

## **FACTSHEET**

**TITLE: STREET & ALLEY VACATION NO. 09004,**  
requested by Neighborhoods, Inc., to vacate the east-  
west alley between N. 23<sup>rd</sup> Street and N. 24<sup>th</sup> Street,  
north of P Street.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 05/06/09  
Administrative Action: 05/06/09

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

### **FINDINGS OF FACT:**

1. This is a request to vacate the east-west alley between North 23<sup>rd</sup> and North 24<sup>th</sup> Streets, north of P Street to assist in the redevelopment of the block, which is the site of the future NeighborWorks office building and townhomes. The vacated alley will be used as a private drive to provide access within the project site.
2. The staff recommendation to find the proposed alley vacation in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. On May 6, 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 May 6, 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 Comprehensive Plan (Carroll abstained).
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.11, finding that the area being vacated should be sold to the abutting property owner for \$720.00 with an easement being retained for existing utilities.
6. The petitioner has paid \$720.00 to the City Clerk and the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

**FACTSHEET PREPARED BY:** Jean L. Preister

**DATE:** May 11, 2009

**REVIEWED BY:** \_\_\_\_\_

**DATE:** May 11, 2009

**REFERENCE NUMBER:** FS\CC\2009\SAV.09004

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

## for MAY 6, 2009 PLANNING COMMISSION MEETING

**PROJECT #:** Street and Alley Vacation No. 09004

**PROPOSAL:** Vacate the east-west alley between N. 23<sup>rd</sup> and N. 24<sup>th</sup> St; north of "P" St; in Block 17, Kinneys "O" Street Addition.

**LOCATION:** N. 23<sup>rd</sup> St. and "P" St.

**LAND AREA:** 4,800 sq. ft; more or less.

**CONCLUSION:** The proposed street vacation is in conformance with the Comprehensive Plan and the Antelope Valley Redevelopment Plan.

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

**LEGAL DESCRIPTION:** The east-west alley in Block 17, Kinneys "O" Street Addition, located in the SE 1/4 of Section 24, Township 10 North, Range 6 East, Lancaster County, Nebraska.

### **SURROUNDING LAND USE AND ZONING:**

North:	B-3 & R-6	Single family houses and apartment
South:	R-6	Vacant
East:	R-6	Residential
West:	B-3 & R-6	Auto sales and residential

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. (P. 9)

Encourage mixed-use redevelopment, adaptive reuse, and in-fill development including residential, commercial, and retail uses. (P. 10)

The City should work with developers interested in providing new industrial and office development sites.(p.29)

The creation of office sites is an important aspect of job growth for the community. )p.29)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented.(p.37)

**HISTORY:**

- February 23, 2009                      Change of Zone #08066 for the Antelope Village Planned Unit Development was approved by the City Council.
- September 15, 2008                  Comprehensive Plan Conformance #08021 to surplus property at N. 23<sup>rd</sup> St. and "P" St. was approved by the City Council.

**UTILITIES:** There is an existing 8" sanitary sewer and overhead electrical power lines in the alley. A permanent easement or relocation of the utilities will be required.

**ANALYSIS:**

1. This is an application to vacate the east-west alley between N. 23<sup>rd</sup> St. and N. 24<sup>th</sup> St. abutting Lots 1-12, Block 17, Kinneys "O" Street
2. The vacation of the alley is needed to assist in the redevelopment of the block. This block is the site of the future NeighborWorks office building and town homes. The petitioner proposes that the vacated alley will be used as a private drive to provide access within the project site.
3. Easements will need to be retained for existing overhead electrical and a sanitary sewer main.
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:**                      April 20, 2009

**APPLICANT:**              Neighborhoods Inc.  
2121 N. 27<sup>th</sup> St.  
Lincoln, NE 68503  
(402) 477-7181

**OWNER:**                      same as applicant  
**CONTACT:**                    same as applicant

# STREET & ALLEY VACATION NO. 09004

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

May 6, 2009

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

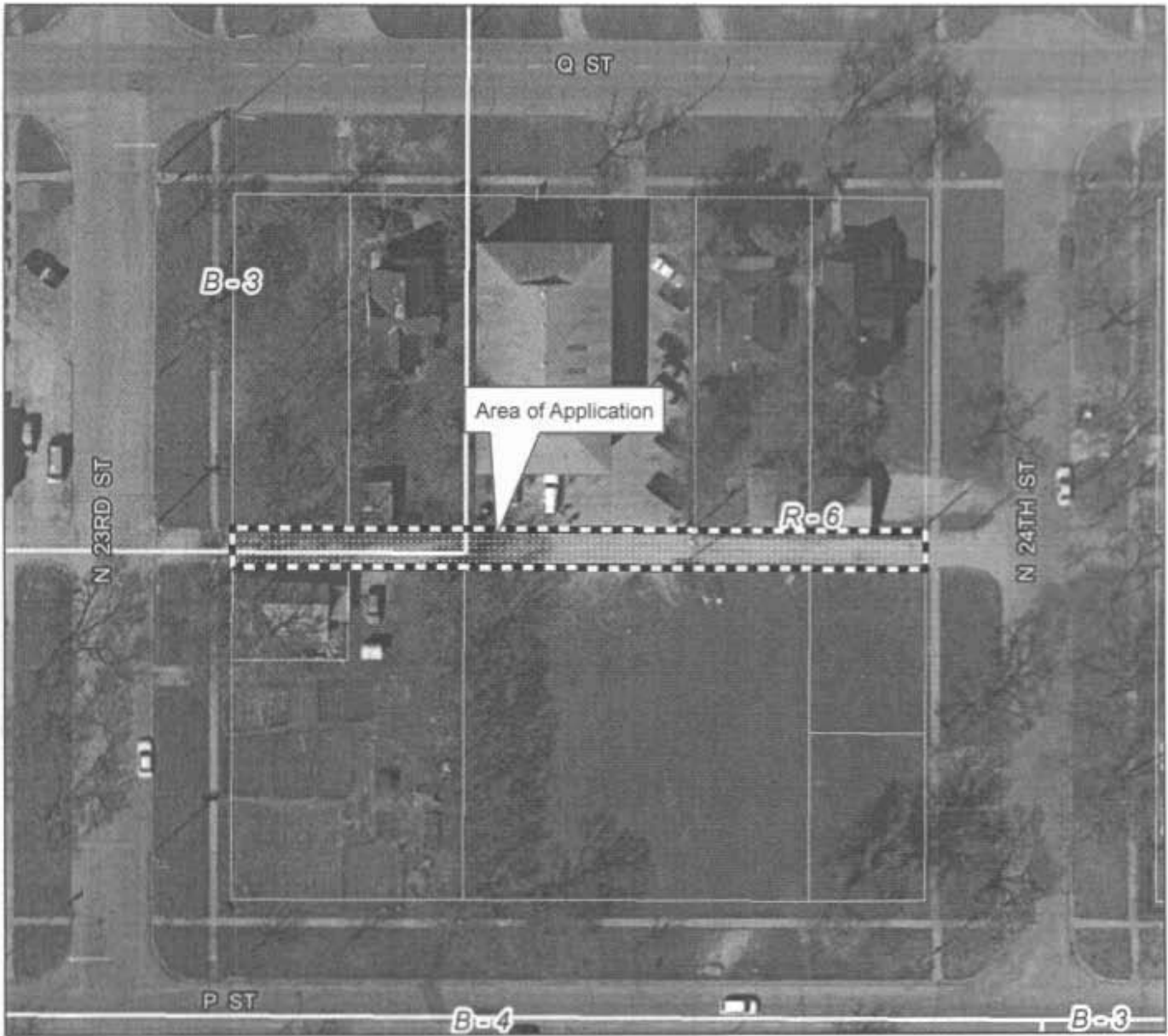
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 09010**, **SPECIAL PERMIT NO. 09008** and **STREET & ALLEY VACATION NO. 09004**.

Ex Parte Communications: None

**Item 1.1, Change of Zone No. 09010**, was removed from the Consent Agenda and scheduled for separate public hearing at the request of staff.

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

Note: This is final action on Special Permit No. 09008, 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.



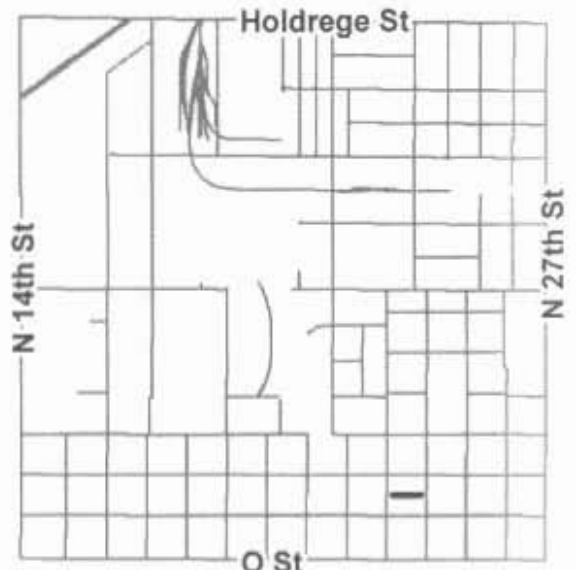
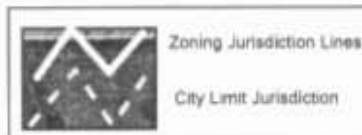
2007 aerial

**Street & Alley Vacation #09004**  
**N 23rd & P St**

**Zoning:**

One Square Mile  
 Sec. 24 T10N 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



**LEGAL DESCRIPTION  
RIGHT-OF-WAY VACATION**

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF THE EAST-WEST ALLEY, BLOCK 17, KINNEYS "O" STREET ADDITION, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 17, KINNEYS "O" STREET ADDITION, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF NORTH 24<sup>TH</sup> STREET AND ON THE NORTH RIGHT-OF-WAY LINE OF SAID EAST-WEST ALLEY, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH 24<sup>TH</sup> STREET, ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 15 MINUTES 30 SECONDS WEST, A DISTANCE OF 16.00 FEET TO THE NORTHEAST CORNER OF LOT 12, BLOCK 17, KINNEYS "O" STREET ADDITION, SAID POINT BEING ON THE SOUTH LINE OF SAID EAST-WEST ALLEY; THENCE NORTH 89 DEGREES 43 MINUTES 06 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 12, AND THE NORTH LINE OF LOTS 11 THROUGH 7, BLOCK 17, KINNEYS "O" STREET ADDITION, SAID LINE BEING THE SOUTH LINE OF SAID EAST-WEST ALLEY, A DISTANCE OF 299.86 FEET TO THE NORTHWEST CORNER OF SAID LOT 7, SAID POINT BEING ON THE EAST RIGHT-OF-WAY LINE OF NORTH 23<sup>RD</sup> STREET; THENCE NORTH 00 DEGREES 14 MINUTES 38 SECONDS EAST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID NORTH 23<sup>RD</sup> STREET, A DISTANCE OF 16.00 FEET TO THE SOUTHWEST CORNER OF LOT 6, BLOCK 17, KINNEYS "O" STREET ADDITION, SAID POINT BEING ON THE NORTH LINE OF SAID EAST-WEST ALLEY; THENCE SOUTH 89 DEGREES 43 MINUTES 06 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 6, AND THE SOUTH LINE OF LOTS 5 THROUGH 1, BLOCK 17, KINNEYS "O" STREET ADDITION, SAID LINE BEING A NORTH LINE OF SAID EAST WEST ALLEY, A DISTANCE OF 299.86 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS A CALCULATED AREA OF 4,797.74 SQUARE FEET OR 0.11 ACRES, MORE OR LESS.



**INFORMATION SHEET**

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached Petition to Vacate Public Way must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Neighborhoods, Inc., a Nebraska nonprofit corporation  
If more than one individual, indicate if you are:  
           joint tenants with right of survivorship, OR            tenants in common

2. Petitioner's Address: 2121 North 27th Street  
Lincoln NE 68503

3. Petitioner's Telephone Number: ( 402 ) 477-7181

4. Name of street, alley, or other public way sought to be vacated: East-West alley, Block 17,  
Kinneys "O" Street Addition

5. Legal description of Petitioner's property which abuts the public way sought to be vacated:             
Lots 1, 2, 3, 4, 5, 6, /7, 9, 10, 11, and 12, Block 17, Kinneys "O" Street  
           portion of             
Addition

6. Why are you seeking to have this street, alley, or other public way vacated?  
The vacated alley is part of a revitalization project for an older neighborhood.

7. What use or uses do you propose to make of the public way should it be vacated?  
Private drive to provide access within the Neighborhood Works Project Site

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the Petition to Vacate Public Way and/or other portions of the vacated public way?  
           YES XX NO

9. Name and address of person to whom tax statement should be sent:  
          Neighborhoods, Inc.  
          2121 North 27th Street  
          Lincoln NE 68503

*The property will be appraised and the purchase price of the portion abutting your property must be paid by you to the City Clerk unless you have indicated that the portion abutting your property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not be introduced before the City Council until the full price of the entire public way proposed to be vacated has been paid.*

**\*\*\* IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**



Status of Review: Routed

Reviewed By: Planning Department

COUNTER

Comments:

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Status of Review: Active

Reviewed By: Planning Department

TOM CAJKA

Comments:

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Status of Review: Complete

04/08/2009 8:59:16 AM

Reviewed By: Public Works - Development Services

SIETDQ

Comments: Memorandum□□

□

To:□Tom Cajka - Planning

From:□Byron Blum - Engineering Services

Subject:□Street and Alley Vacation #09004

East-West Alley between North 23rd and North 24th Streets, P to Q Streets

Date:□April 8, 2009

cc:□Randy Hoskins

Dennis Bartels

□

The City of Lincoln has an existing 8" sanitary sewer in this alley. It will require establishing a permanent easement for the maintenance and/or replacement of this sewer.

There are no attachments with this request. With no idea as to what the intentions are for this block if the alley is vacated, it will be recommended that the existing alley returns to 23rd and 24th Streets be removed and curb and gutter installed. Any future access will require submittal of a site plan and City of Lincoln curb cut application.

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Status of Review: Active

Reviewed By: Public Works - Waste Water

ANY

Comments:

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Status of Review: Active

Reviewed By: Time Warner Cable

ANY

Comments:

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Status of Review: Approved

Reviewed By: Urban Development

ANY

Comments:

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Status of Review: Approved

Reviewed By: Urban Development

ANY

Comments:

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009

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	12 + 35KV X _____	_____
Electrical Power, Underground	_____	_____
Street Lighting	X _____	_____
Steam Lines	_____	_____
Telephone Lines, Overhead	_____	_____
Telephone Lines, Underground	_____	_____
Gas Mains	_____	_____
Traffic Signal Interconnect	_____	_____
Reconstruction of Surface Features, Cost:	_____	_____
Street Trees	_____	_____

General Comments:

Retain Easements to cover existing Facilities (LR)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4-17-09  
Date

*Stanley D. Worsted*  
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: May 4, 2009

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

SUBJECT: Street & Alley Vacation No. 09004  
East/West alley between North 23<sup>rd</sup> &  
North 24<sup>th</sup> Streets, P to Q Streets

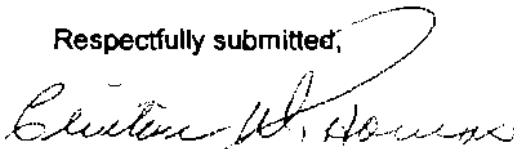
A request has been made to vacate the alley located north of P Street between 23<sup>rd</sup> and 24<sup>th</sup> Streets. The area was viewed and appears as a rock-surfaced alley. Staff has indicated the existence of an 8" sanitary sewer and overhead electrical power lines within the alley. Upon inspection, the sewer line was verified by the existence of a manhole cover within the alley. It also appears upon inspection that telephone and cable may exist in the alley along with the electrical lines. It appears the electrical lines consist of a high-voltage transmission line as well as the distribution lines routinely found in alleys such as this. Staff has asked for easements to be retained over the entire area for the existing utilities.

Small, narrow strips such as this have very little value, in and of themselves, but will assume the value of the surrounding property once it is assembled into it. In the case of this alley, it is deemed it would have only a nominal value in light of the number of utilities located there. Any developer who wished to assemble this land and utilize the alley for anything other than a drive or parking lot would be obliged to relocate the utilities. This cost of relocation may very well exceed the actual value of the land being assembled especially in light of the fact one of the electric lines is of the transmission line variety. As such a nominal amount of \$0.15 per square foot is considered appropriate. The calculations are as follows:

$$4,800 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$720$$

Therefore, it is recommended if the alley be vacated, it be sold to the abutting property owner for \$720.00 and an easement be retained for existing utilities.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023