

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 14003

BOARD/COMMITTEE: Planning Commission

APPLICANT: The Board of Regents of the University of Nebraska and the Corporation of the Presiding Bishop-The Church of Jesus Christ of Latter-Day Saints

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Cornelius, Scheer, Beecham, Harris, Weber, Hove, Corr, Sunderman and Lust voting 'yes').

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

OTHER DEPARTMENTS AFFECTED: None.

SPONSOR: Planning Department

OPPONENTS: None.

REASON FOR LEGISLATION:

To vacate the east/west alley between North 10th Street and vacated North 11th Street within Block 28, Lincoln Original Addition, generally located at North 10th Street and Q Street.

DISCUSSION / FINDINGS OF FACT:

1. The purpose of this alley vacation is for the University of Nebraska to have control of the alley and provide maintenance to the surface. The University is entering into a maintenance and access easement agreement with The Church of Latter Day Saints, the only other property owner adjacent to this alley.
2. The staff recommendation finding the proposed alley vacation to be in conformance with the Comprehensive Plan is based on the "Analysis" as set forth on p.3, concluding that the vacation of this alley will not deny access to adjacent properties.
3. On May 14, 2014, 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 14, 2014, the Planning Commission voted 9-0 to find the vacation of the alley 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.8, recommending that the vacated property be sold to the abutting property owners for \$720.00.
6. The funds for the vacated right-of-way have been paid to the City Clerk, thus the requirements of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

FACTSHEET PREPARED BY: Jean Preister, Administrative Officer

DATE: July 21, 2014

REVIEWED BY: Marvin Krout, Director of Planning

DATE: July 21, 2014

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 14, 2014 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 14003

PROPOSAL: To vacate the east/west alley between N. 10th Street and vacated N. 11th Street within Block 28, Lincoln Original Addition

LOCATION: Generally located at N. 10th Street and Q Street

LAND AREA: 4,800 square feet, more or less

CONCLUSION: Subject to the conditions of approval, vacation of this alley will not deny access to adjacent properties and is in conformance with the Comprehensive Plan.

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

LEGAL DESCRIPTION: All of the east/west alley from the east right-of-way line of N. 10th Street to the west right-of-way line of vacated N. 11th Street lying adjacent to Lots 3-12, Block 28, Lincoln Original Addition, and Lot C, Thurber's Addition, Lincoln, Lancaster County, Nebraska.

SURROUNDING LAND USE AND ZONING:

North: Parking Lot/University of Nebraska; P
South: Parking Lot/Church; P/B-4
East: Parking Lot/Performing Arts Center; P
West: Parking Lot/Lincoln Journal Star; P and B-4

COMPREHENSIVE PLAN SPECIFICATIONS:

P. 10.15 - Local streets and alleys are not included in the functional classification.

HISTORY:

January, 1986 Ordinance #14307 vacated N. 11th Street lying north of Q Street and R Street west of N. 12th Street.

UTILITIES: There is an east/west 8" sanitary sewer in the alley, and a north/south sanitary sewer connects to the east/west sewer at a manhole behind the church. L.E.S. also has facilities in the alley right-of-way.

TRAFFIC ANALYSIS: The alley currently serves two properties. Both property owners have signed the petition to vacate the right-of-way.

AESTHETIC CONSIDERATIONS: The University of Nebraska would like to own and maintain the surface of the alley. This is a brick alley, and it is not located within a designated historic district.

ANALYSIS:

1. 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.
2. The alley is not included in the functional classification map in the 2040 Comprehensive plan.
3. The University of Nebraska would like to vacate and purchase the east/west alley. UNL would like to have control of the alley and provide maintenance to the surface.
4. The Church of Latter Day Saints is the only other property owner adjacent to this alley. They have signed and submitted a petition to vacate the right-of-way. UNL is working on a maintenance and access easement agreement with the church.
5. L.E.S. has facilities located within the alley, and two sewer utilities are located within the alley. A utility easement should be dedicated over the vacated right-of-way in order to maintain the existing utilities.

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 Include retention of utility easements by City with deed transfer.

Prepared by:

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DATE: April 28, 2014

APPLICANT/OWNER: The Board of Regents of the University of Nebraska
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STREET & ALLEY VACATION NO. 14003

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 14, 2014

Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

The Consent Agenda consisted of the following items: **COMPREHENSIVE PLAN CONFORMANCE NO. 14010, ANNEXATION NO. 14002, CHANGE OF ZONE NO. 05068D, WAIVER NO. 14004 and STREET AND ALLEY VACATION NO. 14003.**

There were no ex parte communications disclosed.

Item No. 1.1, Comprehensive Plan Conformance No. 14010, and Item No. 1.3, Waiver No. 14004, were removed from the Consent Agenda and scheduled for separate public hearing.

Hove moved approval of the remaining Consent Agenda, seconded by Scheer and carried 9-0: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber voting 'yes'.