

City Council Introduction: **Monday**, April 2, 2001  
Public Hearing: **Monday**, April 9, 2001, at **1:30 p.m.**

Bill No. 01-56

## **FACTSHEET**

**TITLE:** **STREET VACATION NO. 01004**, requested by the City Attorney, to vacate a portion of the South 16<sup>th</sup> Street right-of-way, a portion of the South 19<sup>th</sup> Street right-of-way and Southpark Road.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda, 03/21/01  
Administrative Action: 03/21/01

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan and Approval (7-0: Duvall, Hunter, Taylor, Steward, Carlson, Newman and Bayer voting 'yes'; Schwinn and Krieser absent).

### **FINDINGS OF FACT:**

1. The Planning staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan and to recommend approval is based upon the "Analysis" as set forth on p.2-3.
2. This application was placed on the Consent Agenda of the Planning Commission on March 21, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation, finding the proposed street vacation to be in conformance with the Comprehensive Plan, and recommended approval.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** March 26, 2001

**REVIEWED BY:** \_\_\_\_\_

**DATE:** March 26, 2001

**REFERENCE NUMBER:** FS\CC\FSV01004

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

**P.A.S.:** Street and Alley Vacation #01004  
Southpark Road, S. 16<sup>th</sup> Street, and S. 19<sup>th</sup> Street

**DATE:** March 7, 2001

**PROPOSAL:** Rick Peo of the City Attorney's Office has requested the vacation of Southpark Road, S. 16<sup>th</sup> Street and S. 19<sup>th</sup> Street.

### **GENERAL INFORMATION:**

**APPLICANT:** City Attorney  
Rick Peo  
575 S. 10<sup>th</sup> St. - Suite 4201  
Lincoln, NE 68508  
(402) 441-7281

**LEGAL DESCRIPTION:** A portion of South 16<sup>th</sup> Street right-of-way, a portion of South 19<sup>th</sup> Street right-of-way and also Southpark Road, all dedicated in Lincoln Industrial Park located in the SW 1/4 of Section 12, T9N, R6E of the 6<sup>th</sup> P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described in the attachment.

**EXISTING ZONING:** B-2 Planned Neighborhood Business and I-2 Industrial Park

**EXISTING LAND USE:** Southpark Road crosses vacant land covered by Use Permit #64-A Kensington Office Park; S. 16<sup>th</sup> Street is largely located in existing S. 16<sup>th</sup> Street right-of-way; and S. 19<sup>th</sup> Street crosses existing industrial uses.

**SURROUNDING ZONING AND LAND USE:** R-2 Residential housing to the west across S. 14<sup>th</sup> Street; I-2 Industrial Park industrial uses to the north; R-1 Residential uses east of the bicycle trail; and B-2 Planned Neighborhood Business zoned retail and restaurant uses on Old Cheney Road.

**COMPREHENSIVE PLAN SPECIFICATIONS:** In conformance. The Land Use Plan shows the property as Industrial and Commercial.

### **ANALYSIS:**

1. The City Attorney's office has requested the vacation of Southpark Road, S. 16<sup>th</sup> Street and S. 19<sup>th</sup> Street, all of which were dedicated to the City of Lincoln in the final plat of Lincoln Industrial Park. The final plat of Lincoln Industrial Park was approved on January 22, 1964.
2. The streets were subsequently platted over by the Cushman Replat of Lincoln Industrial Park and Lincoln Industrial Park South. Since buildable lots in Lincoln Industrial Park South overlay the streets dedicated in Lincoln Industrial Park, this has raised some title concerns for the Industrial Park South developer.
3. A revised S. 16<sup>th</sup> Street and a revised S. 19<sup>th</sup> Street were dedicated to the City in the final Plat of Lincoln Industrial Park South.

4. The City Attorney's office initiated this street vacation in order to remove any potential lien that the platted streets have on the developer's property.

**STAFF RECOMMENDATIONS:** The proposed vacation conforms with the 1994 Comprehensive Plan

**Approval**

Prepared by:

Jason Reynolds, Planner  
Planning Department

# STREET VACATION NO. 01004

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

March 21, 2001

Members present: Bayer, Carlson, Duvall, Hunter, Newman, Steward and Taylor; Schwinn absent; Krieser declaring a conflict of interest.

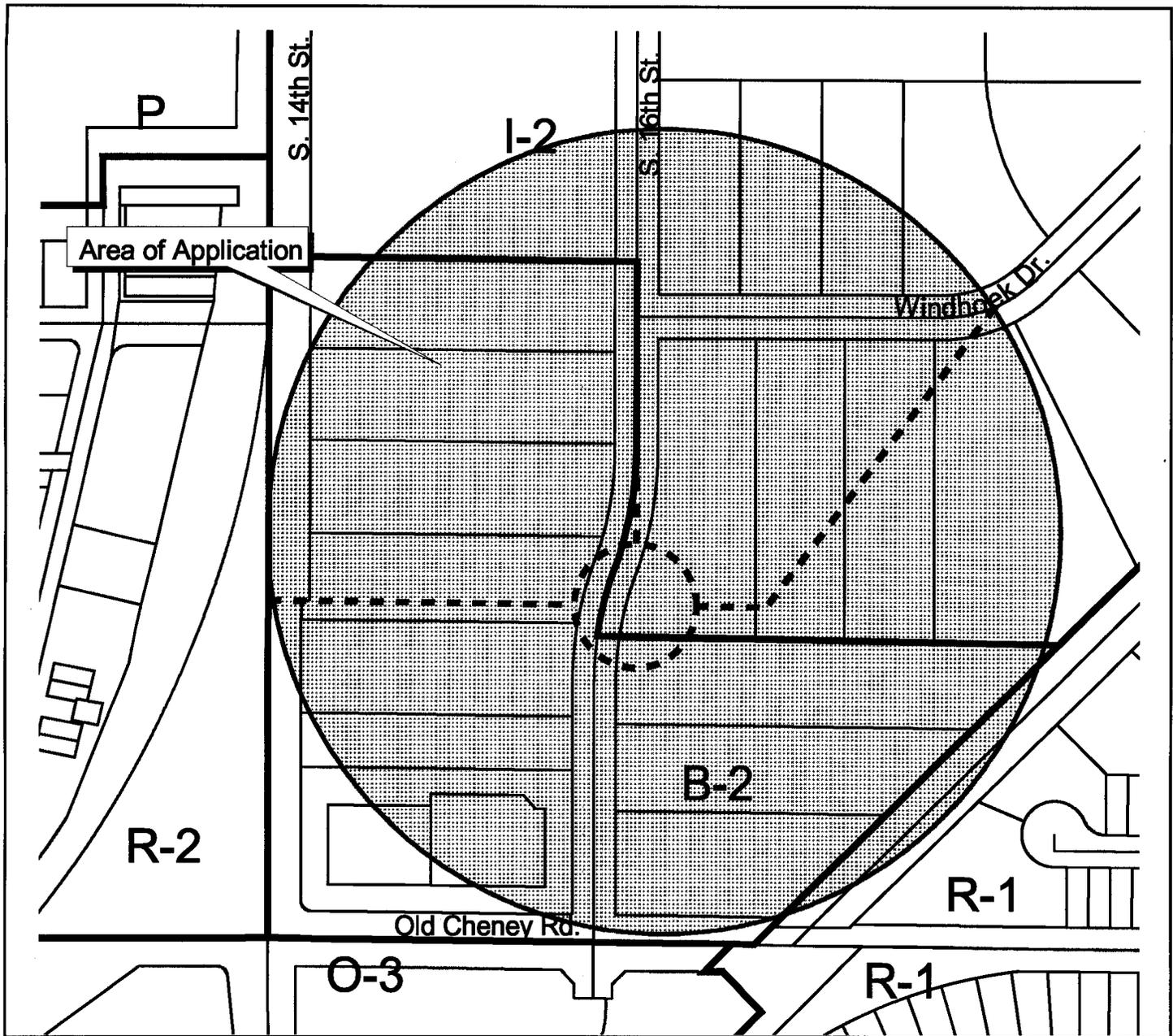
The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3311; SPECIAL PERMIT NO. 1902; FINAL PLAT NO. 00030, NORTH HILLS 2<sup>ND</sup> ADDITION; CITY/COUNTY FINAL PLAT NO. 00036, STEVENS CREEK RIDGE ADDITION; and STREET AND ALLEY VACATION NO. 01004.**

Krieser declared a conflict of interest on City/County Final Plat 00036 and did not vote on the Consent Agenda.

**Item No. 1.1, Change of Zone No. 3311**, was removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Hunter and carried 7-0: Bayer, Carlson, Duvall, Hunter, Newman, Steward and Taylor voting 'yes'; Krieser declaring a conflict of interest; Schwinn absent.

Note: This is final action on Special Permit No. 1902, the North Hills 2<sup>nd</sup> Addition Final Plat No. 00030 and the Stevens Creek Ridge Addition Final Plat No. 00036, 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.

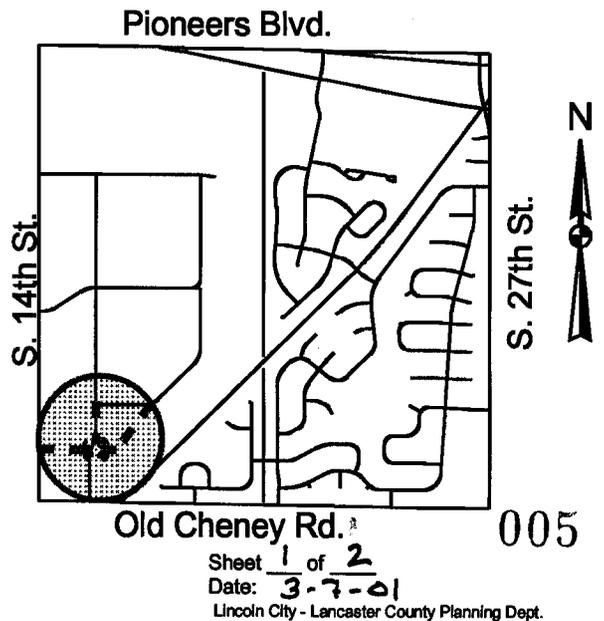
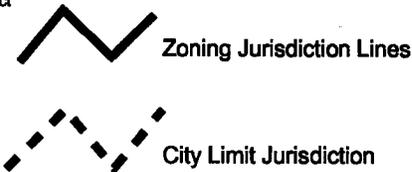


**Street & Alley Vacation #01004**  
**Southpark Rd., 16th to 19th Sts.**

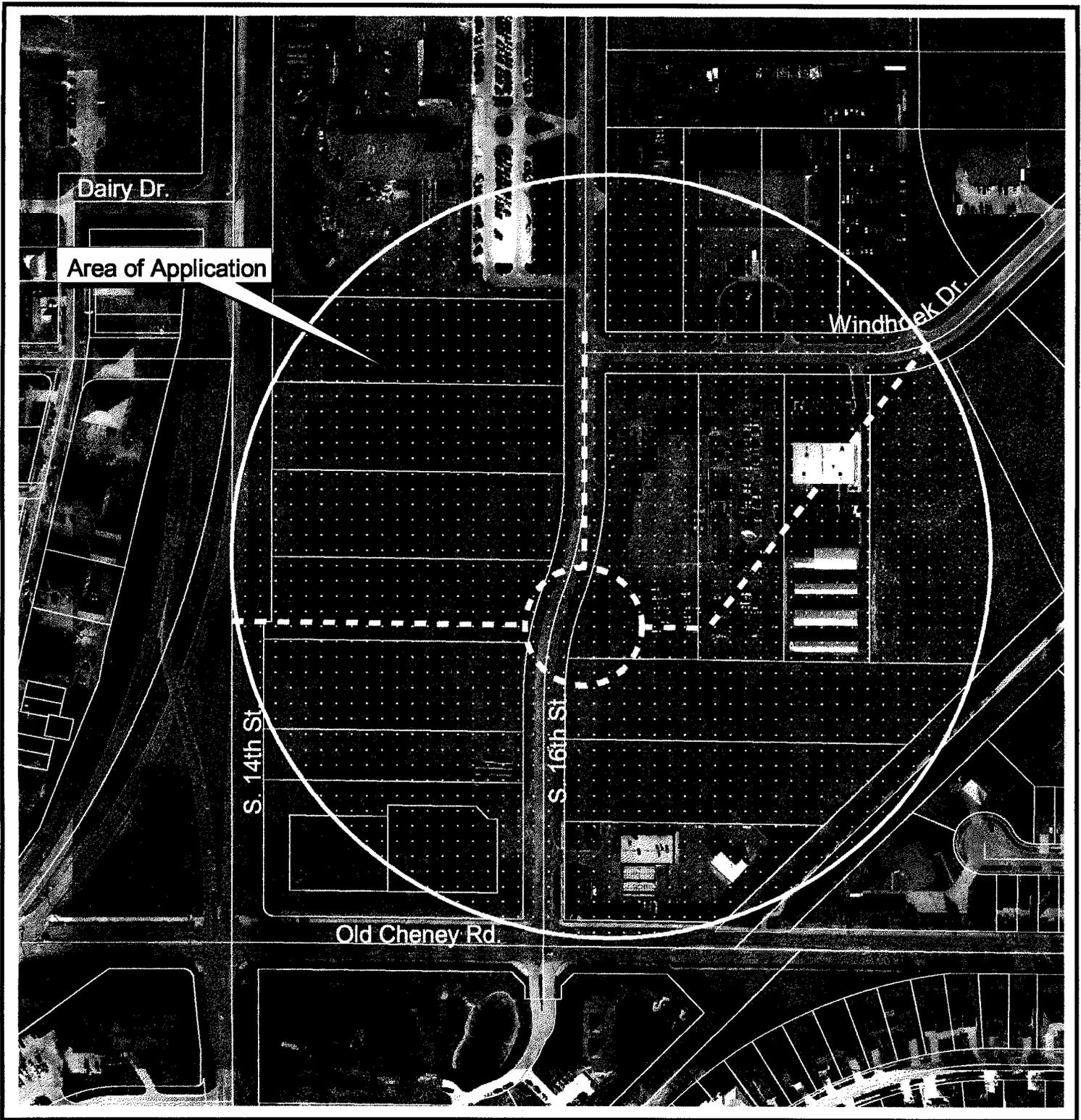
**Zoning:**

- 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. 12 T9N R6E



Sheet 1 of 2  
 Date: 3-7-01  
 Lincoln City - Lancaster County Planning Dept.



**Street & Alley Vacation #01004  
Southpark Rd., 16th to 19th Sts.**



Sheet 2 of 2

Date: 3-7-01

Photograph Date: 1997 006

**LEGAL DESCRIPTION**  
**R.O.W. VACATION**

LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH 16<sup>TH</sup> STREET RIGHT-OF-WAY, A PORTION OF SOUTH 19<sup>TH</sup> STREET RIGHT-OF-WAY AND ALSO SOUTHPARK ROAD, ALL DEDICATED IN LINCOLN INDUSTRIAL PARK LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, T9N, R6E OF THE 6TH. P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 20, BLOCK 3 OF SAID LINCOLN INDUSTRIAL PARK; THENCE ON AN ASSUMED BEARING OF SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SOUTHPARK ROAD, A DISTANCE OF 385.07 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 85.02 FEET, DELTA ANGLE OF 43 DEGREES 06 MINUTES 32 SECONDS, A CHORD BEARING OF NORTH 68 DEGREES 26 MINUTES 44 SECONDS EAST ALONG A NORTHWESTERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 83.03 FEET TO A POINT; THENCE NORTH 46 DEGREES 53 MINUTES 28 SECONDS EAST ALONG A NORTHWESTERLY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 64.28 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 92.48 FEET, DELTA ANGLE OF 46 DEGREES 53 MINUTES 28 SECONDS, A CHORD BEARING OF NORTH 23 DEGREES 26 MINUTES 44 SECONDS EAST ALONG A WESTERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 89.92 FEET TO A POINT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID SOUTH 16<sup>TH</sup> STREET, A DISTANCE OF 1800.00 FEET TO A POINT, SAID POINT BEING THE NORTHEAST CORNER OF LOT 8, BLOCK 3, SAID LINCOLN INDUSTRIAL PARK; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 114.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID SOUTH 16<sup>TH</sup> STREET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1800.00 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 89.84 FEET, DELTA ANGLE OF 45 DEGREES 33 MINUTES 05 SECONDS, A CHORD BEARING OF SOUTH 22 DEGREES 46 MINUTES 32 SECONDS EAST ALONG AN EASTERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 87.49 FEET TO A POINT; THENCE SOUTH 45 DEGREES 33 MINUTES 05 SECONDS EAST ALONG A NORTHEASTERLY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 19.85 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 83.00 FEET, ARC LENGTH OF 130.76 FEET, DELTA ANGLE OF 90 DEGREES 15 MINUTES 44 SECONDS, A CHORD BEARING OF SOUTH 89 DEGREES 13 MINUTES 41 SECONDS EAST ALONG A NORTHERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 117.65 FEET TO A POINT; THENCE NORTH 45 DEGREES 38 MINUTES 27 SECONDS EAST ALONG A NORTHWESTERLY LINE OF SAID SOUTH 19<sup>TH</sup> STREET RIGHT-OF-WAY, A DISTANCE OF 510.67 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 290.00 FEET, ARC LENGTH OF 180.01 FEET, DELTA ANGLE OF 35 DEGREES 33 MINUTES 51 SECONDS, A CHORD BEARING OF NORTH 66 DEGREES 49 MINUTES 19 SECONDS EAST, AND A CHORD LENGTH OF 177.13 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SOUTH 19<sup>TH</sup> STREET; THENCE SOUTH 45 DEGREES 38 MINUTES 27 SECONDS WEST ALONG SAID SOUTHEASTERLY

RIGHT-OF-WAY LINE, A DISTANCE OF 872.07 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 181.82 FEET, ARC LENGTH OF 140.77 FEET, DELTA ANGLE OF 44 DEGREES 21 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 67 DEGREES 49 MINUTES 13 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 137.28 FEET TO A POINT; THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION, HAVING A RADIUS OF 142.00 FEET, ARC LENGTH OF 113.11 FEET, DELTA ANGLE OF 45 DEGREES 38 MINUTES 13 SECONDS, A CHORD BEARING OF NORTH 67 DEGREES 10 MINUTES 54 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 110.14 FEET TO A POINT; THENCE NORTH 44 DEGREES 21 MINUTES 47 SECONDS WEST ALONG A SOUTHWESTERLY LINE OF SAID RIGHT-OF-WAY, A DISTANCE OF 46.57 FEET TO A POINT; THENCE ALONG A CURVE IN A COUNTER-CLOCKWISE DIRECTION, HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 90.01 FEET, DELTA ANGLE OF 45 DEGREES 38 MINUTES 13 SECONDS, A CHORD BEARING OF NORTH 67 DEGREES 10 MINUTES 54 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID RIGHT-OF-WAY, AND A CHORD LENGTH OF 87.65 FEET TO A POINT; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTHPARK ROAD, A DISTANCE OF 387.13 FEET TO A POINT OF DEFLECTION; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 14<sup>TH</sup> STREET, A DISTANCE OF 64.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS A CALCULATED AREA OF 8.17 ACRES, OR 355,991.87 SQUARE FEET, MORE OR LESS.

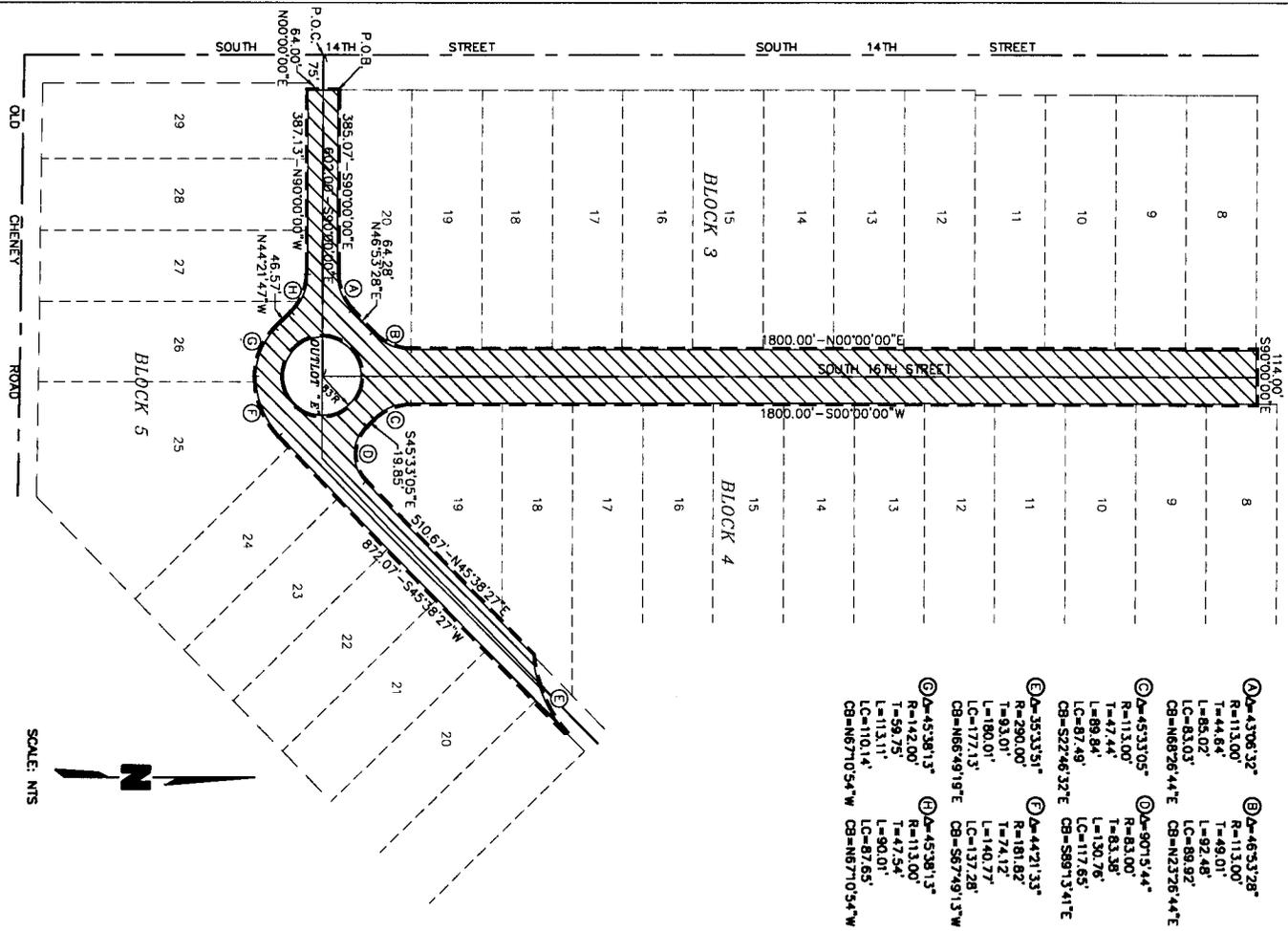
EXCEPT OUTLOT "E", LINCOLN INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTIONS OF SOUTH 14TH STREET AND SOUTHPARK ROAD; THENCE ON AN ASSUMED BEARING OF SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE CENTER LINE OF SAID SOUTHPARK ROAD, A DISTANCE OF 677.00 FEET TO A POINT, SAID POINT BEING THE RADIUS POINT OF OUTLOT "E", SAID OUTLOT "E" BEING A 360 DEGREE CIRCLE WITH A RADIUS OF 83.00 FEET.

SAID TRACT CONTAINS A CALCULATED AREA OF 0.50 ACRES OR 21,642.43 SQUARE FEET MORE OR LESS.

January 31, 2001  
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**LEGAL DESCRIPTION  
R.O.W. VACATION**

LEGAL DESCRIPTION FOR RIGHT OF WAY VACATION PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF SOUTH 16TH STREET RIGHT-OF-WAY, A PORTION OF SOUTH 19TH STREET RIGHT-OF-WAY AND ALSO SOUTHPARK ROAD, ALL DEDICATED IN LINCOLN INDUSTRIAL PARK LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, 19N, R6E OF THE 6TH, P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- Ⓐ D=43°06'32" R=113.00'
- Ⓑ D=46°53'28" R=113.00'
- Ⓒ D=44°01' T=49.01'
- Ⓓ L=85.02' LC=83.03' CB=N68°26'44"E
- Ⓔ L=88.92' LC=88.92' CB=N23°28'44"E
- Ⓕ D=45°33'05" R=83.00'
- Ⓖ D=90°15'44" R=83.00'
- Ⓗ R=113.00'
- Ⓘ T=47.44' L=89.84' LC=117.65' CB=S22°46'32"E CB=S89°13'41"E
- Ⓚ D=35°33'51" R=290.00'
- Ⓛ D=44°21'33" R=181.82'
- Ⓜ T=93.01' L=140.77' LC=137.28' CB=N66°49'19"E CB=S87°49'13"W
- Ⓝ D=45°38'13" R=142.00'
- Ⓞ D=45°30'13" R=113.00'
- Ⓟ T=59.75' L=131.11' LC=110.14' CB=N67°10'54"W
- Ⓠ D=45°38'13" R=113.00'
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SAID TRACT CONTAINS A CALCULATED AREA OF 8.17 ACRES, OR 355,991.87 SQUARE FEET, MORE OR LESS.

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SAID TRACT CONTAINS A CALCULATED AREA OF 0.50 ACRES OR 21,642.43 SQUARE FEET MORE OR LESS.

**INTER-DEPARTMENT COMMUNICATION**

**TO** Kathleen Sellman  
**DEPARTMENT** Planning  
**ATTENTION**  
**COPIES TO** Jean Walker

**DATE** February 13, 2001  
**FROM** Rick Peo *Rick Peo*  
**DEPARTMENT** City Law  
**SUBJECT** Vacation of Southpark Road,  
16th Street and 19th Street

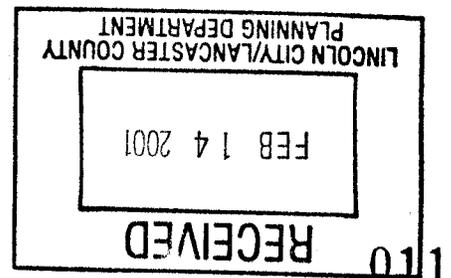
Please find enclosed a proposed ordinance to vacate Southpark Road, 16th Street, and 19th Street, which were dedicated to the City of Lincoln in the final plat of Lincoln Industrial Park.

Please schedule the proposed ordinance to vacate said streets for review by the Lincoln City-Lancaster County Planning Commission with respect to Comprehensive Plan conformance. The developer of Lincoln Industrial Park South has requested the vacation of these three streets as they have not been shown in the two replats of Lincoln Industrial Park. Those replats are Cushman Replat of Lincoln Industrial Park and Lincoln Industrial Park South.

Since buildable lots in Lincoln Industrial Park South overlay the streets dedicated in Lincoln Industrial Park, this has raised some title concerns for the developer. In order to remove any potential lien that the platted streets have on the developer's property, I suggested that the City initiate an ordinance to vacate those three streets as a revised South 16th Street and a revised South 19th Street were dedicated to the City in the final plat of Lincoln Industrial Park South.

For your information I am enclosing a plat map which shows the three streets to be vacated along with a second map which shows how the streets have been overlaid by buildable lots in the two replats of Lincoln Industrial Park.

ERP/tb



# M e m o r a n d u m

DC 7751  
RECEIVED RP

FEB 12 2001

LAW DEPT.

**To:** Rick Peo, Law Department  
**From:** *DB* Dennis Bartels, Public Works and Public Utilities Department  
**Subject:** Right-of-Way Vacations Lincoln Industrial Park South  
**Date:** February 9, 2001  
**cc:** Allan Abbott, Roger Figard, Nicole Fleck-Tooze

The proposal to initiate an ordinance to formally vacate portion of right-of-way dedicated in Lincoln Industrial Park and replatted as portions of lots in Lincoln Industrial Park South and Cushman replat of Lincoln Industrial Park is satisfactory to Public Works. The vacations were the intent of the replats and formal vacations to satisfy title company concerns will not affect existing streets.

fcp memo to rick peo right-of-way vacations Lincoln Industrial Park South ddb