

City Council Introduction: **Monday**, June 4, 2001
Public Hearing: **Monday**, June 11, 2001, at **1:30 p.m.**

Bill No. 01-92

FACTSHEET

TITLE: MISCELLANEOUS NO. 01004, requested by The State of Nebraska Department of Correctional Services and Lancaster County, to vacate Lots 1 through 6 of Leavitt's Subdivision, generally located at South 14th Street and Dairy Drive.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/16/01
Administrative Action: 05/16/01

STAFF RECOMMENDATION: Conditional Approval.

RECOMMENDATION: Conditional Approval (9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes').

FINDINGS OF FACT:

1. The Planning staff recommendation of conditional approval is based upon the following analysis:
 - A. This request to vacate a portion of the Leavitt's Subdivision plat is associated with Street and Alley Vacation #00021, the vacation of Dairy Drive. If Dairy Drive were vacated without the partial vacation of Leavitt's Subdivision, Lots 2-5 of Leavitt's Subdivision would lose their access to a public street.
 - B. This plat vacation, if granted, would eradicate Lots 1-4 and 5-6 of Leavitt's Subdivision and Dairy Drive. Three parcels of land would be created: one owned by the State, one owned by the County, and one for the owner of Lot 7, Ryans Subdivision. The County surveyor would then assign an irregular tract number to each. Each parcel would then have access to a public street.
 - C. The owner of the abutting Lot 7, Ryans Subdivision signed the petition for Street and Alley Vacation #00021. If approved, this plat vacation will achieve the same end; it is therefore presumed that the abutting property owner would not object to the proposed plat vacation.
 - D. In the Street and Alley Vacation petition, the State indicated that it would waive its right to purchase any of vacated Dairy Drive. If this proposal is approved, all of the Dairy Drive right-of-way adjacent to Lot 7, Ryans Subdivision should be transferred to the owner of Lot 7, and all of the right-of-way adjacent to Lots 5 and 6, Leavitt's Subdivision should be transferred to the County.
 - E. If this plat vacation is approved, Street and Alley Vacation #00021 (Bill No. 00-219 on the City Council Pending List) would not be required and should be withdrawn.
2. On May 16, 2001, this application was removed from the Planning Commission Consent Agenda by Commissioner Carlson and had separate public hearing. The discussion with staff is found on p.4.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 21, 2001

REVIEWED BY: _____

DATE: May 21, 2001

REFERENCE NUMBER: FS\CC\FSM01004

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: **MISC. NO. 01004**
Partial Vacation of Leavitt's Subdivision

DATE: April 27, 2001

PROPOSAL: The State of Nebraska and Lancaster County have requested the vacation of Lots 1 through 6, Leavitt's Subdivision.

GENERAL INFORMATION:

APPLICANT: State of Nebraska
Dept. of Correctional Services
PO Box 94661
Lincoln, NE 68509

Lancaster County
Gary Lacey, Lancaster County Attorney

LEGAL DESCRIPTION: Lots 1 through 6, Leavitt's Subdivision, including all of Dairy Drive west of S. 14th Street, located in the NE1/4 of Section 11, Township 9 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: AG Agricultural (Lots 1-4, Leavitts Subdivision)
P Public Use (Lots 5-6, Leavitts Subdivision)

EXISTING LAND USE: Vacant land, with a correctional center under construction

SURROUNDING ZONING AND LAND USE: The land to the north and west is owned by the State of Nebraska and is zoned AG Agricultural. The Lincoln Mattress Factory lies to the south of Dairy Drive and is zoned H-3 Highway Commercial. AG Agricultural fields lie to the south.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The State land is designated as Public and Semi-Public and the County land is shown as Industrial on the Comprehensive Plan Land Use Map.

Although the County land is designated as Industrial, the 1994 Comprehensive Plan states: "Only the largest and most significant public facilities are shown on the land use plan. Dependent on their compatibility with the surrounding area, small scale public and semi-public land uses may be allowed within all land use categories." The land use map in the updated Comprehensive Plan should reflect this public use and ownership.

Dairy Drive is not shown on the Existing or Future Functional Street and Road Classification Maps.

HISTORY: **August 9, 1886** Leavitt's Subdivision is approved, consisting of 8 lots and Marshall Street.

Feb. 26, 1914 Ryan's Subdivision of Lots 7 and 8 Leavitt's Subdivision is approved.

Jan. 9, 1985

Ordinance No. 14016 renames Marshall Street as Dairy Drive.

Dec. 18, 2000

City Council places Street and Alley Vacation #00021 on pending. This SAV would have vacated Dairy Drive.

ANALYSIS:

1. This request to vacate a portion of the Leavitt's Subdivision plat is associated with Street and Alley Vacation #00021, the vacation of Dairy Drive. If Dairy Drive were vacated without the partial vacation of Leavitt's Subdivision, Lots 2-5 of Leavitt's Subdivision would lose their access to a public street.
2. This plat vacation, if granted, would eradicate Lots 1-4 and 5-6 of Leavitt's Subdivision and Dairy Drive. Three parcels of land would be created: one owned by the State, one owned by the County, and one for the owner of Lot 7, Ryans Subdivision. The County surveyor would then assign an irregular tract number to each. Each parcel would then have access to a public street.
3. The owner of the abutting Lot 7, Ryans Subdivision signed the petition for Street and Alley Vacation #00021. If approved, this plat vacation will achieve the same end; it is therefore presumed that the abutting property owner would not object to the proposed plat vacation.
4. In the Street and Alley Vacation petition, the State indicated that it would waive its right to purchase any of vacated Dairy Drive. If this proposal is approved, all of the Dairy Drive right-of-way adjacent to Lot 7, Ryans Subdivision should be transferred to the owner of Lot 7, and all of the right-of-way adjacent to Lots 5 and 6, Leavitt's Subdivision should be transferred to the County.
5. If this plat vacation is approved, Street and Alley Vacation #00021 would not be required and should be withdrawn.

STAFF RECOMMENDATIONS: Conditional approval

CONDITIONS:

1. That all easements for future electrical corridors are retained.

Prepared by:

Jason Reynolds
Planning Department

**MISCELLANEOUS NO. 01004
FOR PARTIAL VACATION OF THE
LEAVITT'S SUBDIVISION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 16, 2001

Members present: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer.

Planning staff recommendation: Conditional Approval.

This application was removed from the Consent Agenda at the request of Commissioner Carlson and had separate public hearing.

Carlson was curious whether the intent of this application is to end up with three parcels owned by the state, county and the private owner of Lot 7. Ray Hill of the Planning staff advised that the plat preserves the way the land is owned today. The idea is to vacate Dairy Drive and then the owner of Lot 7, Lincoln Mattress, would be dedicating the north half of the street that leads into the Correctional Center. It is somewhat of a trade-off between all parties so that we can have a full-width right-of-way on the street for access to the Correctional Center. Vacating the plat will approach the issue of street access and reverts the ownership back.

Carlson inquired as to the future use of the parcels. Hill advised that the county property will be used for correctional services; the state owns all the land to the north of Dairy Drive.

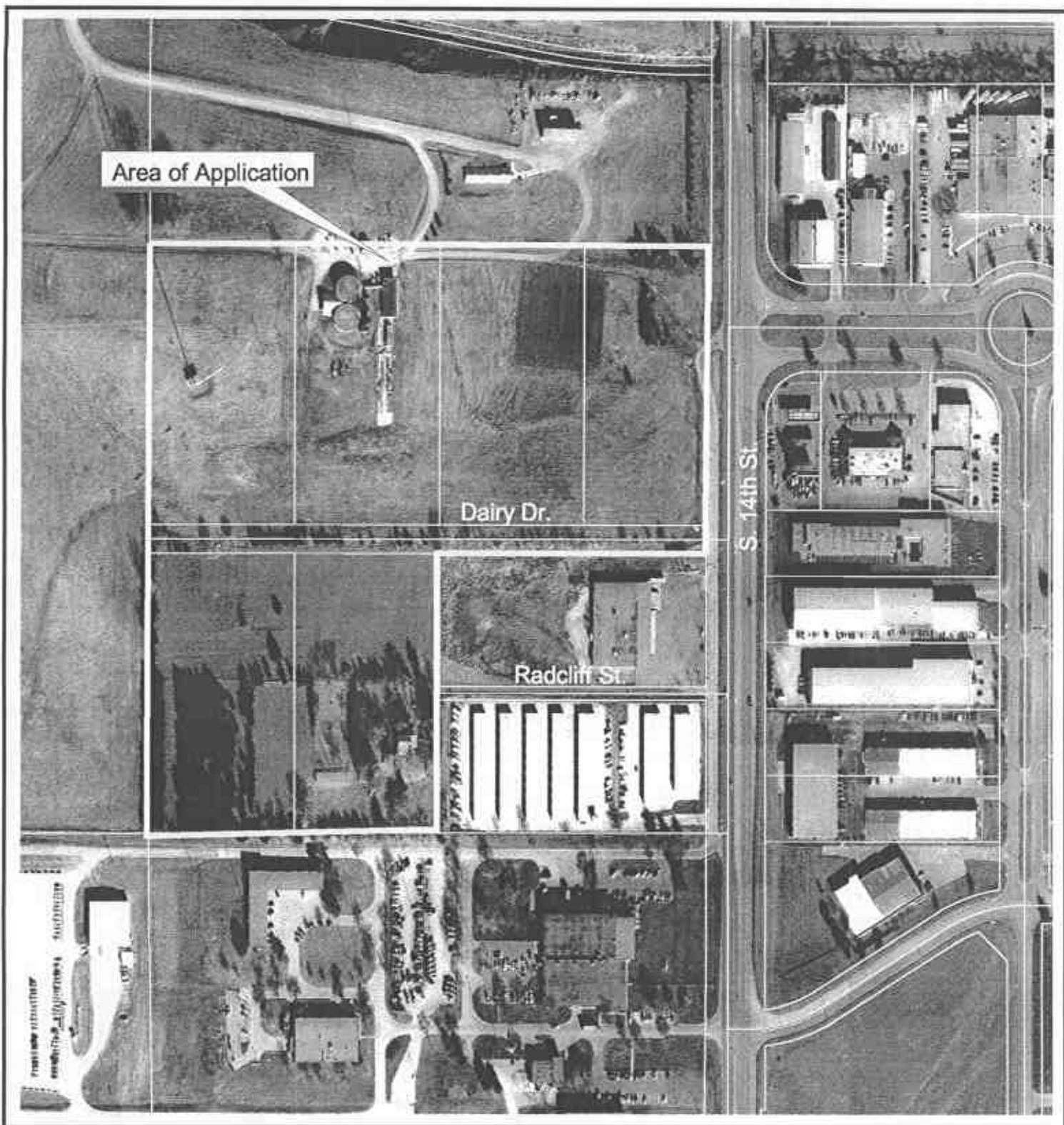
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 16, 2001

Duvall moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser and carried 9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes'.



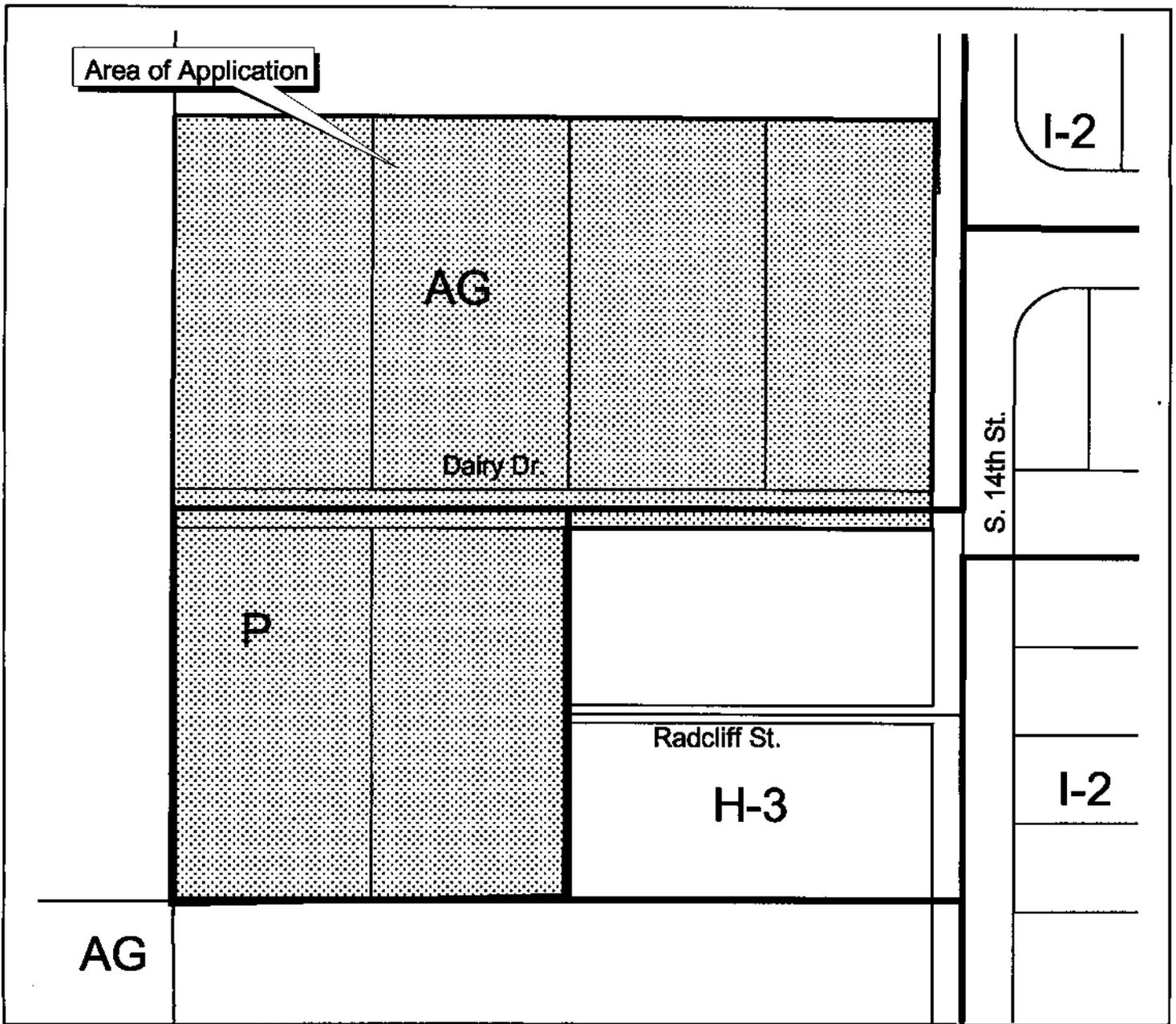
Miscellaneous #01004
S. 14th & Radcliff St.



Date: 4-27-01

Photograph Date: 1997

Lincoln City - Lancaster County Planning Dept.

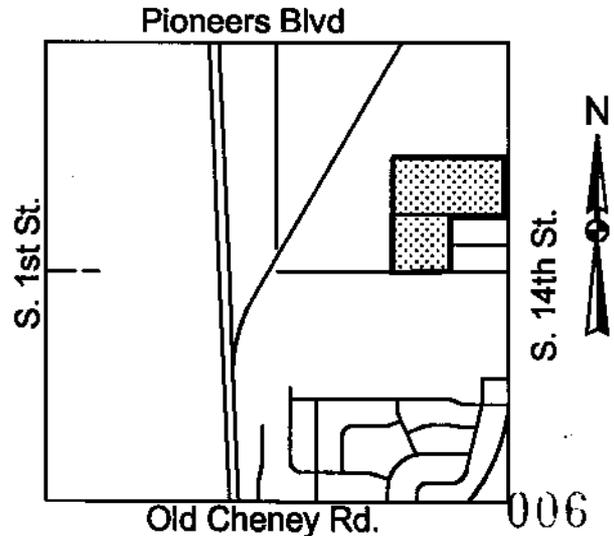
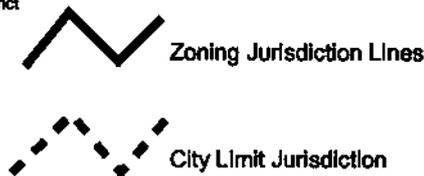


Miscellaneous #01004
S. 14th & Radcliff St.

Zoning:

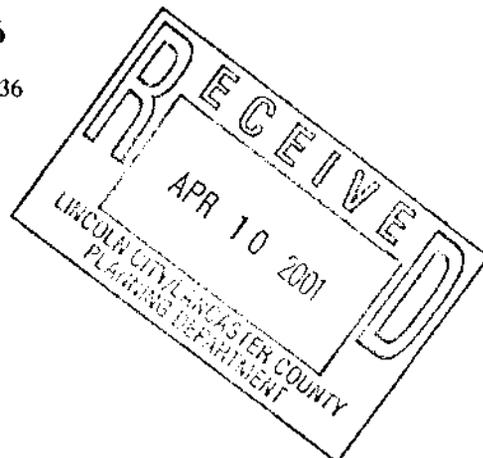
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned 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. 11 T9N R6E



GARY LACEY
LANCASTER COUNTY ATTORNEY
575 South 10th Street
Lincoln, Nebraska 68508-2866
402.441.7321 / TELECOPIER 402.441.7336

January 11, 2001



Kathleen A. Sellman, Director
Lincoln-Lancaster County Planning Dept.
555 So. 10th St., Suite 213
Lincoln, NE 68508

Re: Partial Vacation of Plat, Leavitt's Subdivision

Dear Ms. Sellman:

I have enclosed for your reference a plat map of Leavitt's Subdivision, Lincoln, Lancaster County, Nebraska. The State of Nebraska is the owner of record of Lots 1, 2, 3 and 4 and the County is the owner of Lots 5 and 6 of Leavitt's Subdivision. The State, County and the owner of Lot 7, Ryan's Subdivision, desire to proceed with the vacation of Dairy Drive.

Ray Hill has advised me that in order to proceed with the vacation of Dairy Drive, the State and County must ensure that no lots are landlocked as a result of the vacation.

Therefore, the County of Lancaster and State of Nebraska hereby request a partial vacation of the plat of Leavitt's Subdivision which would create a single lot from Lots 1 through 4, Leavitt's Subdivision, and create a single lot from what is now Lots 5 and 6, Leavitt's Subdivision. This would allow access to the newly created lot owned by the State from South 14th Street and the newly created lot owned by the County would have access from Radcliff Street.

Please let me know if there is anything further that the County of Lancaster and the State of Nebraska need to do in order to initiate the partial plat vacation process.

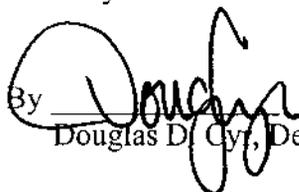
Thank you for your assistance in this matter.

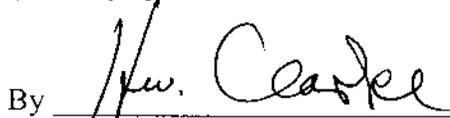
COUNTY OF LANCASTER, NEBRASKA

STATE OF NEBRASKA

GARY E. LACEY, Lancaster County
Attorney

DEPARTMENT OF CORRECTIONAL
SERVICES

By 
Douglas D. Cyr, Deputy County Attorney

By 
Harold Clarke, Director

-LES INTER-DEPARTMENT COMMUNICATION

DATE April 24, 2001

TO Jason Reynolds, City Planning

FROM Sharon Theobald
(Ext. 7640)

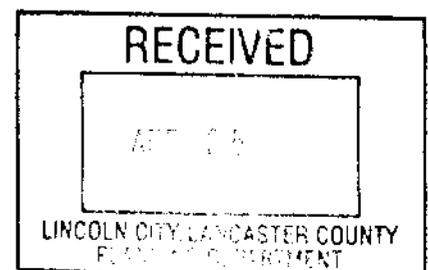
SUBJECT Partial Vacation of Plat - Leavitt's Subdivision
DN #48S-12E

Lincoln Electric System will offer no objections to the partial vacation of Leavitt's Subdivision.

However, please retain all easements for future electrical corridors.

Sharon Theobald

ST/nh
Attachment
c: Easement File



008

Lancaster

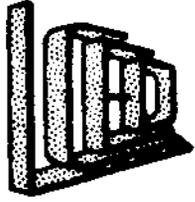
DON R. THOMAS - COUNTY ENGINEER

County

Engineering

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

Department

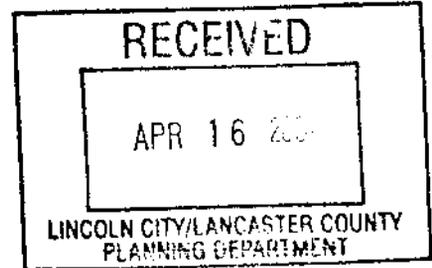


DATE: April 13, 2001

TO: Jason Reynolds
Planning Department

FROM: Larry V. Worrell 
County Surveyor

SUBJECT: PARTIAL VACATION OF PLAT, LEAVITT'S SUBDIVISION, MISC. #01004



Upon review, this office has no direct objections to this submittal.

LW/rln

009

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached Petition to Vacate Public Way must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): State of Nebraska - DEPT. OF CORRECTIONAL SERVICE

If more than one individual, indicate if you are:

_____ joint tenants with right of survivorship, OR _____ tenants in common

2. Petitioner's Address: P.O. Box 94661
LINCOLN, NE 68509

3. Petitioner's Telephone Number: (402) 471-2654

4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:

5. Name of street, alley, or other public way sought to be vacated: ~~Adams Street~~ DAIRY DRIVE

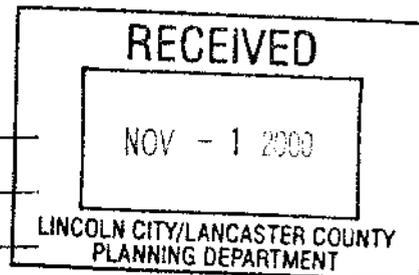
6. Why are you seeking to have this street, alley, or other public way vacated?
PER LANCASTER COUNTY'S REQUEST

7. What use or uses do you propose to make of the public way should it be vacated?
NONE WE ARE WAIVING THE RIGHT TO PURCHASE THIS GROUND.

8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the Petition to Vacate Public Way and/or other portions of the vacated public way?
 YES X NO

11. Name and address of person to whom tax statement should be sent:

LANCASTER COUNTY BOARD
555 SOUTH 10TH STREET
LINCOLN NE 68508



Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading until the full price of the entire public way proposed to be vacated has been paid.

*** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.