

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 03021, requested by Eiger Corporation, to vacate a portion of South 87th Street and to rededicate it as private roadway, generally located between Andermatt Drive and Highway 2 at Prairie Lakes Shopping Center (formerly Appian Way).

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 02/04/04
Administrative Action: 02/04/04

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent).

FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to allow an entrance sign spanning South 87th Street to identify the Prairie Lakes Shopping Center. South 87th Street was dedicated with the Appian Way Addition Final Plat in 2002, and serves as the main access point for the shopping center. The petitioner is proposing to vacate a portion of South 87th Street and dedicate a private roadway in its place. All other internal roads to the shopping center are also private roadways. All existing improvements in South 87th Street will remain and there will be no change to the street if this request is approved. Preliminary review of the proposed sign indicated that it would meet all zoning and design standards.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3, concluding that an access easement must be retained.
3. On February 4, 2004, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On February 4, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan (Larson absent).
5. The appraisal by the City Real Estate Division is found on p.9, recommending that the vacated street be deeded to the abutting property owner at no cost.
6. The conditions of approval set forth on page 3 have been satisfied. The revised Petition to Vacate has been submitted with appropriate signatures, and the Public Works Department has determined that a separate agreement assuming responsibility for storm sewer improvements is not necessary.
7. The delay in scheduling this street vacation on the Council agenda was due to discovering after the Planning Commission hearing that the Petition to Vacate did not contain the proper signatures. The applicant just last month submitted a properly signed petition.
8. **Please Note:** Dan Marvin voted on this application while on the Planning Commission.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 2, 2007

REVIEWED BY: _____

DATE: January 2, 2007

REFERENCE NUMBER: FS\CC\2007\SAV.03021

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for February 4, 2004 PLANNING COMMISSION MEETING

- P.A.S.:** Street and Alley Vacation #03021
- PROPOSAL:** To vacate a portion of South 87th Street and re-dedicate it as private roadway.
- LOCATION:** Between Andermatt Drive and Highway 2 at Prairie Lakes Shopping Center (formerly Appian Way)
- LAND AREA:** Approximately .5 acres.
- CONCLUSION:** This request complies with the Comprehensive Plan provided an access easement is retained. The deed would require an access easement just like other easements for utilities.

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

LEGAL DESCRIPTION: See attached.

SURROUNDING LAND USE AND ZONING:

North:	Commercial	B-5
South:	Vacant (Appian Way Phase II under review)	AGR
East:	Commercial	B-5
West:	Commercial	B-5

ASSOCIATED HISTORY: November 7, 2003 - Administrative Amendment #03072 to Use Permit #140A was approved revising the Land Use Table and showing an additional 180' of South 87th Street included within the Use Permit boundary.

February 4, 2002 - The final plat of Appian Way Addition was approved by the Planning Commission.

November 5, 2001 - The annexation agreement for the land on both sides of Highway in this area was approved by the City Council.

November 5, 2001 - The preliminary plat and use permit for Appian Way (now Prairie Lakes) was approved by the City Council, north of Highway 2.

March 26, 2001 - The Southeast Lincoln/Highway 2 Subarea Plan was approved by the City Council.

ANALYSIS:

1. South 87th Street was dedicated with the final plat of Appian Way Addition in 2002, and serves as the main access point for the shopping center.
2. The petitioner is proposing to erect an entrance sign spanning South 87th Street to identify the shopping center. However, Lincoln Municipal Code (LMC) does not allow signs to encroach into public right-of-way and the sign is prohibited.
3. The petitioner is proposing to vacate a portion of South 87th Street, and dedicate a private roadway in its place. Unlike public streets, private roadways are not in public rights-of-way, but instead are in public access easements. Because no right-of-way is involved, the proposed sign would be allowed to span the roadway provided it meets all applicable design standards, sight distance requirements, and the use permit is amended to allow it.
4. All other internal roads to the shopping center are also private roadways.
5. There is a storm sewer facility in the right-of-way which is considered a public improvement because it is within the right-of-way. If the vacation is approved, Public Works recommends that this facility become a private improvement that the petitioner would own and maintain.
6. All existing improvements in South 87th Street will remain and there will be no change to the street if this request is approved. There are telecommunications and power lines currently in the right-of-way, and easements must be retained.

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 petitioner provides verification demonstrating authority to execute instruments on behalf of Eiger Corporation, and the notarial acknowledgment revised to reflect that the petitioner is signing on behalf of the corporation and not as an individual.
- 1.3 The petitioner will enter into an agreement assuming responsibility for storm sewer improvements within the area to be vacated.

Prepared by:

Brian Will, AICP
Planner
January 21, 2004

**APPLICANT/
CONTACT:**

Eiger Corporation
16934 Pella Road
Adams, NE 68301
(402) 432-8975

STREET & ALLEY VACATION NO. 03021

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

January 21, 2004

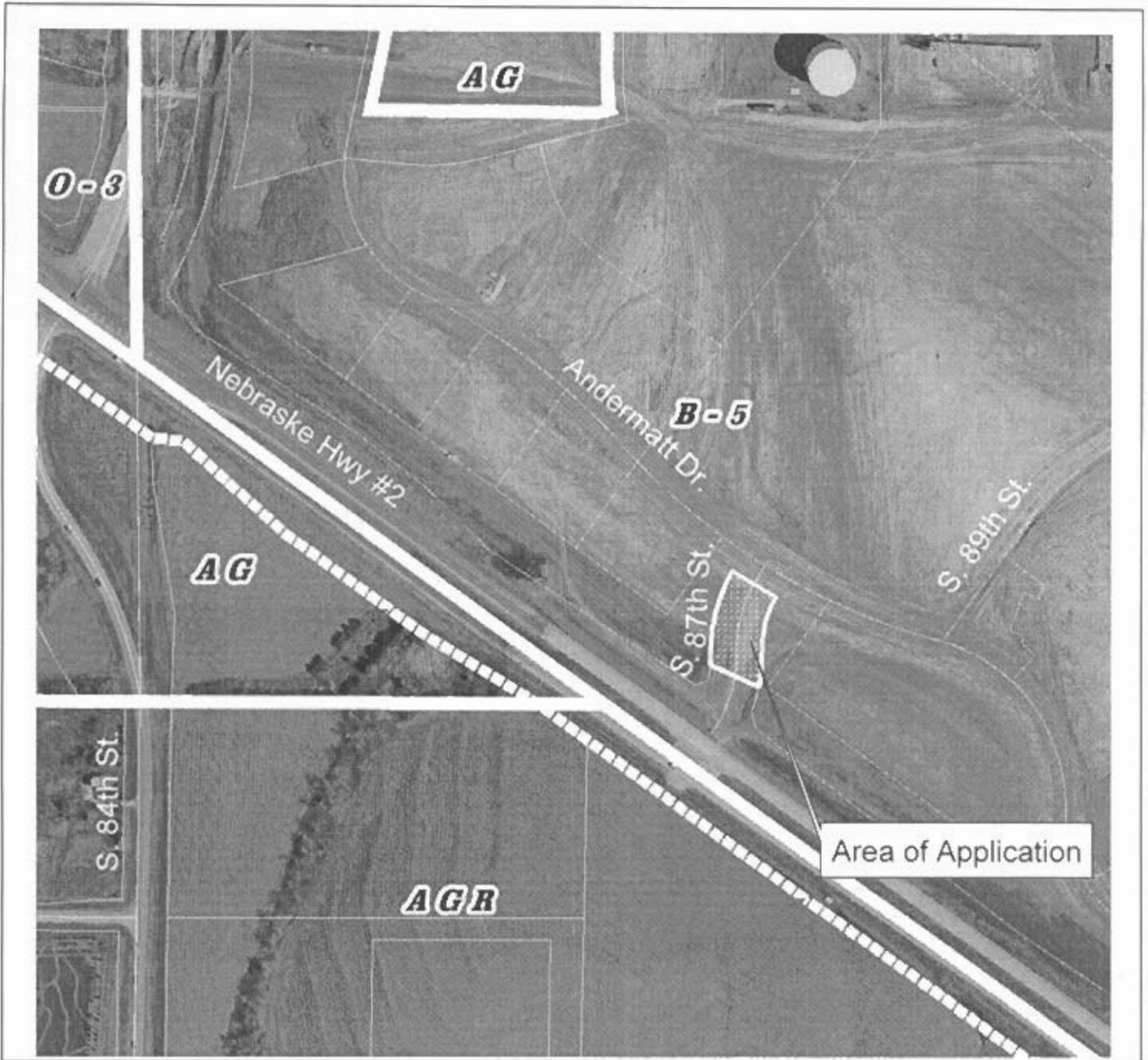
Members present: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor; Larson absent.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 70HP; CHANGE OF ZONE NO. 80HP; SPECIAL PERMIT NO. 04002; COUNTY FINAL PLAT NO. 03075, WYNDAM PLACE 1ST ADDITION; STREET AND ALLEY VACATION NO. 03020; STREET AND ALLEY VACATION NO. 03021; STREET AND ALLEY VACATION NO. 04001; and WAIVER NO. 04001.**

Item No. 1.3, Special Permit No. 04002, was withdrawn by the applicant. Item No. 1.7, Street and Alley Vacation No. 04001, was removed from the Consent Agenda at the request of Commissioner Pearson and scheduled for separate public hearing.

Marvin moved to approve the remaining Consent Agenda, seconded by Taylor and carried 8-0: Carlson, Carroll, Krieser, Marvin, Pearson, Bills-Strand, Sunderman and Taylor voting 'yes'; Larson absent.

Note: This is final action on Waiver No. 04001, 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.



2002 aerial

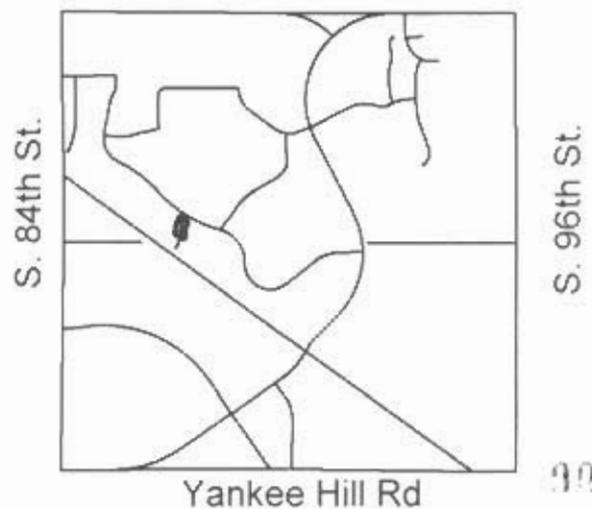
Street & Alley Vacation #03021 87th & Andermatt

Pine Lake Rd.

Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation 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. 23 T9N R7E

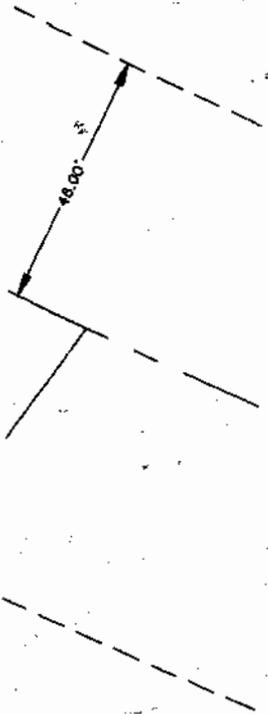


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TRACT 1 LEGAL DESCRIPTION

A PORTION OF THE EXISTING ROAD RIGHT OF WAY FOR SOUTH 87TH STREET TO BE VACATED LYING BETWEEN THE NORTHERLY EXISTING RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2 AND THE SOUTHERLY LINE OF ANDERMATT DRIVE (A PRIVATE ROADWAY) DEDICATED AS A 96' PUBLIC ACCESS, WATER MAIN, SANITARY SEWER AND UTILITY EASEMENT ON THE FINAL PLAT FOR APPIAN WAY ADDITION. LOCATED IN THE WEST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:



REFERRING TO A POINT LOCATED AT THE INTERSECTION OF THE NORTHERLY EXISTING RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2 AND THE WESTERLY EXISTING RIGHT OF WAY LINE OF SOUTH 87TH STREET, THENCE N 70°21'51" E (ASSUMED BEARING), ALONG THE WESTERLY EXISTING RIGHT OF WAY LINE OF SOUTH 87TH STREET, A DISTANCE OF 30.30 FEET TO THE POINT OF CURVATURE OF A 235.50 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE NORTHERLY, ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 09°43'54", AN ARC DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, THE CHORD OF SAID CURVE BEARS N 08°56'32" E, A DISTANCE OF 39.95 FEET; THENCE CONTINUING NORTHERLY, ALONG SAID 235.50 FOOT RADIUS CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 05°08'01", AN ARC DISTANCE OF 21.10 FEET TO THE POINT OF REVERSE CURVATURE OF A 364.50 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THE CHORD OF SAID INITIAL CURVE BEARS N 01°30'34" E A DISTANCE OF 21.09 FEET; THENCE NORTHERLY, ALONG SAID 364.50 FOOT RADIUS CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 30°45'45", AN ARC DISTANCE OF 195.70 FEET TO A POINT ON THE SOUTHERLY LINE OF ANDERMATT DRIVE (A PRIVATE ROADWAY) DEDICATED AS A 96' PUBLIC ACCESS, WATER MAIN, SANITARY SEWER AND UTILITY EASEMENT AND THE POINT OF CURVATURE OF A 1550.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THE CHORD OF SAID INITIAL CURVE BEARS N 14°19'26" E A DISTANCE OF 193.36 FEET; THENCE SOUTHEASTERLY, ALONG SAID 1550.00 FOOT RADIUS CURVE AND SAID SOUTHERLY LINE OF ANDERMATT DRIVE, THROUGH A CENTRAL ANGLE OF 02°07'09", AN ARC DISTANCE OF 57.33 FEET TO A POINT ON THE CENTERLINE OF SOUTH 87TH STREET AND THE POINT OF CURVATURE OF A 307.25 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THE CHORD OF SAID INITIAL CURVE BEARS S 57°36'04" E A DISTANCE OF 57.33 FEET; THENCE SOUTHERLY, ALONG SAID 307.25 FOOT RADIUS CURVE AND SAID CENTERLINE OF SOUTH 87TH STREET, THROUGH A CENTRAL ANGLE OF 30°15'36", AN ARC DISTANCE OF 162.27 FEET TO THE POINT OF REVERSE CURVATURE OF A 292.75 FOOT RADIUS CURVE, CONCAVE TO THE WEST, THE CHORD OF SAID INITIAL CURVE BEARS S 14°04'21" W A DISTANCE OF 160.39 FEET; THENCE SOUTHERLY, ALONG SAID 292.75 FOOT RADIUS CURVE AND SAID CENTERLINE OF SOUTH 87TH STREET, THROUGH A CENTRAL ANGLE OF 05°08'01", AN ARC DISTANCE OF 26.23 FEET, THE CHORD OF SAID CURVE BEARS S 01°30'34" W, A DISTANCE OF 26.22 FEET; THENCE N 85°55'26" W A DISTANCE OF 57.25 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 11,591.66 SQUARE FEET (0.27 ACRES) MORE OR LESS.

TRACT 2 LEGAL DESCRIPTION

A PORTION OF THE EXISTING ROAD RIGHT OF WAY FOR SOUTH 87TH STREET TO BE VACATED LYING BETWEEN THE NORTHERLY EXISTING RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2 AND THE SOUTHERLY LINE OF ANDERMATT DRIVE (A PRIVATE ROADWAY) DEDICATED AS A 96' PUBLIC ACCESS, WATER MAIN, SANITARY SEWER AND UTILITY EASEMENT ON THE FINAL PLAT FOR APPIAN WAY ADDITION. LOCATED IN THE WEST HALF OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, LANCASTER COUNTY NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

REFERRING TO A POINT LOCATED AT THE INTERSECTION OF THE NORTHERLY EXISTING RIGHT OF WAY LINE OF NEBRASKA HIGHWAY NO. 2 AND THE EASTERLY EXISTING RIGHT OF WAY LINE OF SOUTH 87TH STREET, THENCE N 14°44'12" W (ASSUMED BEARING), ALONG THE EASTERLY EXISTING RIGHT OF WAY LINE OF SOUTH 87TH STREET, A DISTANCE OF 39.58 FEET TO THE POINT OF CURVATURE OF A 350.00 FOOT RADIUS CURVE, CONCAVE TO THE WEST; THENCE NORTHERLY, ALONG SAID CURVE AND SAID EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 16°49'57", AN ARC DISTANCE OF 102.82 FEET TO THE POINT OF BEGINNING, THE CHORD OF SAID CURVE BEARS N 12°29'33" E, A DISTANCE OF 102.48 FEET; THENCE CONTINUING NORTHERLY, ALONG SAID 350.00 FOOT RADIUS CURVE AND SAID EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 05°08'01", AN ARC DISTANCE OF 31.36 FEET TO THE POINT OF REVERSE CURVATURE OF A 250.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THE CHORD OF SAID INITIAL CURVE BEARS N 01°30'34" E A DISTANCE OF 31.35 FEET; THENCE NORTHERLY, ALONG SAID 250.00 FOOT RADIUS CURVE AND SAID EASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 30°00'47", AN ARC DISTANCE OF 130.96 FEET TO A POINT ON THE SOUTHERLY LINE OF ANDERMATT DRIVE (A PRIVATE ROADWAY) DEDICATED AS A 96' PUBLIC ACCESS, WATER MAIN, SANITARY SEWER AND UTILITY EASEMENT AND THE POINT OF CURVATURE OF A 1550.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTH, THE CHORD OF SAID INITIAL CURVE BEARS N 13°56'57" E A DISTANCE OF 129.46 FEET; THENCE NORTHWESTERLY, ALONG SAID 1550.00 FOOT RADIUS CURVE AND SAID SOUTHERLY LINE OF ANDERMATT DRIVE, THROUGH A CENTRAL ANGLE OF 02°07'01", AN ARC DISTANCE OF 57.27 FEET TO A POINT ON THE CENTERLINE OF SOUTH 87TH STREET AND THE POINT OF CURVATURE OF A 307.25 FOOT RADIUS CURVE, CONCAVE TO THE EAST, THE CHORD OF SAID INITIAL CURVE BEARS N 57°43'10" W A DISTANCE OF 57.26 FEET; THENCE SOUTHERLY, ALONG SAID 307.25 FOOT RADIUS CURVE AND SAID CENTERLINE OF SOUTH 87TH STREET, THROUGH A CENTRAL ANGLE OF 30°15'36", AN ARC DISTANCE OF 162.27 FEET TO THE POINT OF REVERSE CURVATURE OF A 292.75 FOOT RADIUS CURVE, CONCAVE TO THE WEST, THE CHORD OF SAID INITIAL CURVE BEARS S 14°04'21" W A DISTANCE OF 160.39 FEET; THENCE SOUTHERLY, ALONG SAID 292.75 FOOT RADIUS CURVE AND SAID CENTERLINE OF SOUTH 87TH STREET, THROUGH A CENTRAL ANGLE OF 05°08'01", AN ARC DISTANCE OF 26.23 FEET, THE CHORD OF SAID CURVE BEARS S 01°30'34" W, A DISTANCE OF 26.22 FEET; THENCE S 85°55'26" E A DISTANCE OF 57.25 FEET TO THE POINT OF BEGINNING CONTAINING AN AREA OF 10,032.02 SQUARE FEET (0.23 ACRES) MORE OR LESS.

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INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: October 26, 2006

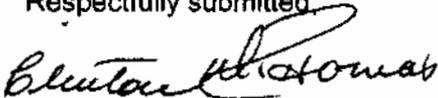
COPIES TO: Teresa J. Meier
Marvin Krout
Dana Roper
Byron Blum, Bldg & Safety
Jean Walker, Planning

SUBJECT: Street & Alley Vacation No. 03021
South 87th Street, between
Andermatt Drive and Highway 2

A request has been made to vacate a portion of South 87th Street north of Highway 2. This vacation was requested to facilitate the installation of an arched entrance sign over the area. The area was viewed and appeared as a multi-lane divided street which provides the entrance into the Prairie Lakes Shopping Center. It is the intent of the owner and the recommendation of Planning that the street remain in place as is as a private street with the retention of a public access easement over it. Public Works has also requested the petitioner assume responsibility for maintenance of the storm sewer within the area to be vacated as well as utility easements be retained for power lines and telecommunication lines within the area.

Since the area to be vacated will remain virtually unchanged and the public will have the full rights of use that they currently enjoy, the area would add little, or no, value to the abutting property. In fact, with the transfer of maintenance responsibility for the street and storm sewer within the area, the area to be vacated could be considered to be a liability to the abutting property owner. As such, it is considered to have little, or no, value; and, it is recommended, if the area be vacated, it be deeded to the abutting property owner at no cost.

Respectfully submitted



Clinton W. Thomas
Certified General Appraiser #990023

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