

City Council Introduction: **Monday**, June 4, 2007
Public Hearing: **Monday**, June 11, 2007, at **1:30 p.m.**

Bill No. 07-89

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 06009, requested by Scott Stewart, Trustee of the Scott G. Stewart Trust, to vacate the north-south alley between North 65th Street and Cotner Boulevard from Garland Street to Colby Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 01/17/07
Administrative Action: 01/17/07

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

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

FINDINGS OF FACT:

1. The is a request to vacate the north-south alley between Garland Street and Colby Street, consisting of approximately 6,000 sq. ft. The petitioner indicates that the purpose of this proposed alley vacation is to alleviate vandalism. Nebraska Printing will continue to use the vacated alley for access. The three homes on the block do not take access to the alley proposed to be vacated, and the petitioner proposes to build a fence with gates to protect the property from vandalism.
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.2-3, concluding that there is no public need for this alley except easements for utilities. The staff is recommending that prior to transfer of title, the petitioner must obtain a curb cut permit and submit a site plan for approval before construction of the fence and gates.
3. On January 17, 2007, 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 January 17, 2007, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan (Strand absent).
5. The appraisal by Clinton Thomas of the City's Housing Rehab and Real Estate Division of Urban Development is found on p.7, recommending that the area being vacated be sold to the abutting property owner for \$900.00, with the retention of the requested utility easements.
6. The provisions of Chapter 14.20 have been satisfied.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 25, 2007

REVIEWED BY: _____

DATE: May 25, 2007

REFERENCE NUMBER: FS\CC\2006\SAV.06009

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for JANUARY 17, 2007 PLANNING COMMISSION MEETING

PROJECT #: Street and Alley Vacation No. 06009

PROPOSAL: Vacate the north-south alley between Garland Street and Colby Street.

LOCATION: Between North 65th Street and Cotner Boulevard from Garland Street to Colby Street.

LAND AREA: Approximately 6,000 square feet.

CONCLUSION: There is no public need for this alley except easements for utilities.

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

LEGAL DESCRIPTION: The north-south alley abutting Lots 1-7 and 12, Block 26, Bethany Heights.

SURROUNDING LAND USE AND ZONING:

North:	Residential and Commercial	R-2 and B-3
South:	Residential	R-2
East:	Commercial	B-3
West:	Residential and Commercial	R-2 and B-3

COMPREHENSIVE PLAN SPECIFICATIONS:

The land use plan identifies this area as commercial and urban residential. (19)

UTILITIES: There is an existing two-inch natural gas main and an existing 8" sanitary sewer in the alley proposed for vacation. L.E.S. also has existing electrical facilities. A utility easement must be retained over the entire alley.

ANALYSIS:

1. The reason for vacating the alley is to alleviate vandalism.
2. The applicant owns the entirety of Block 26, Bethany Heights. Nebraska Printing Center will continue to use the vacated alley for access. The three homes on the block do not take access to the alley proposed to be vacated; all take access to public streets because the east-west alley behind them has already been vacated.

3. The applicant proposes to build a fence with gates to protect the property from vandalism. In order to continue to use the alley as a private drive and to build the fence and gates, the applicant should obtain a curb cut permit with a site plan for approval prior to construction of the fence and gates as requested by Public Works.
4. The property owner has been in conversation with Public Works and has agreed to provide to the Fire Department or Public Works Department the key or electronic code for the gate in order to allow 24 hour access to the utilities.
5. 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.

PRIOR TO THE TRANSFER OF TITLE TO THIS PROPERTY, THE FOLLOWING MUST BE COMPLETED:

1. Obtain a curb cut permit and submit a site plan for approval before construction of the fence and gates.
2. A utility easement across the entire alley vacation must be retained by the City.

Prepared by:

Brandon M. Garrett, AICP
Planner

DATE: January 8, 2007

APPLICANT/OWNER: Scott Stewart
Nebraska Printing Center
2145 Cotner Blvd.
PO Box 5325
Lincoln, NE 68505
(402) 466-8521

CONTACT: same as above

STREET & ALLEY VACATION NO. 06009

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

January 17, 2007

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06083, COMPREHENSIVE PLAN CONFORMANCE NO. 06017, COMPREHENSIVE PLAN CONFORMANCE NO. 06019, STREET AND ALLEY VACATION NO. 06009, STREET AND ALLEY VACATION NO. 06010 and STREET AND ALLEY VACATION NO. 06011.**

Ex Parte Communications: None.

Item No. 1.1, Change of Zone No. 06083, was removed from the Consent Agenda and scheduled for separate public hearing.

Sunderman moved to approve the remaining Consent Agenda, seconded by Krieser and carried 8-0: Carlson, Carroll, Cornelius, Esseks, Krieser, Larson, Sunderman and Taylor voting 'yes'; Strand absent. All recommendations to the City Council.



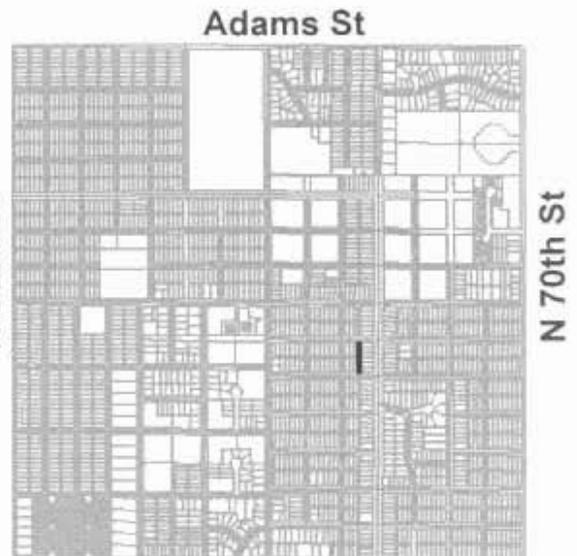
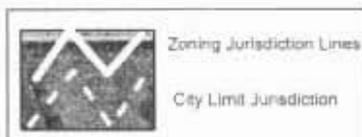
2005 aerial

Street and Alley Vacation #06009 N Cotner Blvd & Garland St

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. 16 T10N R07E



Holdrege St



Brian A Kramer/Notes
01/08/2007 11:03 AM

To Brandon M Garrett/Notes@Notes
cc
bcc

Subject Alley question Cotner and Garland 

Brandon

In regards to the vecetion request for the North/sought alley. Our understanding is the property owner, who owns the whole block, wants to make the alley limited access by creating a secured alley way. WW has a MH in the middle of the block, which we need to maintain access to. WW is okay with the request providing the following two conditiona are met. 1 - An easement is maintained over the sanitary line. 2 - A key or electronic access code or some other means of access, is provide to either WW directly or the local Fire Station, so that we can enter into the secured area for emergency purposes or for maintenance activities, anytime it is necessary.

Brian A. Kramer, P.E.
Superintendent of Collection
Waste Water
City of Lincoln Public Works and Utilities
402-441-7987

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: May 10, 2007

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

SUBJECT: Street & Alley Vacation No. 06009
N/S Alley - North Cotner Blvd. and
Garland Street

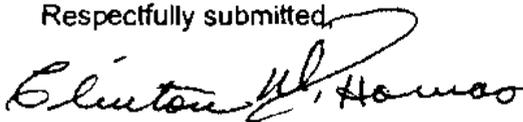
A request has been made to vacate the North/South alley in Block 26, Bethany Heights Addition. The area was viewed and appears as a surfaced alley running through the block. There was evidence of electrical, cable, and telephone utilities running along the west side of the alley. Public Works has also indicated there is a natural gas main and an 8-inch sanitary sewer running through the alley proposed for vacation. A permanent easement for existing and future utilities has been requested over the entire area.

Long, narrow strips such as this have little, if any, value in and of themselves, but can have value as assemblage into the abutting property; however, a strip like this encumbered with permanent easements for numerous utilities located within the area will have little value to the abutting property owner other than for access which they already have. Since along with ownership would come the right to pay taxes on the area, the only real benefit of this land to the abutting property owner is the right to control traffic through it. As such, the alley to be vacated is considered to have only a nominal value of \$0.15 per square foot. The calculations are as follows:

$$6,000 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$900.00$$

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owner for \$900.00 with the retention of the requested utility easements.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

dge