FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 17011 - Vacate 15 feet of right-of-way.
(1200 and 1221 Beechcraft)

APPLICANT: Joe Borer


STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan

OTHER DEPARTMENTS AFFECTED: N/A

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

To vacate the 15’ right-of-way adjoining the south sides of Lots 7 and 8 of Sky Ranch Acres Addition which was platted as a resident pathway. The right-of-way is located on the east and west sides of Beechcraft Road and comprises 8,671 square feet more or less. The right-of-way in question does not include the existing right-of-way necessary for street connection to the planned Dominion at Stevens Creek Community Unit Plan to the south.

DISCUSSION/FINDINGS OF FACT:

1. On December 6, 2017, this street and alley vacation had public hearing before the Planning Commission.

2. The staff recommendation to find the proposed vacation to be in conformance with the Comprehensive Plan is based upon the “Analysis” as set forth on p.2, concluding that the vacation of the public right-of-way will allow for private ownership for property not needed by the City for street or alley or other purpose. Retaining the 15 foot resident pathway easement on the property is consistent with the intent of the platting of Sky Ranch Acres Addition which intended for a resident pathway along the perimeter of the subdivision. The staff presentation can be found on p.9.

3. Testimony on behalf of the applicant is found on p.9. Testimony in support of this application is found on p.9. There was no testimony in opposition to this application.

4. On December 6, 2018, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation to be in conformance with the 2040 Comprehensive Plan.

5. The appraisal memo by Michelle Backemeyer of the Housing Rehab & Real Estate Division of the Urban Development Department is found on p.8, recommending that the vacated right-of-way be sold to the abutting property owners Joe and Amy Borer (Lot 7) for $425, and to Steve and Patsy Shald (Lot 8) for $295.

6. The funds for the vacated right-of-way in the amount of $425 and $295, respectively, have been paid to the City Clerk, thus the requirements of provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied.

7. The applicants also signed the easements dedicating a new 15-foot pedestrian easement for use by Sky Ranch Acres owners, as required.

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer   DATE: February 20, 2018

REVIEWED BY: David R. Cary, Director of Planning   DATE: February 20, 2018
**COMPATIBILITY WITH THE COMPREHENSIVE PLAN**

The request is in conformance with the Comprehensive Plan.

**APPLICATION CONTACT**
Joe Borer, 402-890-1200
jborer8@hotmail.com

**STAFF CONTACT**
George Wesselhoft, (402) 441-6366 or gwesselhoft@lincoln.ne.gov
KEY QUOTES FROM THE 2040 COMPREHENSIVE PLAN

P. 10.14 - The right-of-way is not shown on the Functional Street and Road Classification plan.

P. 10.14 - Local streets and alleys or other miscellaneous right of ways are not included in the functional classification.

ANALYSIS

1. This is a request to vacate the right of way adjoining the south side of Lots 7 and 8 of Sky Ranch Acres Addition final platted in 1971. The area to be vacated is approximately 8,671 square feet.

2. 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.

3. The area to be vacated is within the Sky Ranch Acres Addition final plat. Sky Ranch Acres 1st Addition final plat to the west included the resident pathway as part of outlots. In the case of Sky Ranch Acres Addition, the resident pathway was not platted as outlots but as part of public right of way.

4. The adjoining property owners of Lots 7 and 8 in Sky Ranch Acres mow and maintain the property as part of their yards and as such are requesting to purchase this property from the City. The Sky Ranch Acres Homeowners Association thought for years they owned the 15’ strip. Recent City review of the final plat proved City ownership. It is unusual to have a 15’ easement in right of way rather than an outlot.

5. The vacation request does not include the public right of way for Beechcraft Road extension. The right of way areas to be vacated are adjacent on the east and west sides of Beechcraft Road. Vacating the right of way in question will not affect the planned street connection to the Dominion at Stevens Creek Community Unit Plan to the south.

6. The proposed vacation subject to conditions will not be of detriment to Lincoln’s transportation system and would be in conformance with the Comprehensive Plan.

CONDITIONS OF APPROVAL: See attached.

EXISTING LAND USE & ZONING: AG Agricultural Green space, gravel drive to single family residence.

SURROUNDING LAND USE & ZONING

North: AG Agricultural Single family dwellings
South: AG Agricultural Agricultural
East: AG Agricultural Private air strip
West: AG Agricultural Single family dwellings

APPROXIMATE LAND AREA: 8,671 square feet, more or less

LEGAL DESCRIPTION: 15' right of way adjoining the south side of Lots 7 and 8, Sky Ranch Acres Addition, located in the NE 1/4 of Section 24-10-7, Lincoln, Lancaster County, Nebraska.

Prepared by

George Wesselhoft, Planner

Date: November 22, 2017
Applicant/ Joe Borer
Contact: 1200 Beechcraft Road
Lincoln, NE 68527
402-890-1200
Jborer8@hotmail.com

Owner: Joseph & Amy Borer Steve & Patsy Shald
1200 Beechcraft Road 1221 Beechcraft Road
Lincoln, NE 68527 Lincoln, NE 68527
402-890-1200
Jborer8@hotmail.com
CONDITIONS OF APPROVAL - STREET AND ALLEY VACATION #17011

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 The property owners of Lots 7 and 8 Sky Ranch Acres Addition sign easements dedicating a new 15 foot pedestrian easement for use by property owners and residents of Sky Ranch Acres Addition and Sky Ranch Acres 1st Addition.
Street and Alley Vacation #: SAV17011
Beechcraft Rd & Cessna La

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.24 T10N R07E

File: F:\DevReview\PlannerPacket\MXD\Agendadrawings.mxd (SAV17011)
DEDICATION

The foregoing plat, known as "SKY RANCH ACRES ADDITION", a plat of a parcel of
land situated in the NE 1/4 of Section 24, T. 10 N., R. 7 E., of the 6th P.M.,
Lancaster County, Nebraska, described as follows:

Commencing at the quarter section corner between Sections 24 and 13, T. 10 N.,
R. 7 E., of the 6th P.M., Lancaster County, Nebraska, and extending 2. 88' 50" E. 910.9 feet
to the point of beginning of the land parcel herein described:

thence S. 3° 50' E., 326.61 feet;
thence S. 68° 10' W., 166.1 feet;
thence N. 44° 40' W., 237.3 feet;
thence N. 45° 20' E., 175.0 feet;
thence N. 45° 40' W., 71.9 feet;
thence S. 45° 70' E., 220.2 feet;
thence S. 37° 54' E., 617.0 feet, to the South line of the N 1/2 of the NE 1/4 of said
Section 24;
thence S. 80° 02' E., along said South line, 619.6 feet;
thence N. 36° 44' W., 939.7 feet;
thence N. 46° 19' W., 376.0 feet;
thence N. 3° 50' W., 323.4 feet;
thence N. 88° 50' W., 40.2 feet to the point of beginning;

Is made with the free consent and in accordance with the desires of the undersigned owners
and proprietors, and the easements shown thereon are hereby granted in perpetuity to the
City of Lincoln, Lincoln Telephone and Telegraph Company, and other public utilities,
their successors and assigns to construct, operate, maintain, repair, and replace storm
sewers, sanitary sewers, water mains, conduits, buried cable, wires, poles, and appurten-
ances thereto, over, upon, or under the easements as shown on the foregoing plat. Said
owner hereby dedicates the streets, as shown, to the public use and benefit.

Witness my hand this 28th day of April, 1971.

ACKNOWLEDGEMENT

STATE OF NEBRASKA

LANCASTER COUNTY

Before me, a Notary Public, qualified in said county, personally came Paul C. Eden and Marjorie J. Eden, persons
known to me to be the identical persons who signed the
foregoing instrument, and acknowledged the execution
thereof to be their voluntary act and deed.

Witnessed my hand and notarial seal this 28th day
of April, 1971.

My commission expires 21st day of June, 1972.

APPROVAL

The foregoing plat was approved by the Lincoln Lan-
caster Planning Commission on this 24th day of May,
1971.

ATTEST:
Chairman
To Whom it May Concern

We are submitting this letter along with our papers to obtain possession of the city right of way that runs along the South edge of our properties. It has been brought to our attention that on Lots 7 and 8 of Sky Ranch Acres, the southern easement is currently city/public ground. The Dominion at Stevens creek is being developed and will have an included easement on their side of the property line and ours is no longer needed or of interest to the city.

Currently we Mow, Maintain the Trees/Plant Growth and keep things clean. So, we are asking to purchase this piece of our yards back from the City.

Thanks for your assistance

Joe and Amy Borer, 1200 Beechcraft Road, Lincoln NE 68527
Steve and Patsy Shald, 1221 Beechcraft Road, Lincoln NE 68527
INTEROFFICE MEMORANDUM

TO: Mayor Beutler & City Council Members
FROM: Michelle R. Backemeyer
Real Estate & Relocation Assistance Agent

DEPARTMENT: City Council Office
DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION: Teresa J. Meier
COPIES TO: David Cary, Planning
Jeff Kirkpatrick, City Attorney
Byron Blum, Public Works
Geri Rorabaugh, Planning
Soulinnee Phan, City Clerk’s Office
Jamie Phillips, Mayor’s Office

DATE: June 14, 2017
SUBJECT: Street & Alley Vacation No.17011,
15 feet right of way, adjacent to Lot 7 & 8, Sky Ranch Acres Addition

A request has been made to vacate two 15 foot strips of property adjacent to 1221 and 1200 Beechcraft Road in the Sky Ranch Acres Subdivision. Both parcels are encumbered with 15 foot resident pathway easements which will also be required to be retained in a separate transfer between the property owners and residents of Sky Ranch Acres. The areas adjacent to Lots 7 and 8 are grassed for the most part other than the area used as a driveway by the property owner of Lot 7 is a rocked path. There are pine trees planted along the southern edges of both areas to be vacated, but without an actual survey it is unknown as to which property they are located on or who actually owns the trees.

Each property owner apparently already maintains the properties and will continue to maintain the property. The resident pedestrian easement precludes the property owners from fencing in the property, building a structure or blocking any other resident’s use of the strip. It doesn't appear there are any water or wastewater facilities in the area to be vacated as no easements are being requested to be retained. LES also has no facilities in the area or need for easements.

These strips are not buildable on their own and their only value is as assemblage with the adjacent property. Each adjacent lot is approximately one acre in size with a value range of $65,000 to $80,000 per lot or $1.49 to $1.84 per square foot. The issues with the pedestrian resident pathway easement leaves the property with very few uses other than its current use and as such will have minimal value.

The per square foot areas of the parcels to be vacated were given to the writer by Planning staff. Using GIS, there are minor variations in the measurements in the staff report and those numbers recently given to me. The two areas to be vacated and the estimate of value on both parcels are calculated as follows:

Lot 7 (Borer) - 5,117 square feet x $1.65/sf x 5% = $422.00, called $425.00
Lot 8 (Shald) - 3,524 square feet x $1.65/sf x 5% = $291.00, called $295.00

Therefore, if the areas are to be vacated, it is recommended that the areas to be sold to each applicant is for $425 and $295, respectively.

Respectfully submitted,

Michelle R. Backemeyer
Real Estate & Relocation Assistance Agent
STREET AND ALLEY VACATION NO. 17011

STREET AND ALLEY VACATION NO. 17011, TO VACATE RIGHT-OF-WAY, ON PROPERTY
GENERALLY LOCATED AT 1200 AND 1221 BEECHCRAFT ROAD: December 6, 2017


Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff Presentation: George Wesselhoft of the Planning Department stated this request is to vacate the right-of-way for Lots 7 and 8. Sky Ranch Acres was first platted in 1971. Sky Ranch Acres 1st Addition is to the west and there is a residential pathway. The pathway was left as right-of-way. The adjoining property owners mow and maintain the area and have now requested to purchase the property from the City. They have thought for years that they owned the strip. The recent review of the area showed the area was still owned by the City. It is unusual to have a 15-foot easement rather than an outlot.

Edgerton asked if the homeowners brought this to the City. Wesselhoft said yes.

Proponents:
1. Joe Borer, 1200 Beechcraft Road, said that Staff let them know this was right-of-way and the City no longer had an interest in ownership so we could start the paperwork to purchase the land back from the City. We have maintained it all this time.

2. Steve Shald, 1201 Beechcraft Road, was on hand to answer any questions.

Corr noted that the Assessor’s website does not show the correct ownership. Wesselhoft said Staff is aware of that and it just hasn’t been updated.

There was no testimony in opposition.

STREET AND ALLEY VACATION NO. 17011
ACTION BY PLANNING COMMISSION: December 6, 2017

Hove moved for Conformance with the Comprehensive Plan, seconded by Washington.

Commissioners thanked the applicants for waiting and for taking care of their properties.

Motion carried, 8-0: Beckius, Corr, Edgerton, Finnegan, Hove, Joy, Washington, and Scheer voting ‘yes’; Harris absent.

Note: This is a recommendation to the City Council.