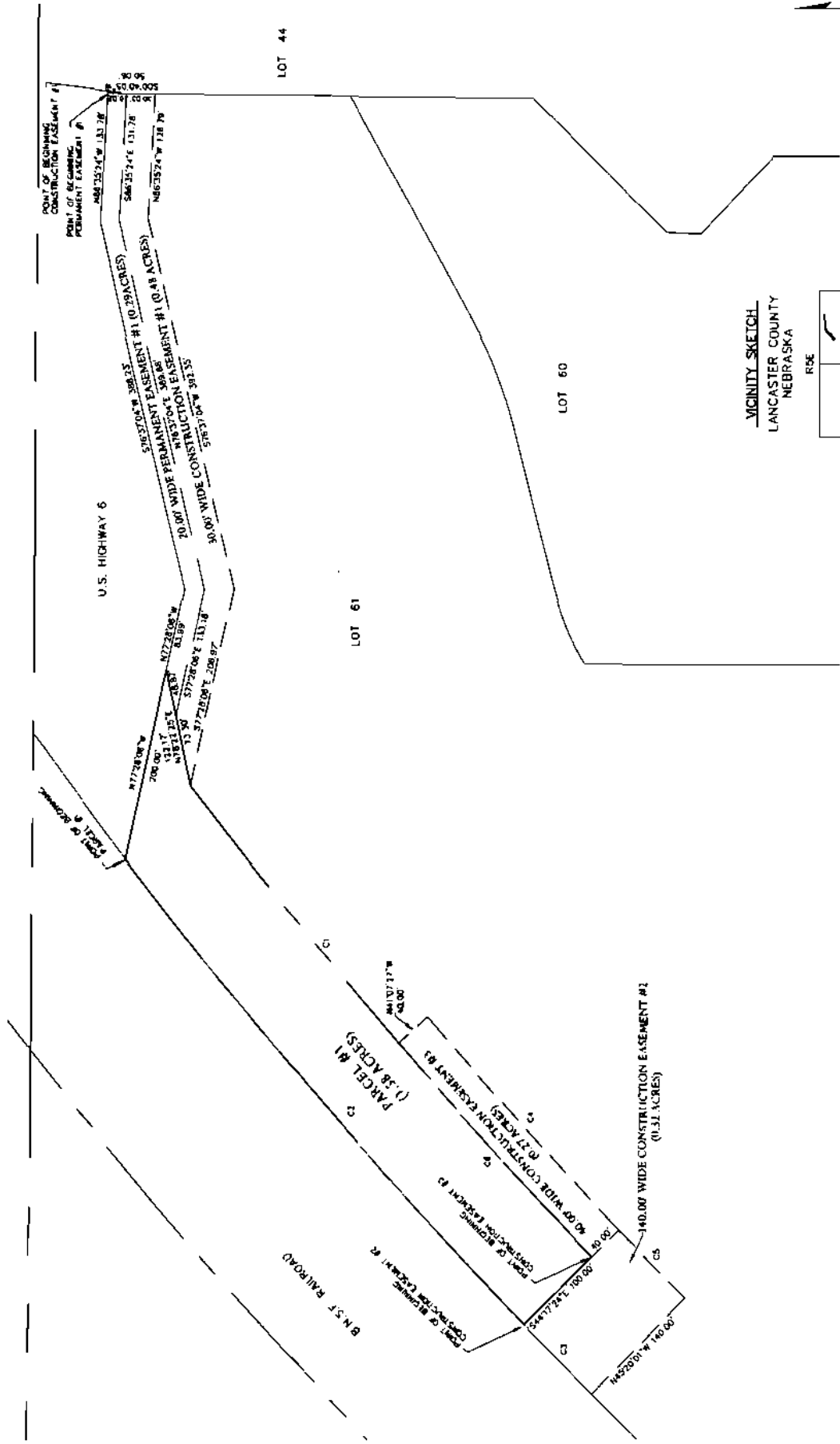
008



PARCEL DESCRIPTION & EASEMENT PLAT

2008
WELL & WATER SYSTEM IMPROVEMENTS LANCASTER COUNTY SUD #6 EMERALD, NEBRASKA

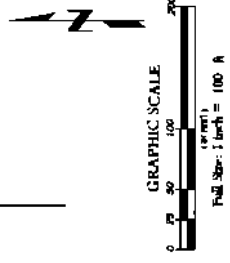
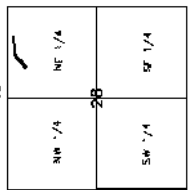
DATE	2008
BY	J. J. JONES
CHECKED BY	J. J. JONES
SCALE	AS SHOWN
PROJECT	WELL & WATER SYSTEM IMPROVEMENTS LANCASTER COUNTY SUD #6 EMERALD, NEBRASKA
SHEET	1 OF 2



CURVE TABLE

CURVE NUMBER	DELTA	RADIUS	TANGENT	CHORD	CHORD LENGTH
C1	84.8131°	5422.58'	311.66'	1699.02'	542.21'
C2	8.3320°	5222.36'	318.79'	636.98'	548.0016'
C3	3.0238°	3243.36'	50.74'	109.71'	104.9111'
C4	1.0238°	5285.58'	48.09'	88.18'	544.1172'
C5	3.0237°	5422.58'	156.06'	300.028'	164.717352'
C6	3.0237°	5422.58'	156.06'	300.028'	164.717352'

MCINITY SKETCH
LANCASTER COUNTY
NEBRASKA



Revised 3/10/08 D11A

Lancaster

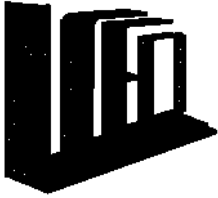
County

Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- KENNETH D. SCHROEDER
COUNTY SURVEYOR



DATE: February 23, 2009
TO: Mike DeKalb
Planning Department
FROM: Ken D. Schroeder *Ken D. Schroeder*
County Surveyor
SUBJECT: MISC. #09002 - EMERALD WELL
(SW 98TH & WEST "O" STREETS)

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FEB 24 2009

Lincoln/Lancaster Co.
Planning Department

Upon review, this office has no direct objections to this submittal, subject to compliance with subdivision permit procedures by applicant.

KDS/bml
Villages/Emerald/Misc. #09002 Emerald Well

012



Status of Review: Active

Reviewed By ANY

Comments:

Status of Review: Complete

Reviewed By Building & Safety Terry Kathe

Comments:

Status of Review: Approved 02/25/2009 2:42:49 PM

Reviewed By Health Department ANY

Comments: LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION

TO: Mike DeKalb DATE: February 25, 2009

DEPARTMENT: Planning FROM: Chris Schroeder
ATTENTION: DEPARTMENT: Health

CARBONS TO: EH File SUBJECT: Emerald Well
EH Administration Misc #09002

The Lincoln-Lancaster County Health Department (LLCHD) fully supports the approval of this application to construct a new well to provide the village of Emerald with potable water. However, before construction of this well commences, the LLCHD will require the applicant to obtain a water well permit.

Status of Review: Active

Reviewed By Law Department ANY

Comments:

Status of Review: Active

Reviewed By Natural Resources District Any

Comments:

Status of Review: Active

Reviewed By Nebraska Department of Roads

ANY

Comments:

Status of Review: Active

Reviewed By Parks & Recreation

ANY

Comments:

Status of Review: Routed

Reviewed By Planning Department

COUNTER

Comments:

Status of Review: Active

Reviewed By Planning Department

MIKE DEKALB

Comments:

Status of Review: Complete

02/24/2009 1:48:26 PM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum□□
□

To:□Mike DeKalb, Planning Department
From:□Charles W. Baker, Public Works and Utilities
Subject:□Miscellaneous #09002 Emerald Well
Date:□February 24, 2009
cc:□Randy Hoskins

□
The City Engineer's Office of the Department of Public Works and Utilities has reviewed the application for Miscellaneous #09002 Emerald Well located off the southwest corner of Southwest 98th and West "O" Streets (US Highway 6). Public Works has no objections. Access to the proposed water well location from US Highway 6 will require approval from the Nebraska Department of Roads. Access from Southwest 98th will require approval from the Lancaster County Engineer's Office.

Status of Review: Active

Reviewed By Public Works - Long Range Planning

ANY

Comments:

014