

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

Bill No. 01-93

FACTSHEET

TITLE: STREET VACATION NO. 01008, requested by Donald Linscott of LPR Partnership, to vacate a 75' x 80' portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48th & Superior Addition, and the south and east lines of Lot 2, H.J.B. Industrial Park 1st Addition, generally located at North 48th and Superior Streets.

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

SPONSOR: Planning Department

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan and Approval (9-0: Schwinn, Taylor, Hunter, Steward, Newman, Duvall, Krieser, Carlson and Bayer voting 'yes').

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 following analysis:
 - A. The applicant states that this application is to gain additional buildable area for the existing and future lots.
 - B. The Department of Public Works and Utilities reports that there are no conflicts with utilities and no additional easements will be required.
 - C. Public Works recommends approval of this vacation request.
 - D. The Real Estate Department has yet to appraise the area of proposed vacation.
2. This application was placed on the Consent Agenda of the Planning Commission on May 16, 2001, and opened for public hearing. No one came forward to speak.
3. 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\FSV01008

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01008

DATE: April 26, 2001

PROPOSAL: Donald Linscott has requested the vacation of a 75' x 80' portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48th & Superior Addition, and the south and east line of Lot 2, H.J.B. Industrial Park 1st Addition.

GENERAL INFORMATION:

APPLICANT: Donald Linscott
LPR Partnership
5101 Central Park Drive, Suite 100
Lincoln, NE 68504
(402) 467-1234

LEGAL DESCRIPTION: A 75' x 80' portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48th & Superior Addition, and to the south and east line of Lot 2, H.J.B. Industrial Park 1st Addition, located in the SE 1/4 of Section 5, T10N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska.

SIZE: 6,000 square feet, more or less

EXISTING ZONING: I-1 Industrial

EXISTING LAND USE: Entrance drive for industrial lots.

SURROUNDING ZONING AND LAND USE: Surrounded by I-1 Industrial zoning and uses.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map shows this area as Industrial. The stub is not shown in the transportation plan, however Superior Street is designated as a principal arterial in the Existing Functional Street and Road Classification, and as a minor arterial in the Future Functional Street and Road Classification.

ANALYSIS:

1. The applicant states that this application is to gain additional buildable area for the existing and future lots.
2. The Department of Public Works and Utilities reports that there are no conflicts with utilities and no additional easements will be required.
3. Public Works recommends approval of this vacation request.
4. The Real Estate Department has yet to appraise the area of proposed vacation.

STAFF RECOMMENDATION:

The proposed vacation conforms with the 1994 Comprehensive Plan.

Approval

Prepared by:

Jason Reynolds
Planning Department

STREET VACATION NO. 01008

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

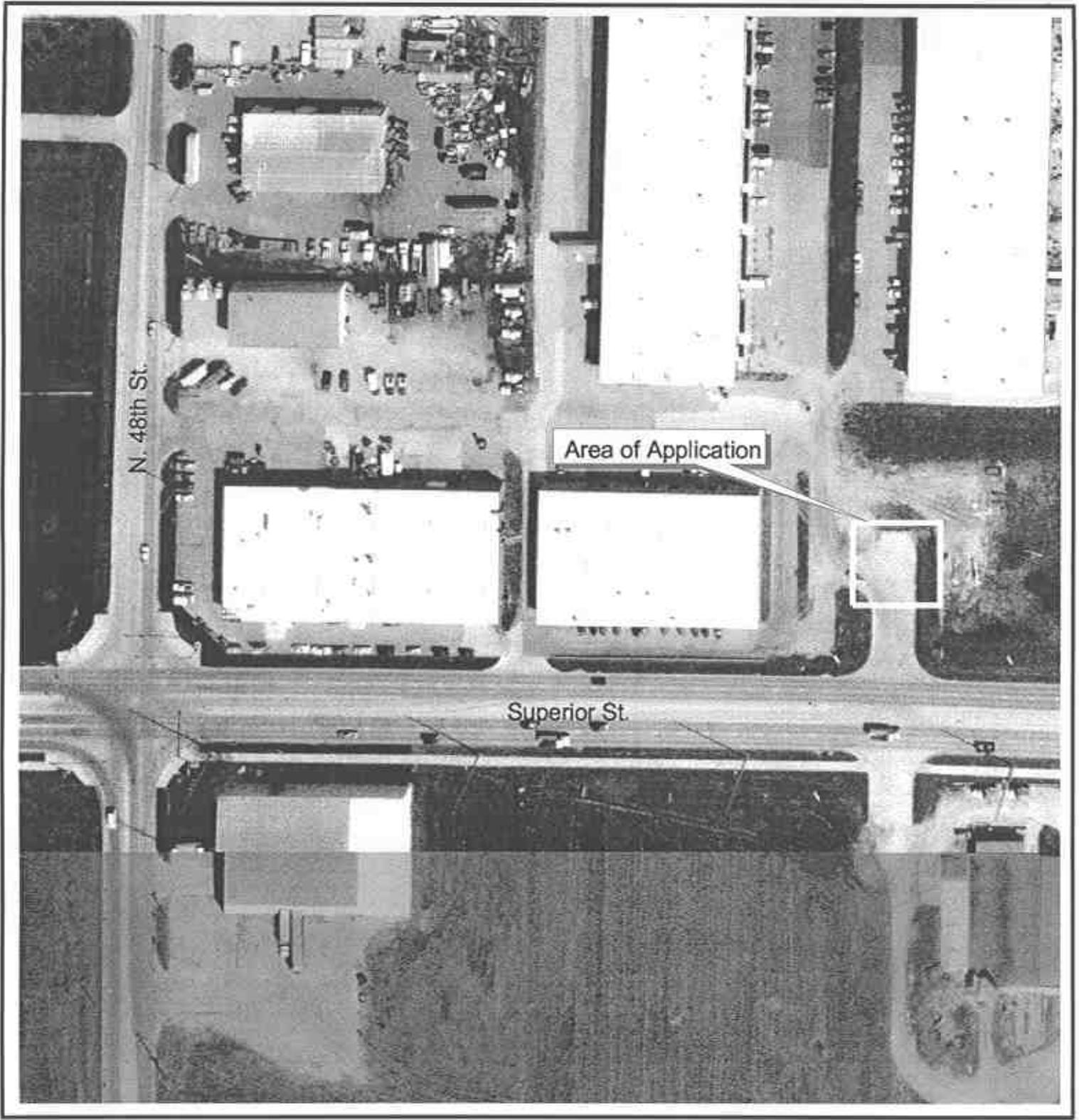
May 16, 2001

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3324, SPECIAL PERMIT NO. 277H, COMPREHENSIVE PLAN CONFORMITY NO. 01001, WAIVER OF DESIGN STANDARDS NO. 01003, STREET AND ALLEY VACATION NO. 01008 AND MISCELLANEOUS NO. 01004.**

Item No. 1.4, Waiver of Design Standards No. 01003, and Item No. 1.6, Miscellaneous No. 01004, were removed from the Consent Agenda and scheduled for separate public hearing.

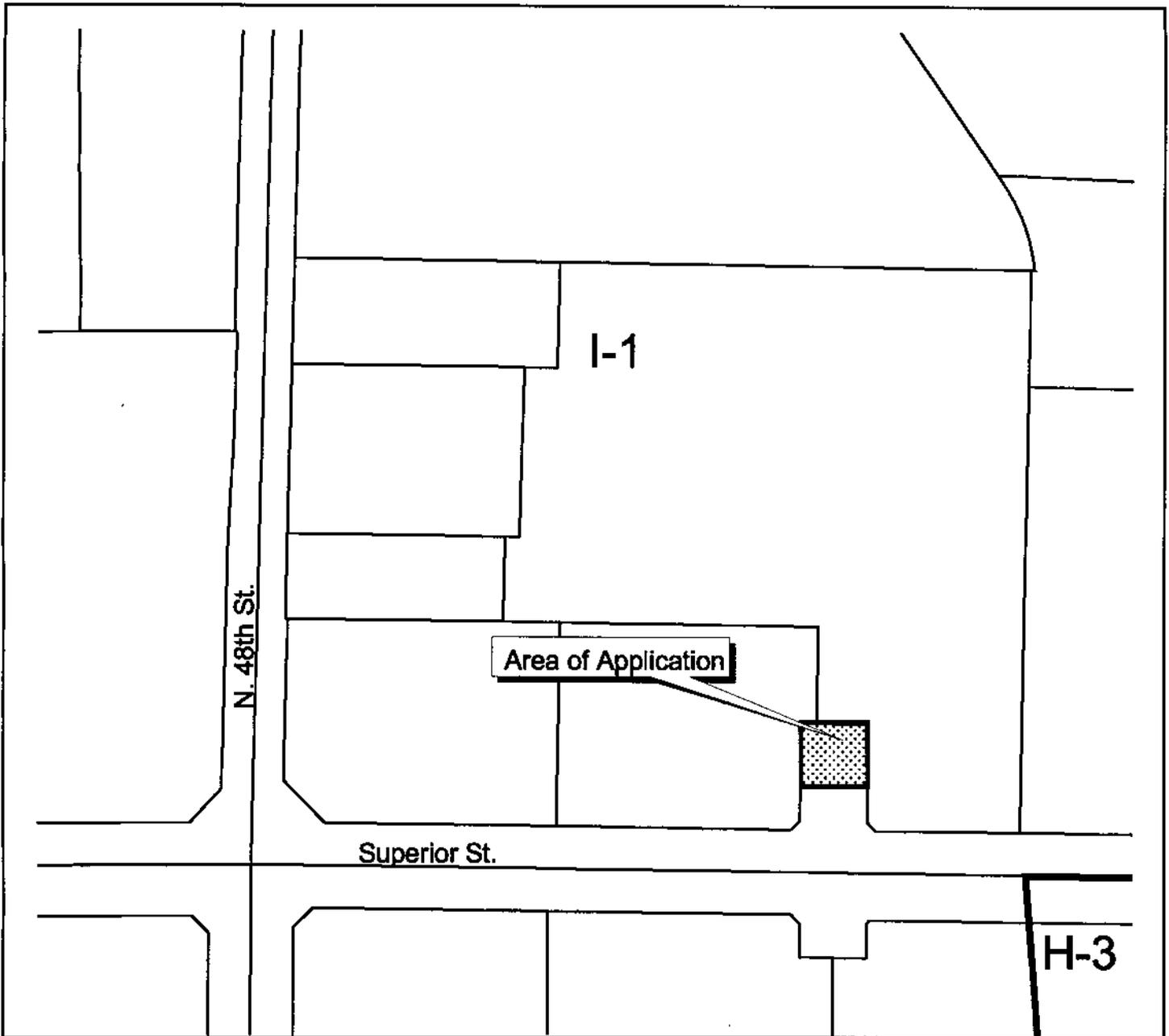
Carlson moved to approve the remaining Consent Agenda, seconded by Hunter and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'.



**Street & Alley Vacation #01008
48th & Superior St.**



Date: 4-26-01
Photograph Date: 1997 005
Lincoln City - Lancaster County Planning Dept.

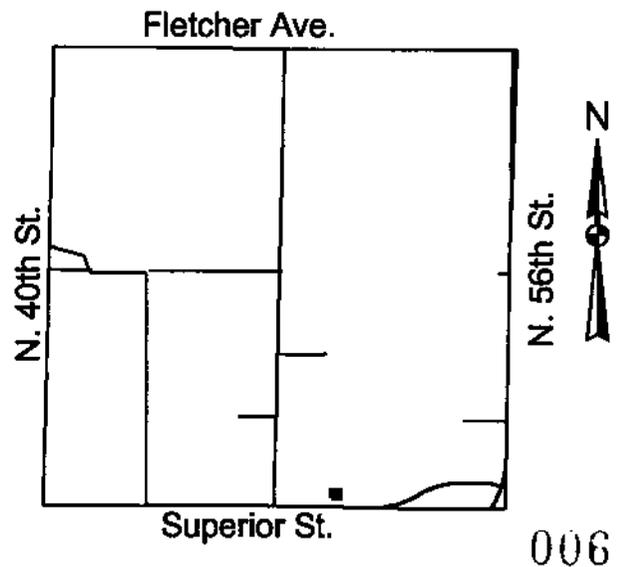
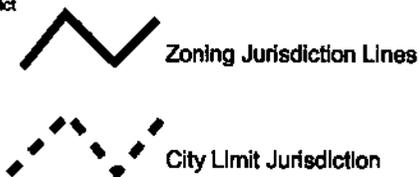


Street & Alley Vacation #01008
48th & Superior St.

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. 5 T10N R7E



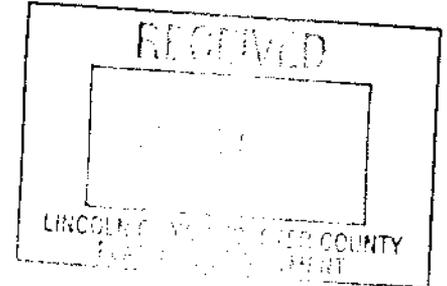
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Lincoln



Nebraska's Capital City

April 17, 2001



Lincoln City/Lancaster County
Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68508

RE: Vacating a portion of right-of-way stub adjacent to the south and west lines of Lot 3, 48th & Superior Addition, and the south and east line of Lot 2, H.J.B. Industrial Park 1st Addition.

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Donald Linscott, owner of Lot 2, H.J.B. Industrial Park 1st Addition and Lot 3, 48th & Superior Addition, to vacate the above described public right-of-way. Petitioner requests this vacation to gain buildable area for existing and future lots.

There are no conflicts with utilities and no additional easements will be required.

Public Works recommends approval of this proposed vacation request. This vacation contains an area of 6,000 square feet, more or less.

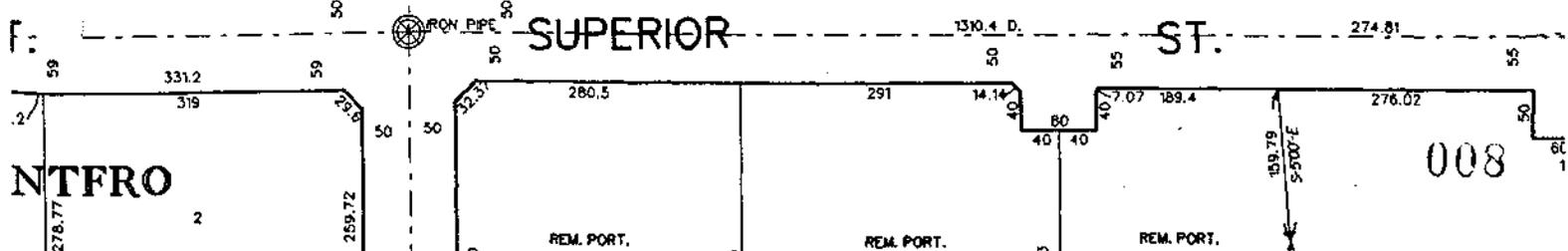
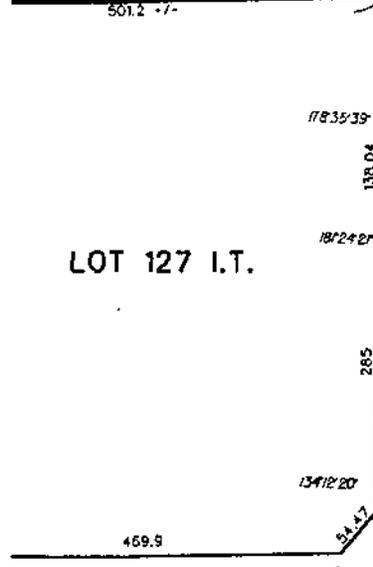
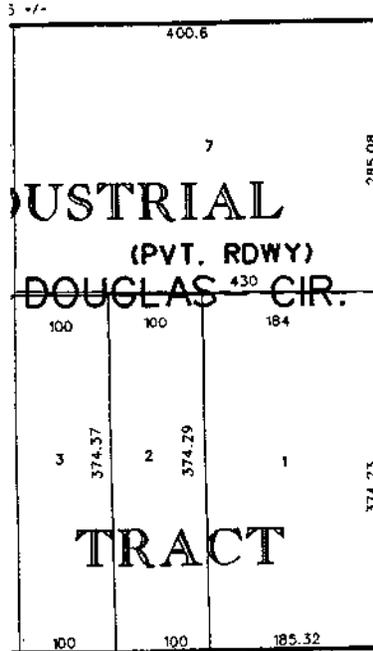
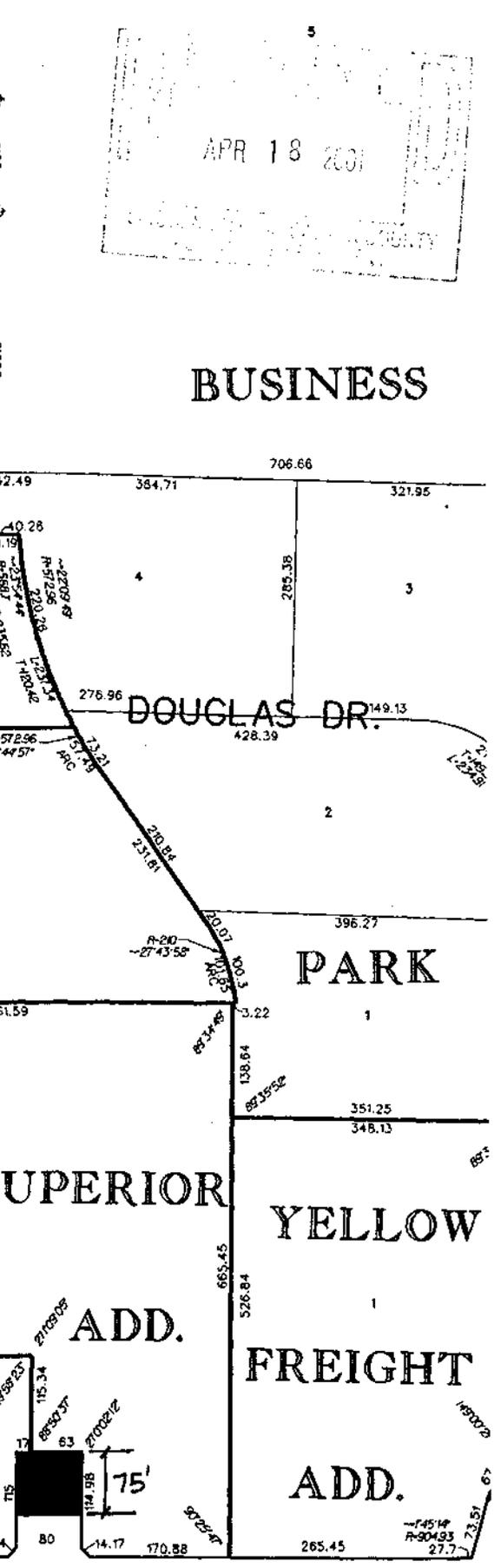
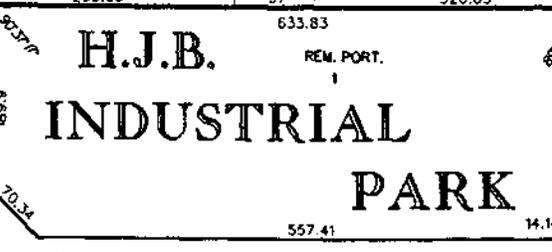
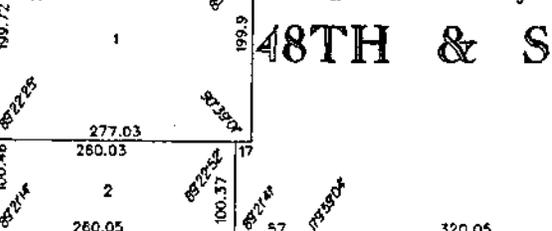
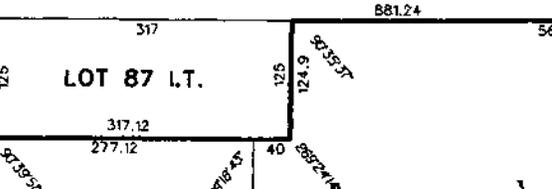
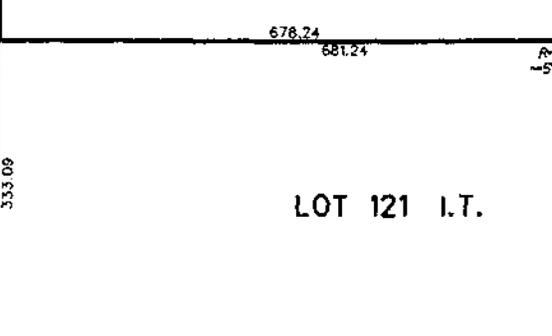
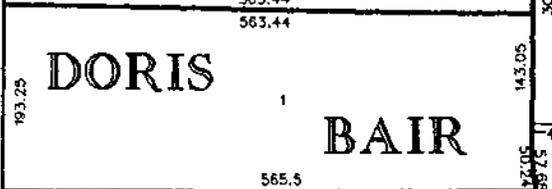
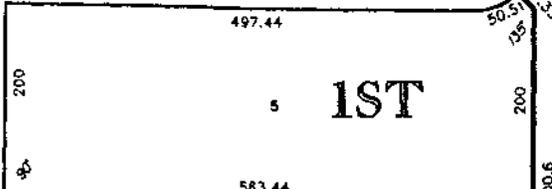
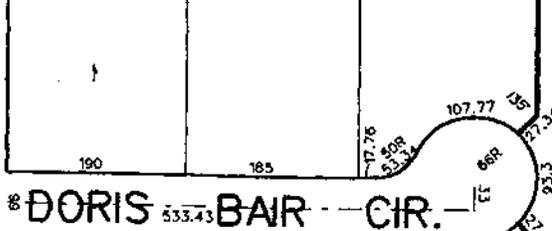
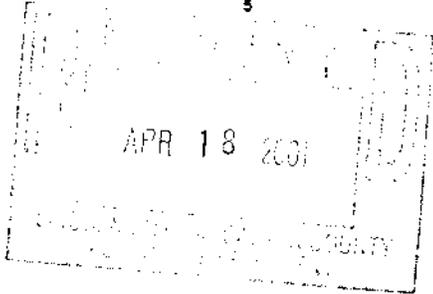
Sincerely,

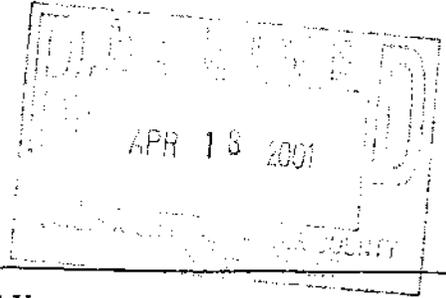
Byron Blum
Engineering Services
Department of Public Works

jaj HJBindPrkVac blb

cc: A. Abbott
A. Harrell
K. Sellman
M. Wullschleger
R. Figard
J. Ross
C. Thomas
D. Roper

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PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.)

A portion of R.O.W. Stub adjacent to the South and west lines of Lot 3
48th & Superior Add. and the South and East line of Lot 2 H.J.B.
Industrial Park 1st Addition

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: (Legal description from deed or abstract)

Lot 2 H.J.B. Industrial Park 1st Add. and Lot 3 48th & Superior Add.
all in the Southeast Quarter of Section 5, Township 10 North, Range
7 East of the 6th. P.M. City of Lincoln, Lancaster County, Nebraska.

DATED this 29th day of March, 20 01.

REFERRED	
APR 9 2001	APR 9 2001
Law Dept	

LPR Partnership, A Nebraska General Partnership.
Donald W. Linscott 009

(Individual(s) Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
19____, by _____
(Please indicate marital status)

(Seal)

Notary Public

(Corporate Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
19____, by _____, president of _____, on behalf of the
corporation.

(Seal)

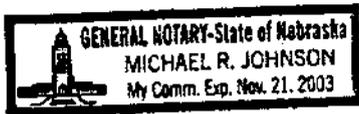
Notary Public

(Partnership Acknowledgment):

STATE OF Nebraska)
) ss.
Lancaster COUNTY)

The foregoing instrument was acknowledged before me on this 29th day of March,
20 ~~19~~ 01, by Donald W. Linscott, general partner of
LPR Partnership A Nebraska, on behalf of the partnership.
General Partnership.

(Seal)



Michael R. Johnson
Notary Public

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.

Donald W. Linscott, General Partner
LPR Partnership, A Nebraska General
Partnership

1. Name of Petitioner (Current Titleholder/s): _____

If more than one individual, indicate if you are:

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

2. Petitioner's Address: 5101 Central Park Drive, Suite 100
Lincoln Ne 68504

3. Petitioner's Telephone Number: (402) 467-1234

4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:
470747395

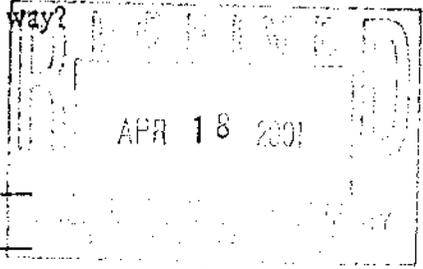
5. Name of street, alley, or other public way sought to be vacated: Right-of-Way stub

6. Why are you seeking to have this street, alley, or other public way vacated?
To gain Additional Area (Buildable) for the existing and Future Lots.

7. What use or uses do you propose to make of the public way should it be vacated?
We will provide a public Access Easement to match the alignment of the existing concrete pavement.

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?
X YES _____ NO

11. Name and address of person to whom tax statement should be sent:
Donald W. Linscott, General Partner
LPR Partnership
5101 Central Park Drive, Suite 100
Lincoln Ne 68504



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.**