

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.

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| <u>RECOMMENDATION:</u> | Conforms to the Comprehensive Plan |
|-------------------------------|------------------------------------|

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:

Paul Barnes, Planner
pbarnes@lincoln.ne.gov
402-441-6372

DATE: April 28, 2014

APPLICANT/OWNER: The Board of Regents of the University of Nebraska
T. Mark Miller, Executive Director FPC
1901 Y Street
Lincoln, NE 68588
402-472-3131

CONTACT: Linda Cowdin
1901 Y Street
Lincoln, NE 68588
402-472-3426

STREET & ALLEY VACATION NO. 14003

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

May 14, 2014

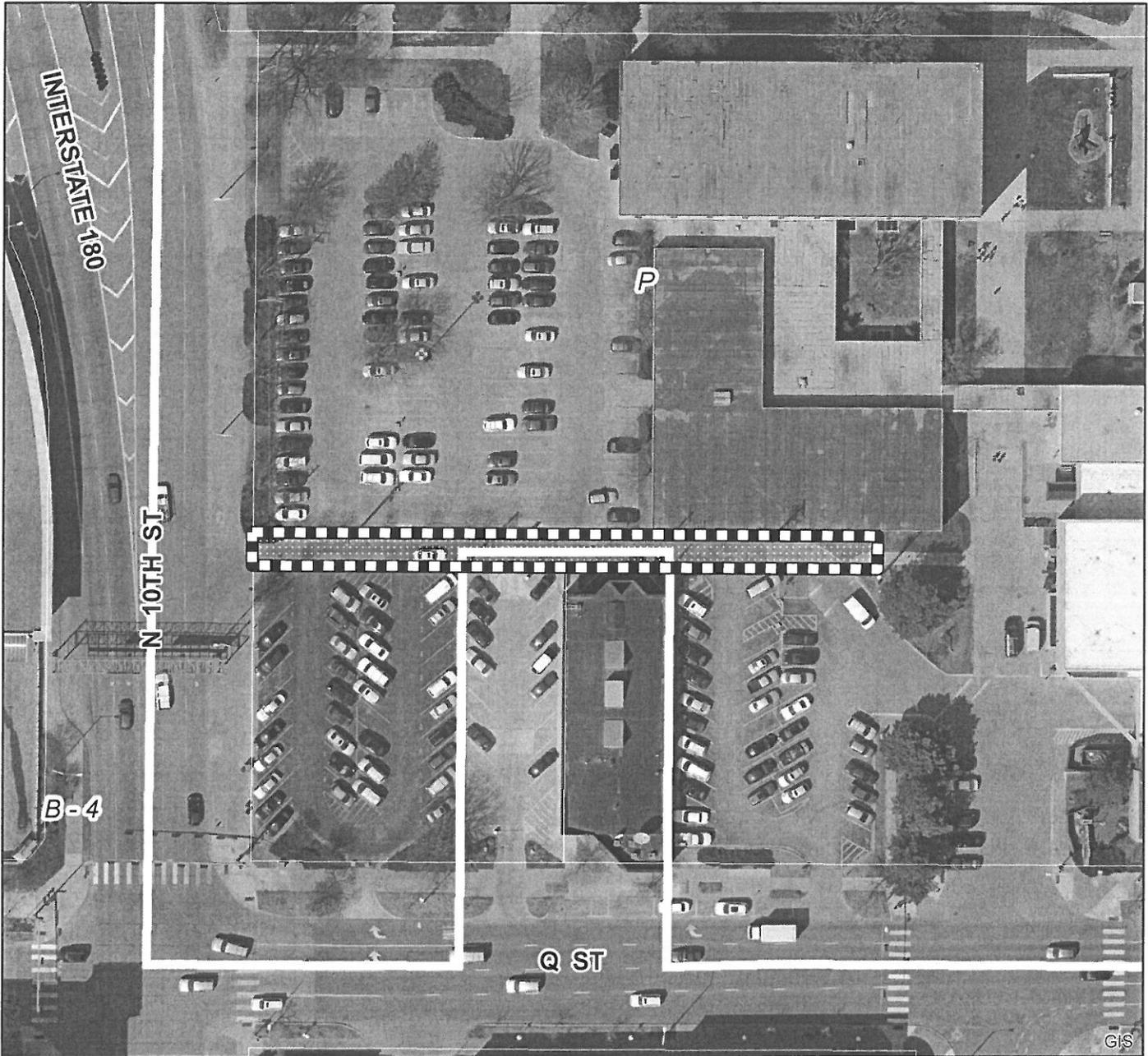
Members present: Beecham, Cornelius, Corr, Harris, Hove, Lust, Scheer, Sunderman and Weber.

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'.



2013 aerial

**Street and Alley Vacation #: SAV14003
N 10th & Q St**

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.23 T10N R06E





Area of Application

Zoning Jurisdiction Lines

Lancaster County Jurisdiction



U06

RECEIVED

August 8, 2014

APR 10 2014

City of Lincoln
Planning Department
Stephen Henrichsen, Manager
555 S 10th Street, Suite 213
Lincoln, NE 68508

Lincoln/Lancaster Co.
Planning Department

RE: Joint Application to Vacate the East-west Alley, Block 28, 23-10-6

Mr. Henrichsen;

The Board of Regents of the University of Nebraska and the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-day Saints wish to jointly submit applications to vacate the east-west alley between 10th Street and vacated 11th Street (ORD. NO. 14307) within Block 28, Original Lincoln, 23-10-6.

So with that please find enclosed the following documents from each party:

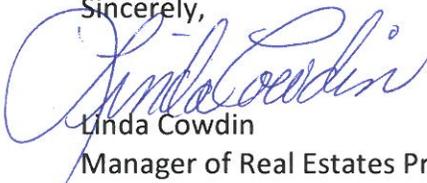
- Planning Department Application Request Form
- Information Sheet
- Petition to Vacate Public Way

Also enclosed is the following:

- Check in the amount of \$330 (the University is paying the \$165 application fee for both)
- Section of the Plat map showing the subject alley

Should you have questions or need additional information please contact me at (402) 472-3426 or via email at lcowdin1@unl.edu.

Sincerely,



Linda Cowdin
Manager of Real Estates Properties

Enclosures

INTEROFFICE MEMORANDUM

TO: Mayor Beutler
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: May 28, 2014

COPIES TO: Teresa J. Meier
Marvin Krout
Jeff Kirkpatrick
Byron Blum, Bldg & Safety
Jean Preister, Planning
Sandy Dubas, City Clerk's Office
Jamie Phillips, Mayor's Office

SUBJECT: Street & Alley Vacation No. 14003
East/West Alley, Block 28,
Lincoln Original Plat

A request has been made to vacate the East/West alley in Block 28, Lincoln Original Plat. The alley was viewed and appears as a brick surfaced alley. Overhead electric lines were observed in the alley as well as the evidence of a sanitary sewer. Staff has indicated easements will need to be retained for these utilities.

Long, narrow strips such as this rarely have any value, in and of themselves, and only have value when assembled into the abutting property. In this case, the alley will have to remain in place to serve both abutting property owners as well as the future maintenance and upkeep of the existing and future utilities. As such, the alley is considered to have only a nominal value of \$0.15 per square foot. The calculations are as follows:

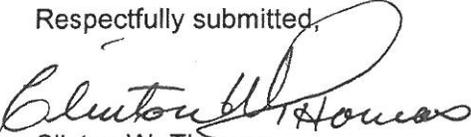
$$4,800 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$720$$

There are two property owners abutting the alley with the smaller realizing only 800 square feet of additional area and the other the remaining 4,000 square feet. As such, the payment should be divided as follows:

800 sq. ft. adjacent to Lots 9 and 10 - \$120
Remaining 4,000 sq. ft. - \$600

Therefore it is recommended that if the alley be vacated it be sold to the abutting property owners for \$720 divided as shown above.

Respectfully submitted,


Clinton W. Thomas
Certified General Appraiser #990023