

FACTSHEET

TITLE: **STREET & ALLEY VACATION NO. 09005**, requested by ESP, Inc., on behalf of the abutting property owners, to vacate the entire east-west alley between N. 41st Street and N. 42nd Street, north of Y Street.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 08/12/09
Administrative Action: 08/12/09

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

FINDINGS OF FACT:

1. This is a request to vacate the entire east-west alley between North 41st Street and North 42nd Street, north of Y Street. The petitioners on the east end of the alley want to use the vacated right-of-way for a rear access driveway. This right-of-way vacation will also restrict drive-through vehicular traffic which may result from paving the east end of the proposed vacated alley.
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.2-3. The report notes that the petitioner wanting the driveway will need to construct curb returns and pave the portion of the driveway in the 41st Street right-of-way.
3. On August 12, 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 August 12, 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.
5. The appraisal by Clint Thomas of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.7, finding that the area being vacated should be sold to the abutting property owners for a total of \$567.00.
6. The petitioners have paid \$567.00 to the City Clerk, thus the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean L. Preister

DATE: October 12, 2009

REVIEWED BY: _____

DATE: October 12, 2009

REFERENCE NUMBER: FS\CC\2009\SAV.09005

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for August 12, 2009 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 09005

PROPOSAL: Vacate the entire east west alley between N. 41st Street and N. 42nd Street; north of "Y" Street; Block 14 Park Place.

LOCATION: N.41st Street and "Y" Street.

LAND AREA: 3,794 Square feet; more or less

CONCLUSION: The right-of-way is not needed provided easements are retained for public utilities and curb cut is installed on the east side of the alley merging into N. 42nd Street.

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

GENERAL INFORMATION:

LEGAL DESCRIPTION: East west alley between "Y" Street and Orchard Street from N. 41st Street to N. 42nd Street.

SURROUNDING LAND USE AND ZONING:

North:	R-2, Residential District	Single Family Residence
South:	R-2, Residential District	Single Family Residence

HISTORY:

May 8, 1979 City Council adopted Ordinance 12571 changing land use zoning from A-2 to R-2, residential district.

UTILITIES: There are no public utility lines in the alley. However there is an electrical easement for distribution of facilities which will be retained.

TRAFFIC ANALYSIS: The alley connects to N. 42nd Street on the east and a curb cut will be required to be constructed by the lot owners on the north and south of the east end of the alley in order to pave the vacated alley to be used as a drive access to the property at 4131 Orchard Street.

ANALYSIS:

1. This is an application to vacate the entire east west alley between N. 41st Street and N. 42nd Street; north of "Y" Street; Block 14 Park Place.

2. The petitioners to the north and south of the east end of the block propose to use the alley for a rear access driveway for property at 4131 Orchard Street to N. 42nd Street.
3. The petitioners on north and south of the west end of the block propose to vacate the alley to restrict drive-through vehicular traffic which may result from paving the east end of the proposed vacated alley. The existing alley is not improved so there is minimal vehicular traffic today, especially on the west side of the block because there is no curb return.
4. Easements will have to be retained for electrical distribution facilities.
5. The petitioners on the east end of the alley, James and Deanna Kordik, will be required to apply for and construct a curb cut in order to pave the vacated alley and use it as a rear access for property at 4131 Orchard Street.
6. 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.
- 1.2 One of the petitioners, E. Louise Free, unfortunately passed away since signing the petition. She signed her petition giving her portion of the alley to the neighbors on the north, James and Deanna Kordik. The new owners of the property at 4146 Y Street. will be required to submit a new petition signing their portion of the alley to the neighbors prior to City Council approval

Prepared by:

Rashi Jain
Planner

DATE: July 21, 2009

APPLICANT: Marcia L. Kinning
ESP Inc.
601 Old Cheney Road, Suite 601
Lincoln, NE 68512

CONTACT: same as applicant

STREET & ALLEY VACATION NO. 09005

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

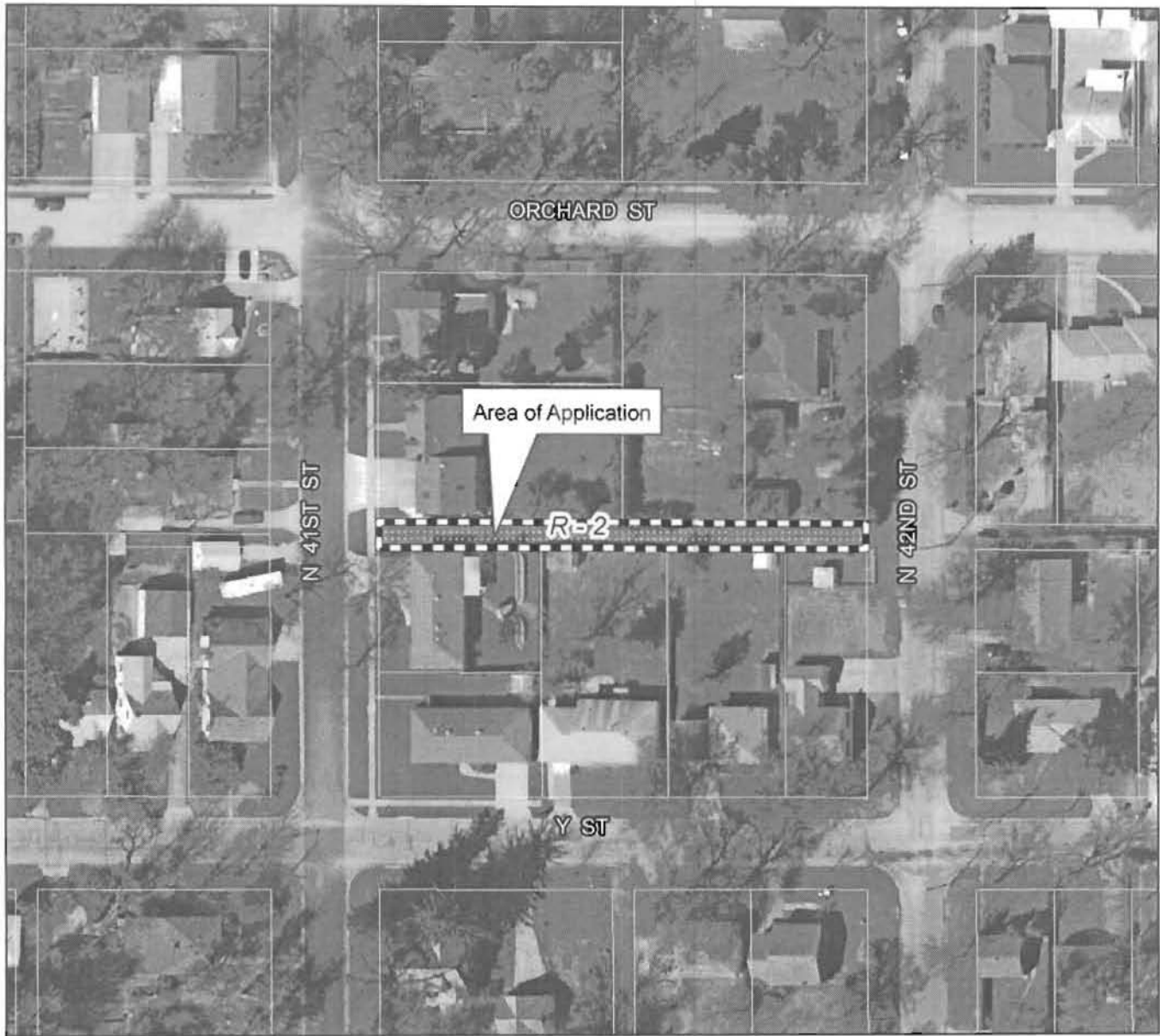
August 12, 2009

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

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 09008, CHANGE OF ZONE NO. 09020HP** and **STREET AND ALLEY VACATION NO. 09005.**

Ex Parte Communications: None

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



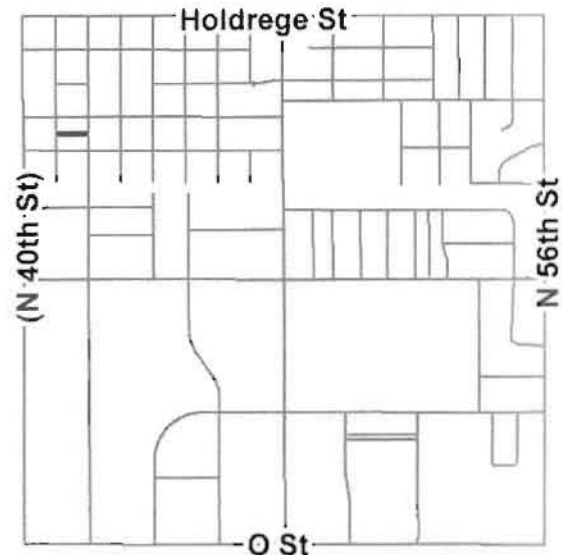
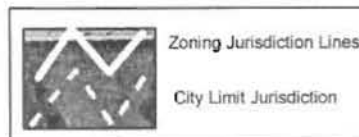
2007 aerial

Street & Alley Vacation #09005
N 41st & Y St

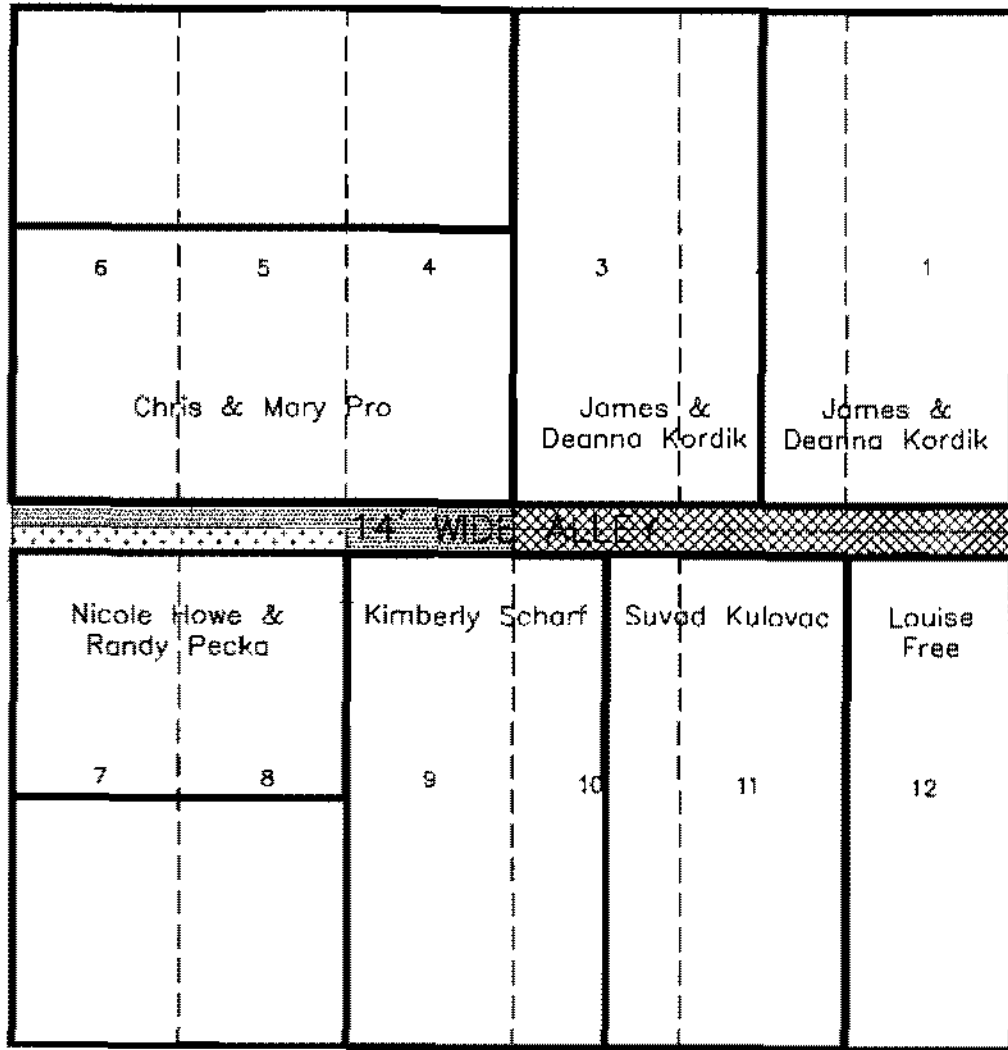
Zoning:

One Square Mile
 Sec. 20 T10N R07E

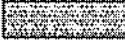


- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial 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



ORCHARD



PROPOSED
OWNER LEGEND

-  Chris & Mary Pro
-  James & Deanna Kordik
-  Nicole Howe & Randy Pecka

N. 41ST STREET

N. 42ND STREET

900

”Y”



SCALE: 1" = 50'

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: August 20, 2009

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

SUBJECT: Street & Alley Vacation No. 09005
East/West alley between North 41st &
North 42nd Streets, north of Y Street

A request has been made to vacate the alley in Block 14, Park Place Addition, which lies between North 41st and North 42nd Streets, Y to Orchard Streets. The area was viewed and appeared on the west end as a previously unopened alley. The west half of the alley was simply a grass strip lying between the abutting properties. The east half of the alley appeared as a dirt, or gravel, access. There were indications that at some point some gravel, or rock, surfacing had been placed on that portion of the alley, but most of it had disappeared. Overhead electrical lines were observed within the alley. Public Works has indicated there are no other public utility lines within the alley, but easements have been requested for the electrical distribution lines.

Long, narrow strips such as this rarely have any value, in and of themselves, and are only good for assemblage into the abutting property. As such, they are considered to have only a minimal value. This is especially true in a case such as this where the owners are required to construct a curb cut and alley entrance which would cost nearly as much as the value of the land being acquired. As such, a minimal value of \$0.15 per square foot is considered appropriate on the area to be vacated. Staff has indicated an area of 3,794 square feet; however, the plat appears to show an area of only 3,780 square feet which is used in these calculations. The calculations are as follows:

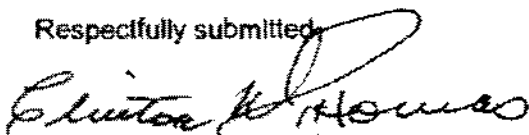
$$3,780 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$567$$

Therefore, it is recommended if the area be vacated, it be sold to the abutting property owners for \$567.

It is also indicated in the staff report that only three owners intend to acquire the portions of the alley adjacent to their property. The breakdown on those shares is as follows:

Kordik – east half of the alley	\$283.50
Pecka – portion adjacent to the north half of Lots 7 and 8	\$94.50
Pro – remaining portion	\$189.00

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023