

City Council Introduction: **Monday**, July 10, 2006
Public Hearing: **Monday**, July 17, 2006, at **1:30 p.m.**

Bill No. 06-118

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 05010, requested by Nebraska Conference of 7th Day Adventists, to vacate 100' of the east/west alley on the block bounded by Prescott Avenue to Lowell Avenue and 51st Street to 48th Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 04/12/06
Administrative Action: 04/12/06

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes').

FINDINGS OF FACT:

1. The purpose of this proposed alley vacation is to allow for the northward expansion of the existing parking lot.
2. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3.
3. On April 12, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On April 12, 2006, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.
5. The appraisal by the City Real Estate Division is found on p.7.
6. The petitioner has complied with the provisions of Chapter 14.20 of the Lincoln Municipal Code.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: July 3, 2006

REVIEWED BY: _____

DATE: July 3, 2006

REFERENCE NUMBER: FS\CC\2006\SAV.05010

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

April 12, 2006 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 05010

PROPOSAL: To vacate 100 feet of the east/west alley.

LOCATION: On the block bounded by Prescott to Lowell Avenues and 51st to 48th Streets.

LAND AREA: 1500 square feet, more or less.

CONCLUSION: Alley is currently in public use by other property owners on the block.

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

LEGAL DESCRIPTION: 100 feet of the east/west alley south of Lots 6 and 7 and north of Lots 10 and 11, Block 30, College View, located between Prescott Avenue and Lowell Avenue and east of vacated S. 49th Street, located in the SE 1/4 of Section 5-9-7, Lancaster County, Nebraska, generally located at S. 49th Street and Lowell Avenue.

SURROUNDING LAND USE AND ZONING:

North:	R-6	Residential
South:	R-4	Residential
East:	R-6, R-4	Residential
West:	R-6, R-4	Residential

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan identifies this area as urban residential.

UTILITIES: Wastewater and Public Works note there is an 8" sanitary sewer in the area that is proposed to be vacated for which a permanent easement will be required for its maintenance and possible future replacement.

Lincoln Electric System notes that easements should be retained for future and existing electrical facilities across the entire proposed vacated corridor.

HISTORY:

July 26, 2003 City Council approved SAV03013 which vacated 49th Street and 50 feet of the alley to the east of this requested vacation, between Lots 8 and 9.

TRAFFIC ANALYSIS: At the time that SAV03013 was approved, staff requested a public access easement across the vacated alley and street, however this easement is not reflected in the deed. Due to this, with this application staff requests a public access easement be retained over all the right of way vacated with approval of this application as well as that vacated with SAV03013. The applicant/owner has been notified and agrees to this request. This easement will prevent the occurrence of a dead end alley and allow the residential properties to the east to have an alternate route in and out of the portion of alley abutting their properties.

ANALYSIS:

1. This is a request to vacate a portion of the east/west alley between vacated S. 49th Street, S. 51st Street, Lowell and Prescott Avenues.
2. The portion of right-of-way requested to be vacated is approximately 100 feet by 15 feet.
3. Residential properties to the east use the alley, though the portion of the alley that abuts their properties is not proposed to be vacated at this time. The alley is accessible to these properties from S. 51st Street.
4. The proposed vacation combined with that area vacated by SAV03013 would allow for the northward expansion of the existing parking lot over Lots 6, 7, and 8, a public access easement will be granted over the parking lot.
5. A public access easement shall be retained over the 100' of east/west alley vacated upon the approval of this request.
6. A public access easement is granted by the owner over Lots 6-11 of Block 30, College View and the westernmost 50' of the vacated east/west alley and S. 49th Street from Prescott to Lowell Avenues (as vacated by SAV03013).
7. 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:

Joe Rexwinkle
441-6373 (jrexwinkle@lincoln.ne.gov)
Planner

DATE: March 31, 2006

APPLICANT: Nebraska Conference of 7th Day Adventists
4015 S 49th Street
Lincoln, NE 68506

OWNER: Nebraska Conference of 7th Day Adventists
4745 Prescott Avenue
Lincoln, NE 68506

Kansas/Nebraska Association of 7th Day Adventists
4745 Prescott Avenue
Lincoln, NE 68506

CONTACT: Dan Spiry
Bahr, Vermeer, & Hecker
475-4551

STREET & ALLEY VACATION NO. 05010

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

April 12, 2006

Members present: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor.

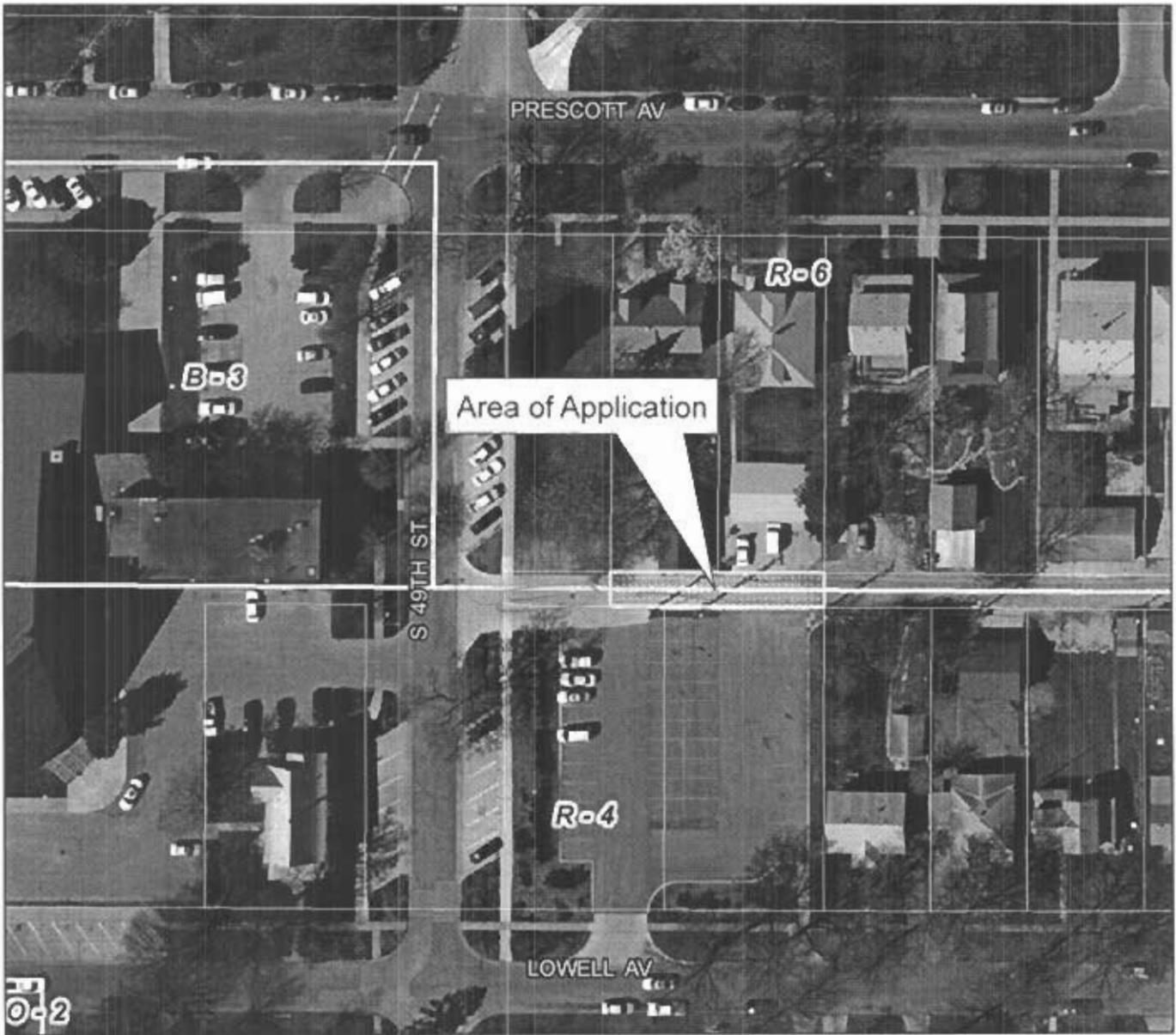
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06017, SPECIAL PERMIT NO. 1866B, SPECIAL PERMIT NO. 06019, COUNTY SPECIAL PERMIT NO. 06020, SPECIAL PERMIT NO. 06022** and **STREET AND ALLEY VACATION NO. 05010.**

Ex Parte Communications: None.

Item No. 1.3, Special Permit No. 06019; Item No. 1.4, County Special Permit No. 06020; and Item No. 1.5, Special Permit No. 06022, were removed from the Consent Agenda and had separate public hearings.

Taylor moved to approve the remaining Consent Agenda, seconded by Strand and carried 9-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Strand, Sunderman and Taylor voting 'yes'.

Note: This is final action on Special Permit No. 1866B, 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.



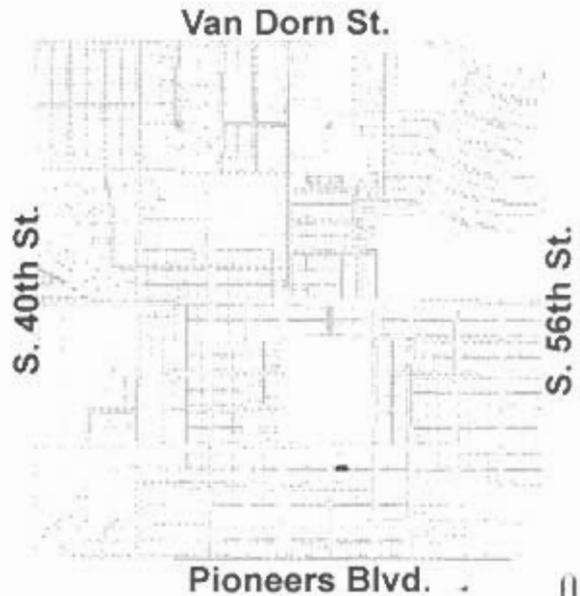
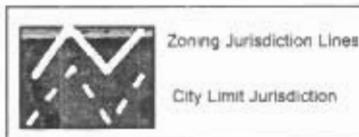
Street & Alley Vacation #05010
S 49th St & Lowell Ave

2005 aerial

Zoning:

- R-1 to R-8 Residential District
- AG Agncultural District
- AGR Agricultural Residential District
- R-C Residential Convervation 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. 05 T09N R7E



INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: June 23, 2006

COPIES TO: Teresa J. Meier
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Street & Alley Vacation No. 05010
East/West Alley, 100 feet east of
vacated 49th Street between Prescott
and Lowell Avenues

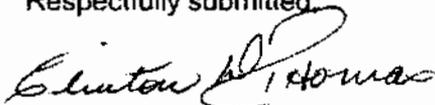
A request has been made to vacate 100 feet of the east/west alley lying between Lots 6, 7, 10, and 11, Block 30, College View, immediately east of a vacated portion of the same alley and east of vacated 49th Street between Prescott Avenue and Lowell Avenue. The area was viewed and appeared as a rock-surface alley with overhead utility lines running along the south side of the alley. Public Works has indicated the existence of a sanitary sewer in the alley. Staff has requested a permanent easement for utilities as well as for access be retained over the entire area to be vacated. There is an on-going construction project on the north side of the alley which appears to be adjacent to that portion requested to be vacated.

Small, irregularly-shaped parcels such as this rarely have much value in and of themselves, but will tend to take on the value of the property to which they are assembled. Most abutting property owners would not pay the full value they would expect to gain for a small parcel such as this. However, in this case, the parcel is considered to have only a minimal additive value to the property to which it is assembled. This is due to the fact that not only are easements being retained for utilities which run under and along the side of the area to be vacated, but a permanent easement for access over the entire surface is also being retained. This will make the area nearly useless to the property to which it is assembled except for the additional density which might be gained. Due to the size of the abutting lots it is not known whether additional density could be utilized, so the area to be vacated is considered to have only nominal value of \$0.20 per square foot. The planning staff report indicates an area of 1,500 square feet to be vacated, but a review of the plat map shows the alley to be 16 feet in width by 100 feet in length for an area of 1,600 square feet which is the area used for these calculations. The calculations are as follows:

$$1,600 \text{ sq. ft.} \times \$0.20/\text{sq. ft.} = \$320.00$$

Therefore, it is recommended if the area be vacated it be sold to the abutting property owner for \$320.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge