

City Council Introduction: **Monday**, September 24, 2001
Public Hearing: **Monday**, October 1, 2001, at **1:30 p.m.**

Bill No. 01-147

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 01010, requested by Lancaster County School District 001, to vacate South 22nd Street from the north line of "J" Street to the south line of the east-west alley in Block 4, McMurry's Addition, between South 21st Street and South 22nd Street.

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

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: July 11, 2001
Administrative Action: July 11, 2001

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

FINDINGS OF FACT:

1. The purpose of the proposed street vacation is to construct a parking lot for Lincoln Public Schools on the vacated right-of-way.
2. The staff recommendation to find the proposed street vacation to be in conformance with the 1994 Lincoln City-Lancaster County Comprehensive Plan, with conditions of approval, is based upon the "Analysis" as set forth on p.2-3.
3. The minutes of the public hearing before the Planning Commission are found on p.5-6.
4. There was no testimony in opposition.
5. The Planning Commission agreed with the staff recommendation and voted 7-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
6. The conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been submitted by the applicant and approved by the reviewing departments.
7. The applicant must comply with the provisions of Chapter 14.20 of the Lincoln Municipal Code prior to any action by the City Council.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: September 17, 2001

REVIEWED BY: _____

DATE: September 17, 2001

REFERENCE NUMBER: FS\CC\FSV01010/jlw

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01010

DATE: June 26, 2001

PROPOSAL: Larry Hennings, on behalf of Lincoln Public Schools (Lancaster County School District 001) has requested the vacation of South 22nd Street from the north line of "J" Street to the south line of the east-west alley in Block 4, McMurtry's Addition between South 21st Street and South 22nd Street, located in the N1/2 of Section 25, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

GENERAL INFORMATION:

APPLICANT: Larry Hennings
Lincoln Public Schools (Lancaster County School District 001)
800 South 24th Street
Lincoln, NE 68510

LEGAL DESCRIPTION: South 22nd Street from the north line of "J" Street to the south line of the east-west alley in Block 4, McMurtry's Addition between South 21st Street and South 22nd Street, located in the N1/2 of Section 25, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.

SIZE: 11,360 square feet, more or less

EXISTING ZONING: The property to the east of the street is zoned P Public Use and the property to the west of the proposed vacation is zoned R-6 Residential.

EXISTING LAND USE: Public street.

SURROUNDING ZONING AND LAND USE: The P Public Use Lincoln High School is east and south of the proposed vacation, and R-6 Residential zoned LPS property is directly west of the proposed vacation.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Map shows the land west of the proposed vacation as Urban Residential and the land to the east as Public and Semi-Public. Neither S. 22nd Street nor "J" Street are shown in the Existing or Future Functional Street and Road Classification.

ANALYSIS:

1. The applicant states that this application is to construct a parking lot for Lincoln Public School on the vacated right-of-way. The applicant will construct a cul-de-sac for "J" Street, which will become a dead end if this vacation is approved.
2. The Department of Public Works and Utilities reports that Peoples Natural Gas have a 4 inch gas main in the area of the proposed vacation. Lincoln Electric System responded that there is potential for future facilities in the area. Public Works and Utilities recommends that a permanent easement be retained over the entire vacated area.
3. The Department of Public Works and Utilities reports that they have "...some concerns with this vacation. By vacating adjacent only the south half of this right-of-way it allows the potential for through traffic to try and access 'J' Street to the south. The public right-of-way would dead end into a parking lot and force traffic to turn around in the school parking lot or use the alley to the west of

22nd Street. Public Works' recommendation would be to vacate South 22nd Street from the south line of 'K' Street to the north line of 'J' Street."

4. However, the Department of Public Works and Utilities states that they "...will recommend approval with a recommendation that LPS be responsible for snow removal in the remaining public right-of-way of 22nd Street and that the design of the parking lot entrance paving and signing at the south line of the alley be approved by Public Works. It is also noted that if 22nd Street is vacated and access eliminated between 'J' Street and Capitol Parkway traffic patterns around Lincoln High School will be changed. Congestion will increase at 21st Street."
5. The lot north of the alley on the west side of the street is in private ownership. If the South 22nd Street right-of-way north of the alley were vacated, the owners would require an access easement to use their driveway.
6. The Capitol Environs Commission has issued a Certificate of "no material effect" concerning the Lincoln Public Schools application to demolish the apartment building at the NW corner of South 22nd and "J" Street as part of their conceptual master plan for the area. The conceptual master plan depicted the southern portion of South 22nd Street as a parking lot.
7. An executive order will be required to build the proposed cul-de-sac turnaround proposed at the dead end of "J" Street.
8. Public Works and Utilities recommends that a landscape screen be placed between the new parking lot and "J" Street. As an entity with the power of eminent domain, Lincoln Public Schools is not obligated to comply with City of Lincoln Design Standards. The provision of landscape screening can be made a condition of approval.
9. The Real Estate Department has yet to appraise the area of proposed vacation.

STAFF RECOMMENDATION: The proposed vacation conforms with the 1994 Comprehensive Plan.

Conditional Approval

1. Before the vacation request is scheduled on the City Council agenda the following shall be completed:
 - 1.1 The applicant shall sign an agreement with the City to install the landscape screen approved by the Planning Department within two years of the approval of this vacation.

- 1.2 The applicant shall submit a parking lot design and signing scheme satisfactory to the Department of Public Works and Utilities.
- 1.3 The applicant shall sign an agreement with the City indicating that Lincoln Public Schools shall be responsible for snow removal on the remaining portion of S. 22nd Street.
- 1.4 The applicant shall submit a parking lot layout satisfactory to the Department of Public Works and Utilities.
2. This approves the vacation of South 22nd Street from the north line of "J" Street to the south line of the east-west alley in Block 4, McMurtry's Addition between South 21st Street and South 22nd Street, located in the N1/2 of Section 25, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska.
3. The City retains a permanent utility easement over the entire vacated area.
4. The applicant shall build a cul-de-sac and replace curb returns on "J" Street.

Prepared by:

Jason Reynolds
Planning Department

STREET VACATION NO. 01010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 11, 2001

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

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

Proponents:

1. **Jeanette Stull** appeared on behalf of **Lincoln Public Schools**, which is requesting that the south half of the block between 21st Street and 22nd Street be vacated. LPS has acquired a lot adjacent to this area. The property being vacated and the lot purchased would be turned into a parking lot. Stull acknowledged that Public Works has expressed some concern. They would prefer that LPS vacate the entire 22nd Street because they do not want 22nd to look like a through street when it is not. However, LPS is not in a position to vacate all of 22nd Street because there is a property owner with a residence on the north half of the block with a garage needing access off 22nd Street. It would be cleaner to vacate the south part at this time, and then later on down the road, if LPS is able to acquire the residence, LPS would be amenable to vacating all of 22nd Street.

Stull pointed out that Public Works has asked LPS to make some changes such as “no outlet” signage, putting in some landscape barriers, snow removal, narrowing the entryway into the parking lot, etc., and LPS is willing to do these things in order to accommodate this project.

Newman noted that the buses used to come in off 21st to J. Will they continue to do that? Will the cul-de-sac be large enough for buses? Larry Hennings, Facilities Supervisor for LPS, advised that the buses will continue to come into that point to drop off students. These buses are generally special education buses and smaller buses and the radius is large enough even for the transport buses.

Newman asked whether LPS is taking over this entire block or whether there are still homes along J Street. Hennings advised that there continue to be four apartment houses along J Street with access off J Street and off the alley in the back. The alley is paved between K and J. Steward then commented that a net practical effect would be if someone turned off K onto 22nd, they have a paved outlet through the alley. Hennings concurred, further offering that this proposal has gone through the Nebraska Capitol Environs Commission and the long range plan would eliminate the big parking lot in front of the school. The whole scheme is to tie in with the Antelope Valley project and development, making the front of Lincoln High look different than it does now.

Newman concluded that everyone will have to come in on 22nd and back out on 22nd. They won't go back behind on J Street to get in and out. Stull advised that LPS would be cutting off the corner of J Street and 22nd Street. It would only be used for buses and drop-off.

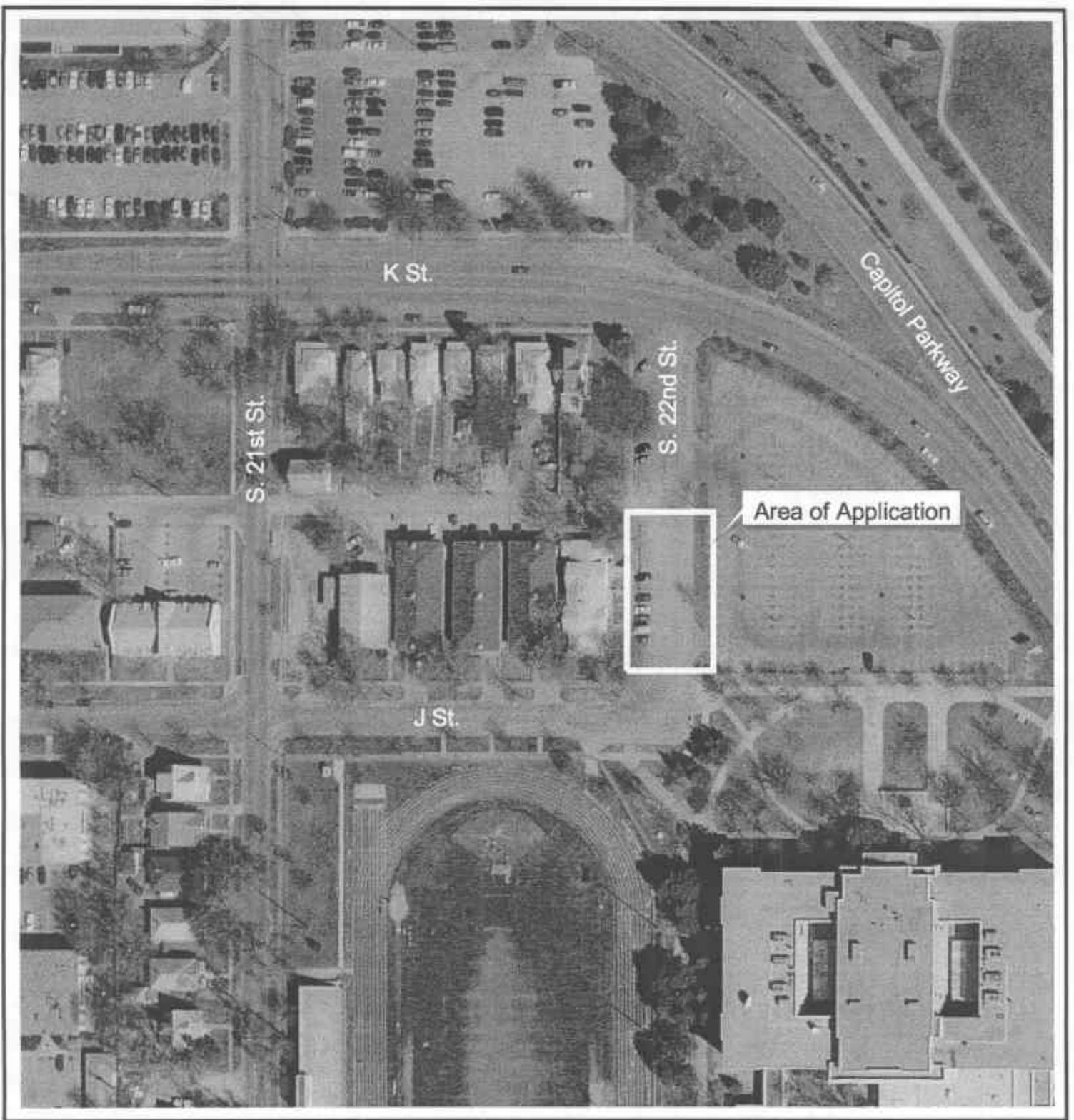
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

July 11, 2001

Carlson moved to approve the Planning staff recommendation, seconded by Krieser and carried 7-0: Krieser, Newman, Duvall, Carlson, Steward, Schwinn and Bayer voting 'yes'; Hunter and Taylor absent.



Street & Alley Vacation #01010
So. 22nd Street from 'J' to E-W alley

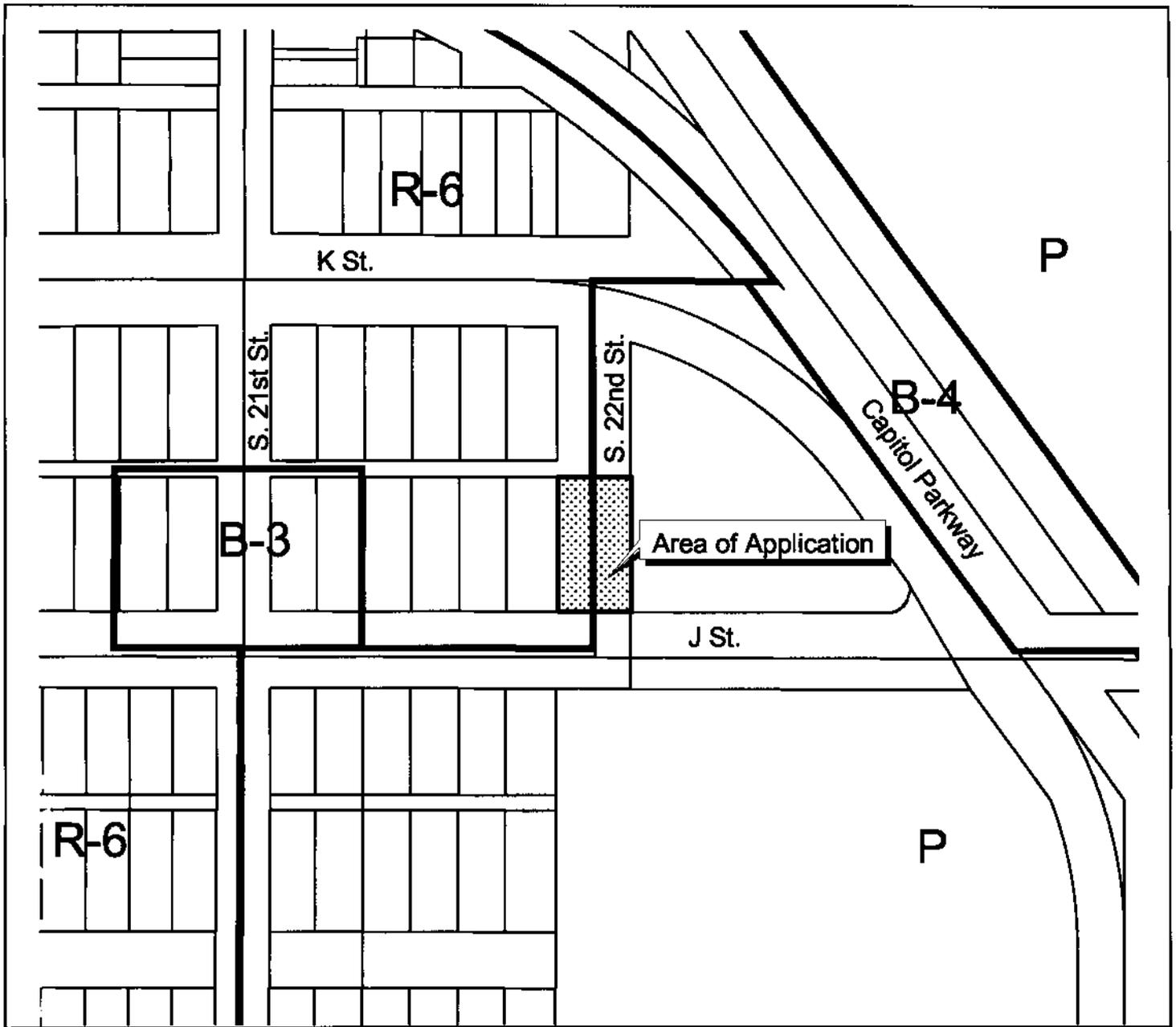


6-26-01

Photograph Date: 1997

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Lincoln City - Lancaster County Planning Dept.

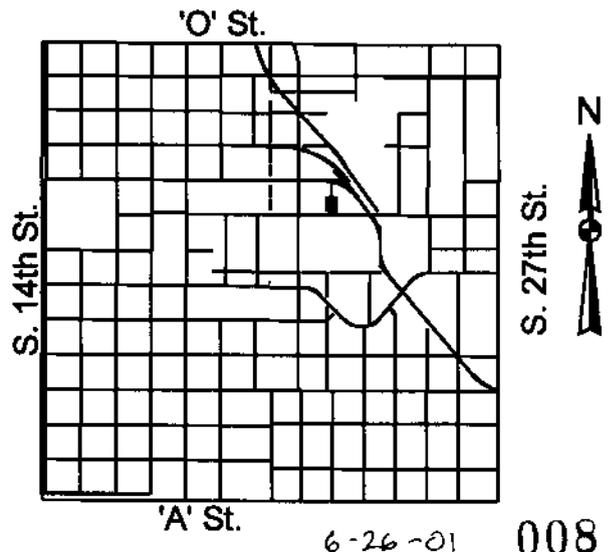
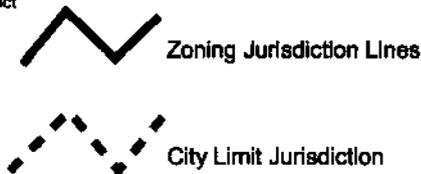


Street & Alley Vacation #01010 So. 22nd Street from 'J' to E-W alley

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. 25 T10N R6E



6-26-01

008

6 2001

'K' STREET

60"RS

15"RS

SOUTH 22ND STREET

48 Proposed Parking Spaces

Leased Property
12 Parking Stalls

TREE ROW

48"RS (ABANDONED)
8"W

60"RS

'J' STREET

60"RS

15"RS

LP

06/04/03
01



06/04/03
 Preliminary
 Lincoln Public Schools
 Facilities Department
 2229 J Street, Lincoln, Nebraska 68510
 (402) 436-1301

Title: Parking Proposal
 Location: Lincoln High School
 2229 J Street, Lincoln, Nebraska 68510
 (402) 436-1301

009

Lincoln



Nebraska's Capital City

RECEIVED

JUN - 6 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

June 6, 2001

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacation of South 22nd Street from the north line of "J" Street to the south line of the east-west alley, between South 21st Street and South 22nd Street, Block 4 McMurry's Addition

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from the Lancaster County School District 001, owners of Lot 12, Block 4 McMurry's Addition, and Lot 125 Irregular Tract, located in the north half of Section 25, T 10 N, R 6 E, to vacate the above described public right-of-way. Petitioner requests this vacation to provide additional off street parking and improve the Lincoln High School entrance.

Peoples Natural Gas have a 4 inch gas main in the area of this proposed vacation. Lincoln Electric System's responded that there is a potential for future facilities in this area. If this vacation request is approved a permanent easement should be established for the entire vacated area.

The Department of Public Works has some concerns with this vacation. By vacating adjacent only the south half of this right-of-way it allows the potential for through traffic to try and access "J" Street to the south. The public right-of-way would dead end into a parking lot and force traffic to turn around in the school parking lot or use the alley to the west of 22nd Street. Public Works recommendation would be to vacate South 22nd Street from the south line of "K" Street to the north line of "J" Street. If the vacation is approved as requested, Public

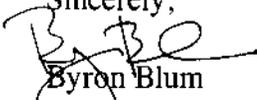
JUN 6 2001

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Planning Commission
Page 2
June 6, 2001

Works recommends that a landscape screen be placed between the new parking lot and "J" Street. An executive order will be required to build the cul-de-sac turnaround proposed at the dead end of "J" Street.

This vacation contains an area of 11,360 square feet, more or less.

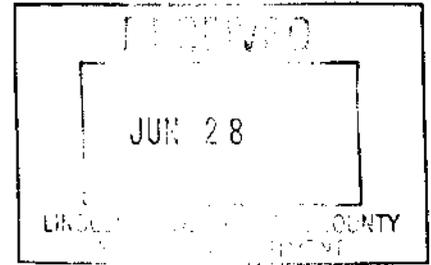
Sincerely,

Byron Blum
Engineering Services

fcv vacation of 22nd street alley bab.wpd

cc: Allan Abbott
Ann Harrell
Kathleen Sellman
Marc Wullschleger
Roger Figard
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper
Larry Hennings - Lincoln Public Schools

JUN 6 2001

M e m o r a n d u m



[REDACTED]

To: Jason Reynolds, Planning Department
From: Dennis Bartels, Public Works & Utilities
Subject: 22nd Street Vacation North of 'J' Street
Date: June 27, 2001
cc: Allan Abbott, Roger Figard, Scott Opfer, Virendra Singh

Lincoln Public Schools wishes to proceed with vacating the south half of 22nd Street from the north line of 'J' Street south to the south line of the alley. Public Works still prefers vacation of the entire street from Capitol Parkway to 'J' Street, but will recommend approval with a recommendation that LPS be responsible for snow removal in the remaining public right-of-way of 22nd Street and that the design of the parking lot entrance paving and signing at the south line of the alley be approved by Public Works.

It is also noted that if 22nd Street is vacated and access eliminated between 'J' Street and Capitol Parkway traffic patterns around Lincoln High will be changed. Congestion will increase at 21st Street.

Lincoln



Nebraska's Capital City

Larry Hennings
Lincoln Public Schools
800 South 24th Street
Lincoln, NE 68510

Dear Larry:

Thank you for the opportunity to comment on the potential vacation of 22nd Street. My preliminary recommendation concerning the vacation is approval subjecting to vacation from the south line of 'K' Street to the north line of 'J' Street. This will require petitions from the private owner at the northwest corner of 22nd and 'K' as well as LPS. A public access easement would be required from the east west alley west of 22nd either north to 'K' Street or south to 'J' Street. Public Works suggests rebuilding the 22nd St. street return at 'K' St. to the driveway and define it as a driveway rather than a street. The construction of a cul-de-sac turn around on 'J' Street will need further discussion but appears feasible.

If you decide to proceed with the land purchase and vacation please contact me for further assistance with the vacation.

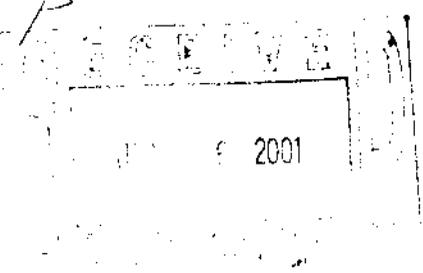
Sincerely,

Dennis Bartels,
Short Term Planning Manager

cc: Allan Abbott
Roger Figard
Kelly Sieckmeyer

*Conceptual
Plan
of total*

alc00016db.wpd



014



Lincoln Public Schools

Custodial, Maintenance & Facilities Building • 800 South 24th • Lincoln, Nebraska 68510 • (402) 436-1072 • (Fax) 436-1557

May 19, 2000

Dennis Bartels
Public Works & Utilities
1001 N. 6th Street
Lincoln, NE 68508

SUBJECT: STREET VACATION IN CUL-DE-SAC AT 22ND & "J" STREETS

Dear Dennis;

I am writing to ask you the possibility of vacating 22nd Street from "J" Street to "K" Street. What would be involved in that process? Or maybe we could vacate it from "J" Street to the east/west alley between 21st and 22nd Streets and then create a cul-de-sac at 22nd & "J" Street. I have included several drawings for your use and so you will have some for other departments to look at. The reason we are asking this question at this time is that the Board of Education has an option to buy the property at 2144 "J" Street and in doing so the Board is trying to determine the best way to utilize that property.

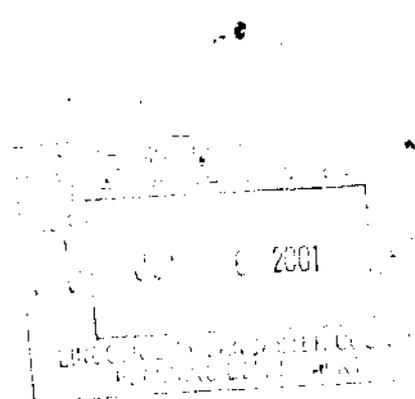
The enclosed proposal shows a 48 space parking lot in that area with a cul-de-sac at the turn of "J" Street and 22nd Street. Is this something that can be done and looked upon favorably by the City? The other question it raises is would it be better to vacate all of 22nd Street and enter into some easement agreements to allow the alley and the property owner on the north half of the block on 22nd Street to exit to "K" Street? If we were to gain approval of the proposal, we would probably develop the property pretty much the way it is depicted on the attached drawings. I would ask that you send these to the different City Departments involved and ask for opinions.

Again, this is a proposal and no decisions have been made. At this point, we only have an option to purchase the property. This will assist us in determining whether we want to execute that option. I ask that you try to get this back to me by the 12th of June because the Board subcommittee will meet again on the 14th of June. To further complicate your life, I will be out of town from the 25th of May through the 5th of June. Anything you can do to help me out with these determinations would be appreciated.

Sincerely,

Larry D. Hennings
Facilities Supervisor

c: Cliff Dale
Scott Wieskamp



**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.)*

South 22nd Street from the north line of "J" Street to the south line of the east-west alley between South 21st Street and South 22nd Street located in Block 4, McMurtry's Addition, Lincoln, Lancaster County, Nebraska

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.

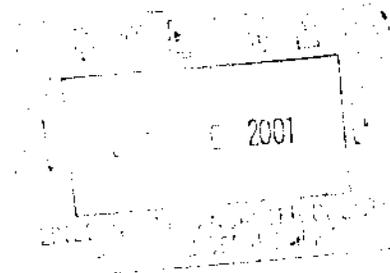
The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: *(Legal description from deed or abstract)*

Lot 12, Block 4, McMurtry's Addition, and Lot 125 I.T., located in the N 1/2 of Section 25, T 10 N, R 6 E, all in Lincoln, Lancaster County, Nebraska

DATED this 9th day of MAY, 2001.

LANCASTER COUNTY SCHOOL DISTRICT 001

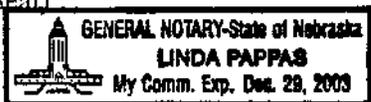
By: *Shirley Doan* 016
Shirley Doan, President
Jim Galver, Vice President



STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

The foregoing instrument was acknowledged before me on this 8th day of May, 2001, by James ~~Dean~~ ^{Gover}
President of the Lincoln Board of Education, on behalf of Lancaster County School District 001.

(Seal)



Linda Pappas
Notary Public

CERTIFICATE

TO: Kathleen A. Sellman,
Planning Director
Jeff Searcy, Chair, NCEC

DATE: April 18, 2001

DEPT: NCEC agenda packet

FROM: Jennifer Dam JD

DEPT: Planning

RE: Certificate of No Material Effect
on Concept Master Plan for
Lincoln High School vicinity
within Nebraska Capitol Environs
District

Background:

Lincoln Public Schools (LPS) applied to the Commission in August 2000 for a certificate to demolish the apartment building at the NW corner of 22nd and J Street, near the front of Lincoln High School (LHS). In response to the Environs design standard that requires information about the proposed reuse of property to accompany applications for demolition, LPS provided a conceptual plan for creating a cul-de-sac on J Street at 22nd, and closing 22nd to combine with nearby parking areas. The Commission granted approval of the demolition with a condition that a broader master plan for the Environs portion of the LHS campus.

At the February 22, 2001 meeting of the Capitol Environs Commission, Larry Hennings of LPS presented a conceptual master plan for the Environs area of Lincoln High School. It includes the previously presented concepts of closing 22nd Street and creating a cul-de-sac on the east end of J Street, NW of the LHS entrance. It also shows a redevelopment of the "front yard" area of LHS to respond in a more axial fashion to the Capitol vista, including an "outdoor classroom"/gathering area in a portion of the current front parking lot, and other reductions of the existing parking lot that currently in front of the LHS main entrance.

Members expressed support for the concepts of the cul-de-sac and redesign of the landscape plan in front of LHS. They urged that steady progress be made towards the full implementation of the plan. Mr. Hennings pointed out that this was a long-range plan and its full implementation would be staged, depending upon funding and the opening of the new high schools, which will change the number and age-mix of students at LHS, resulting in a reduced demand for parking.

Members were unable to take final action at the February 22, 2001 meeting, due to absence of a quorum. The Commission was again unable to act at the scheduled meeting of March 22, 2001, due to absence of a quorum.

Discussion:

Lincoln Municipal Code 27.56.110 indicates that "The Planning Director may recommend and the Chair of the Nebraska Capitol Environs Commission may issue a certificate of "no material effect" if the application is for minor work and is in harmony with the purposes of the ordinance. This proposal has been offered for public hearing and review by the commission, and has been modified in accord with advice from the Commission. Further delay would not be in harmony with the ordinance's purpose of timely review.

This conceptual master plan will have further review by Planning Commission and City Council relative

to the closing of 22nd Street and the creation of a cul-de-sac on J Street. This certificate enters into the record for those bodies the discussions held and advice offered by Capitol Environs Commission.

Therefore I request that the Planning Director recommend and the NCEC Chair approve this communication as a "certificate of no material effect."

Patricia A. Sellman 4-20-01

Recommended, Planning Director (date)

[Signature] 4/24/01

Approved, NCEC Chair

(date)

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