

## **FACTSHEET**

**TITLE:** **ANNEXATION NO. 12006**, requested by the Director of Planning at the request of the Lancaster County Agricultural Society, Inc., to annex approximately 100 acres, more or less, generally located at North 84<sup>th</sup> Street and Havelock Avenue.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/14/12  
Administrative Action: 11/14/12

**STAFF RECOMMENDATION:** Approval.

**RECOMMENDATION:** Approval (7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent).

### **FINDINGS OF FACT:**

1. This is a request to annex approximately 100 acres, more or less, located on the south side of Havelock Avenue and between the Lancaster County Events Center and Stevens Creek. The purpose of this annexation request is to place all of the property owned by the Lancaster County Agricultural Society in the City's jurisdiction for law enforcement and regulatory purposes. Currently, part of the property owned by the Agricultural Society is located in the City of Lincoln jurisdiction and part is located in the Lancaster County jurisdiction. There are no current plans to develop the annexed area.
2. The staff recommendation of approval, subject to a revised legal description as set forth on p.11, is based upon the "Analysis" as set forth on p.4, concluding that the proposed annexation is consistent with the City's annexation policy. The staff presentation is found on p.6. The revised legal removes a small portion at the northeast corner of the Agricultural Society property so that the Holdrege right-of-way to be annexed stops short of the bridge over Stevens Creek, leaving responsibility for maintaining the bridge with the County Engineer.
3. Testimony on behalf of the Lancaster County Agricultural Society is found on p.7.
4. There was no testimony in opposition.
5. On November 14, 2012, the Planning Commission agreed with the staff recommendation, as revised, and voted 7-0 to recommend approval, as revised.
6. Should this annexation request be approved, the Planning staff is recommending that the Council ordinance assign the newly annexed area to **Council District #1.**

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

**DATE:** November 26, 2012

**REVIEWED BY:** Marvin Krout, Director of Planning

**DATE:** November 26, 2012

**REFERENCE NUMBER:** FS\CC\2012\ANNEX12006

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

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**for November 14, 2012 PLANNING COMMISSION MEETING**

**\*\*As Revised and Recommended for Approval\*\***

**By Planning Commission: November 14, 2012**

**PROJECT #:** Annexation #12006

**PROPOSAL:** Application by the Director of Planning at the request of the Lancaster County Agricultural Society

**LOCATION:** East of N.84th St. and south of Havelock Ave.

**LAND AREA:** 100 acres, more or less

**CONCLUSION:** The proposed annexation is consistent with the City's Annexation Policy

<b><u>RECOMMENDATION:</u></b>	Approval
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**PROPOSED CITY COUNCIL DISTRICT ASSIGNMENT:** District #1

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** All of Lot 38 Irregular Tract, except the following described portion; A triangular portion of Lot 38 described as follows: from a point 50' south of the centerline of Havelock Avenue at the northeast corner of Lot 38 I.T. as the point of beginning, thence 100' west along the south right-of-way line of Havelock, thence southeast 87.02' at an angle of 41 degrees 23 minutes 39 seconds from the south line of Havelock to a point on the east line of Lot 38 I.T., thence northeast 67.23' at angle of 79 degrees 43 minutes to the point of beginning. This triangle excludes 2878 square feet from the requested annexation, and 150 feet of Havelock Ave. east of the east line of Lot 38 Irregular Tract, located in the North ½ of Section 11, Township 10 North, Range 7 East, Lancaster County, NE

**EXISTING ZONING:** AG, Agricultural

**SURROUNDING LAND USE AND ZONING:**

North: AG, Agricultural  
South: AG, Agricultural  
East: AG, Agricultural  
West: AG, Agricultural

**EXISTING LAND USE:** Agricultural

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

The annexation area is in Tier One, Priority “B” Growth Area.

The ANNEXATION POLICY- page 12.14 of the 2040 Comprehensive Plan.

Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan’s Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services must coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services should be predicated upon annexation of the area by the City. City annexation must occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City’s commitment to the urbanization of land in Tier I Priority B, the City should annex land that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed. Annually the City should review for potential annexation all property in Priority B for which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services within a reasonable period of time.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density “acreage” areas are proposed for annexation due to the City’s annexation policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above.

Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

## **HISTORY:**

- |                 |  |
|-----------------|--|
| May 30, 2000    | Annexation #99022 for the Lancaster County Events Center was approved by the City Council.   |
| March 12, 2007  | Change of Zone #07003 from AG to H-4 for a portion of the Lancaster County Events Center was approved by the City Council.           |
| June 18, 2008   | Special Permit #08025 for Planned Service Commercial was approved by the Planning Commission.  |
| August 25, 2008 | Annexation #08004 to annex 29 acres located southeast of N. 84 <sup>th</sup> st. and Havelock Ave. was approved by the City Council. |

August 25, 2008 Change of Zone #08025 from AG to H-4 for an area southeast of the intersection of N. 84<sup>th</sup> St. and Havelock Ave. was approved by the City Council.

**SPECIFIC INFORMATION:**

**UTILITIES & SERVICES:**

- A. **Sanitary Sewer:** The Stevens' Creek trunk line bisects the proposed annexation area on the eastern side.
- B. **Water:** There is water at N. 84<sup>th</sup> St. and Havelock Ave. Water would need to be extended east from N. 84<sup>th</sup> St. along Havelock Ave. to serve the annexation area.
- C. **Roads:** Havelock Ave. is a two lane asphalt minor arterial.
- D. **Parks and Trails:** The 2040 Comprehensive Plan identifies a future trail along Stevens Creek.
- E. **Fire Protection:** This area is within the Waverly Rural Fire District

**ANALYSIS:**

1. This is a request for annexation of approximately 100 acres located on the south side of Havelock Ave. and between the Lancaster County Events Center and Steven's Creek.
2. The Lancaster County Agricultural Society has requested this annexation. The Agricultural Society is making the request so that all of the property owned by it at this location would be in one jurisdiction for law enforcement and regulatory purposes. There are no current plans to develop this site.
3. The Agricultural Society requested Lot 38 Irregular Tract (I. T.) to be annexed. When a property is annexed any abutting streets are then also annexed. With Lot 38 I.T. being annexed, Havelock Ave. abutting it would also be annexed. The annexation of Havelock Ave. abutting Lot 38 I. T. would leave a portion of the bridge over Steven's Creek in the City and a portion in the County. The Public Works and Utilities Department is working with the County Engineer on the issue of the bridge being in both the City and County. The Public Works and Utilities Department has concerns regarding the weight limit of the bridge and what it would require to remove the restriction.
4. The proposed annexation area is contiguous to the City on the west. The area of annexation is within the future service limits and Tier One Priority B as identified in the 2040 Comprehensive Plan.

Prepared by:

Tom Cajka  
Planner

**DATE:** November 5, 2012

**APPLICANT:** Marvin S. Krout  
Director of Planning  
555 S. 10th Street  
Lincoln, NE 68508  
(402) 441-7491

**CONTACT:** Tom Cajka  
Planning Department  
(402) 441-5662

## ANNEXATION NO. 12006

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 14, 2012

Members present: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius; Butcher absent.

Staff recommendation: Approval of a revised legal description.

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** submitting a memo which revises the legal description of the property to be annexed, removing a small triangular portion of the area described in the staff report. Cajka explained that when property is annexed, any abutting streets are automatically annexed with that property. If the small triangular area is not removed, all of Havelock Avenue abutting that parcel would be annexed which would have cut the bridge in half over Stevens Creek, with half in the City limits and half in the County. No one wanted that. Public Works and the County Engineer have agreed that it would be best to leave that bridge in the County jurisdiction. Leaving this little parcel out of the Agricultural Society land does not affect what they are trying to accomplish.

Cajka further explained that the purpose of the annexation is to put all of the Agricultural Society property within one jurisdiction.

The Agricultural Society is aware that there are no services. The water stops at about 84<sup>th</sup> Street on Havelock Avenue. If they wanted water, they would have to extend it along Havelock Avenue. There is sanitary sewer bisecting the property (Stevens Creek trunk sewer line), but as of today the Agricultural Society has no plans to develop this property.

The annexation area is contiguous to the city limits and within Tier I, Priority B.

Lust noted that the memo from staff indicated that the reason to keep the bridge out of the annexation was that the city did not want to add another bridge because of maintenance and repair liabilities. Are there different standards for maintenance for bridges in the county as compared to the city? **Dennis Bartels of Public Works** stated that generally, they would be the same. The bridge meets all the load requirements but the city and county did not want the split jurisdiction for maintenance of the bridge. The County Engineer was agreeable to continue to maintain the bridge, but the city and county would both have the same legal requirements as far as load posting or if it were necessary to take care of it. Lust wanted assurance that there is no concern about this bridge not being able to handle what would be city level traffic just because it stayed under the county jurisdiction. Bartels agreed. The biggest question was getting the necessary permissions back and forth between Public Works and the County Engineer. The city would prefer not to have to do an interlocal agreement with the County Engineer for maintenance of the bridge.

Cornelius confirmed that the property being annexed is currently zoned AG and it will remain zoned AG. Cajka concurred.

Proponents

1. **Alan Wood**, legal counsel for the Lancaster County Agricultural Society, agreed with the testimony given by the staff. The Agricultural Society is asking that the remaining portion of the 165 acres total that is held by the Agricultural Society be annexed. One of the concerns with the split jurisdiction is that applicants are applying for two separate liquor licenses, one for the county and one for the city. This also creates a problem with law enforcement. Half of the grounds are within the city with city police jurisdiction, and the other half is in the county with county sheriff jurisdiction. This annexation brings all of it into the city and will help with the management and overall operation of the Event Center and the Agricultural Society property.

There was no testimony in opposition.

**ACTION BY PLANNING COMMISSION:**

November 14, 2012

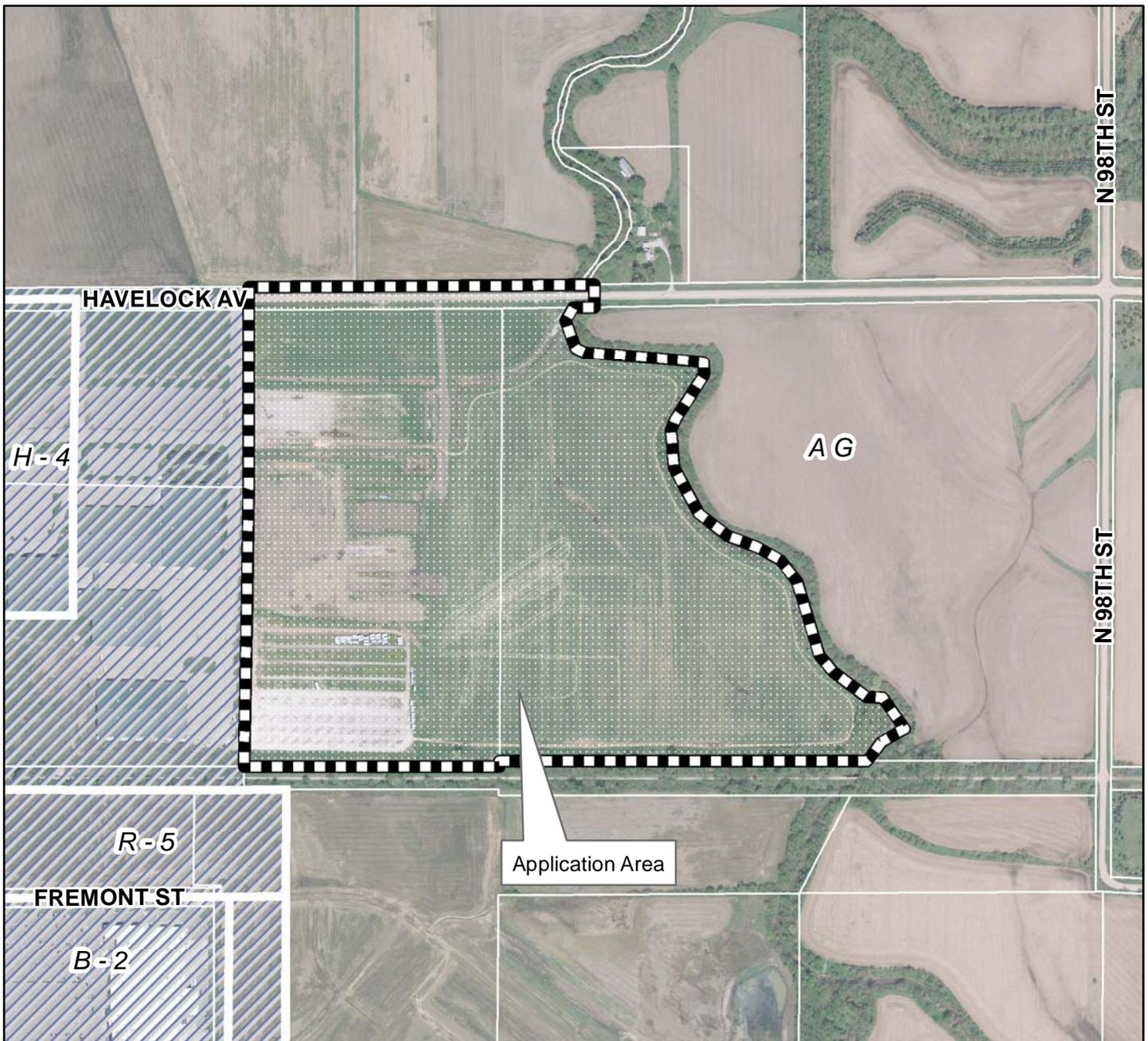
Hove moved approval, as revised, seconded by Lust.

Francis believes that it makes sense to have one jurisdiction and that it will make everyone's life easier.

Lust agreed.

Cornelius pointed out that this annexation does not seem to put any undue burden on city services; often the Commission raises the question of emergency services but that's usually because the annexation is accompanied by a community unit plan or other development that adds residences and this does not.

Motion for approval, as revised, carried 7-0: Hove, Lust, Francis, Gaylor Baird, Sunderman, Weber and Cornelius voting 'yes'; Butcher absent. This is a recommendation to the City Council.



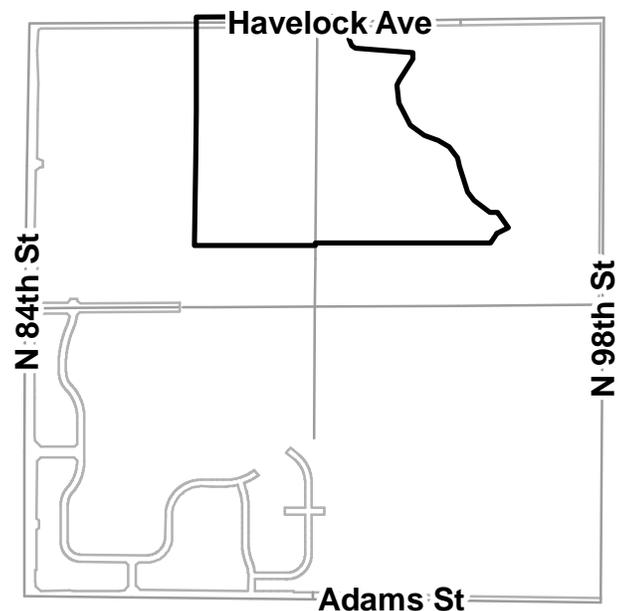
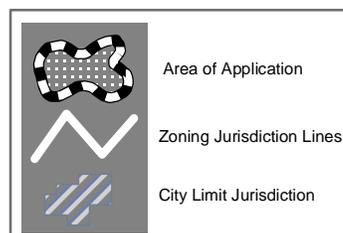
2010 aerial

## Annexation #12006 N 84th St & Havelock Ave

### Zoning:

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

One Square Mile  
Sec. 11 T10N R07E



RECEIVED

OCT 15 2012

Lincoln/Lancaster Co.  
Planning Department

ERICKSON | SEDERSTROM

ATTORNEYS AT LAW

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

WILLIAM F. AUSTIN

austin@eslaw.com

October 12, 2012

Mr. Marvin Krout, Director  
Lincoln-Lancaster County Planning Department  
555 S. 10th Street, Room 213  
Lincoln, NE 68508

Re: Requested Annexation of Lot 38, I.T., 11-10-7 (84th & Havelock)  
Our File No.: 13841.57565

Dear Mr. Krout:

On behalf of the Lancaster County Agricultural Society, Inc., a Nebraska nonprofit corporation, we hereby request that the City of Lincoln annex a 99.98 acre tract of ground located generally in the vicinity of North 84th Street and Havelock Avenue and legally described as:

Lot 38, Irregular Tract, located in the North Half of Section 11, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

The property is currently zoned AG-Agricultural and the owner is not requesting any change of zone in connection with this annexation request. For your reference, I am attaching a map showing the vicinity and boundaries of the subject property. The Agricultural Society is making the request so that all of the property owned by it at that location would be in one jurisdiction for law enforcement and regulatory purposes.

The following is the appropriate contact information for any questions, requests for additional information, or other notices:

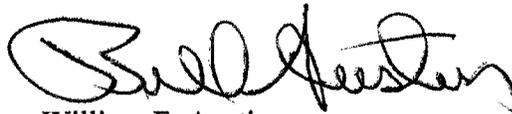
Owner Name:	Lancaster County Agricultural Society, Inc.
Owner Address:	4100 N. 84th Street Lincoln, NE 68507
Individual Contact:	Ron Snover
Phone Number:	(402) 441-6545
E-Mail:	rsnover@lancastereventcenter.com

Mr. Marvin Krout  
Page 2  
October 12, 2012

Attorney for Applicant: William F. Austin  
Address: ERICKSON & SEDERSTROM, P.C.  
301 S. 13th Street, Suite 400  
Lincoln, NE 68508  
Telephone: (402) 476-1000  
E-Mail: austin@eslaw.com

Thank you for your consideration of this request. If anything further is needed for your review and action, do not hesitate to contact me.

Sincerely,



William F. Austin

WFA:rln  
Enclosure  
c: Ron Snover

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## MEMORANDUM

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**TO:** Lincoln-Lancaster County Planning Commission

**FROM:** Tom Cajka, Planning Department

**SUBJECT:** Annexation #12006, Lancaster County Events Center

**DATE:** November 13, 2012

**CC:** Steve Titus, Public Works & Utilities  
file

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After further consideration and discussion with the County Engineer, the Public Works and Utilities Department (Public Works) has requested that the bridge over Stevens Creek not be annexed. The reconsideration was made after the staff report had been printed. Public Works has concerns with adding another bridge to the City inventory which requires maintenance and repair liabilities. The annexation area is being revised to exclude a small tract within Lot 38 Irregular Tract and the bridge. The County Engineer does not object to this revised legal.

The revised legal description for the annexation is below;

"All of Lot 38 Irregular Tract except the following described portion; A triangular portion of Lot 38 described as follows: from a point 50' south of the centerline of Havelock Avenue at the northeast corner of Lot 38 I.T. as the point of beginning, thence 100' west along the south right-of-way line of Havelock, thence southeast 87.02' at an angle of 41 degrees 23 minutes 39 seconds from the south line of Havelock to a point on the east line of Lot 38 I.T., thence northeast 67.23' at angle of 79 degrees 43 minutes to the point of beginning. This triangle excludes 2878 square feet from the requested annexation."