

FACTSHEET

TITLE: **ALLEY VACATION NO. 01016**, requested by Lincoln Drywall and Pete Klucas, to vacate the north half of the north-south alley in Block 117, Havelock Addition, generally located between Touzalin Avenue and No. 58th Street at Seward Avenue.

STAFF RECOMMENDATION: A finding of conformance with the 1994 Lincoln City-Lancaster County Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda, 10/31/01
Administrative Action: 10/31/01

RECOMMENDATION: A finding of conformance with the 1994 Lincoln City-Lancaster County Comprehensive Plan (8-0: Bills, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent).

FINDINGS OF FACT:

1. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan is based upon the following analysis:
 - A. This is a request to vacate the north ½ of the north-south alley in Block 117, Havelock Addition in order to increase the lot size for future building expansion.
 - B. The Lincoln Electric System requires a permanent easement for the entire vacation corridor for existing and future utility facilities.
 - C. There is an existing bike path running east-west across Lots 3, 10, and the alley. The bike path prevents this alley from operating as a through street and therefore, the alley serves very little functional purpose. A separate permanent easement adjacent to the south 40 feet for Lots 3 and 10 shall be established for the maintenance of the bike path.
 - D. The Public Works & Utilities Department recommends approval of this vacation.
 - E. During the review of this request, it has come to our attention that the owner of Lots 10, 11 and 12 of Block 117, Havelock Addition, Lincoln Drywall, appears to be occupying the right-of-way of N. 58th Street, as can be seen in the aerial photograph for this alley vacation. North 58th Street at this time has not been vacated and is owned by the City of Lincoln. The material occupying this right-of-way must be removed from the right-of-way. The Building and Safety Department has been informed.
2. This application was placed on the Consent Agenda of the Planning Commission on October 31, 2001, and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: November 13, 2001

REVIEWED BY: _____

DATE: November 13, 2001

REFERENCE NUMBER: FS\CC\FSV01016

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01016

DATE: October 17, 2001

PROPOSAL: Lincoln Drywall and Pete Klucas request to vacate the north ½ of the north-south alley in Block 117, Havelock Addition.

LAND AREA: 2,400 square feet, more or less

CONCLUSION: The request conforms to the Comprehensive Plan.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The north ½ of the north-south alley in Block 117, Havelock Addition.

LOCATION: Generally located between Touzalin Avenue and N. 58th Street at Seward Avenue.

APPLICANTS: Lincoln Drywall
5731 Seward Avenue
Lincoln, NE 68507
(402)464-0691

Pete Klucas
1901 South 51st Street
Lincoln, NE 68506
(402)484-7081

OWNER & CONTACT: Same

SURROUNDING LAND USE AND ZONING:

North:	Warehouses and residences	I-1, Industrial and R-4, Residential
South:	Warehouses	I-1
East:	Vacant	I-1
West:	Open Storage	I-1

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as industrial in the Comprehensive Plan. (Page 39)

Seward Avenue, N. 58th Street and Colfax Avenue are all designated as local streets in the Comprehensive Plan. Touzalin Avenue is designated as an arterial street in the Comprehensive Plan. (Page 91)

HISTORY: The area was zoned K, Light Industrial until it was updated to I-1, Industrial during the 1979 zoning update.

The south ½ of the alley in Block 117 was vacated by ordinance #11005 on February 11, 1974 at the request of McKee and Williams, Incorporated.

UTILITIES: Lincoln Electric System requests that a permanent easement be established for the entire vacation corridor for existing and future utility facilities.

TRAFFIC ANALYSIS: Since the south ½ of the alley is vacated, the alley provides only limited circulation.

ANALYSIS:

1. This is a request to vacate the north ½ of the north-south alley in Block 117, Havelock Addition in order to increase the lot size for future building expansion.
2. The Lincoln Electric System requires a permanent easement for the entire vacation corridor for existing and future utility facilities.
3. There is an existing bike path running east-west across Lots 3, 10, and the alley. The bike path prevents this alley from operating as a through street and therefore, the alley serves very little functional purpose. A separate permanent easement adjacent to the south 40 feet for Lots 3 and 10 shall be established for the maintenance of the bike path.
4. The Public Works & Utilities Department recommends approval of this vacation.
5. During the review of this request, it has come to our attention that the owner of Lots 10, 11 and 12 of Block 117, Havelock Addition, Lincoln Drywall, appears to be occupying the right-of-way of N. 58th Street, as can be seen in the aerial photograph for this alley vacation. North 58th Street at this time has not been vacated and is owned by the City of Lincoln. The material occupying this right-of-way must be removed from the right-of-way. The Building and Safety Department has been informed.

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 Retain permanent easements for Lincoln Electric System.

- 1.3 Retain a permanent easement adjacent to the south 40 feet of Lots 3 and 10, Block 117 Havelock Addition for the maintenance of the bike path.

Prepared by:

Becky Horner
Planner

STREET & ALLEY VACATION NO. 01016

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

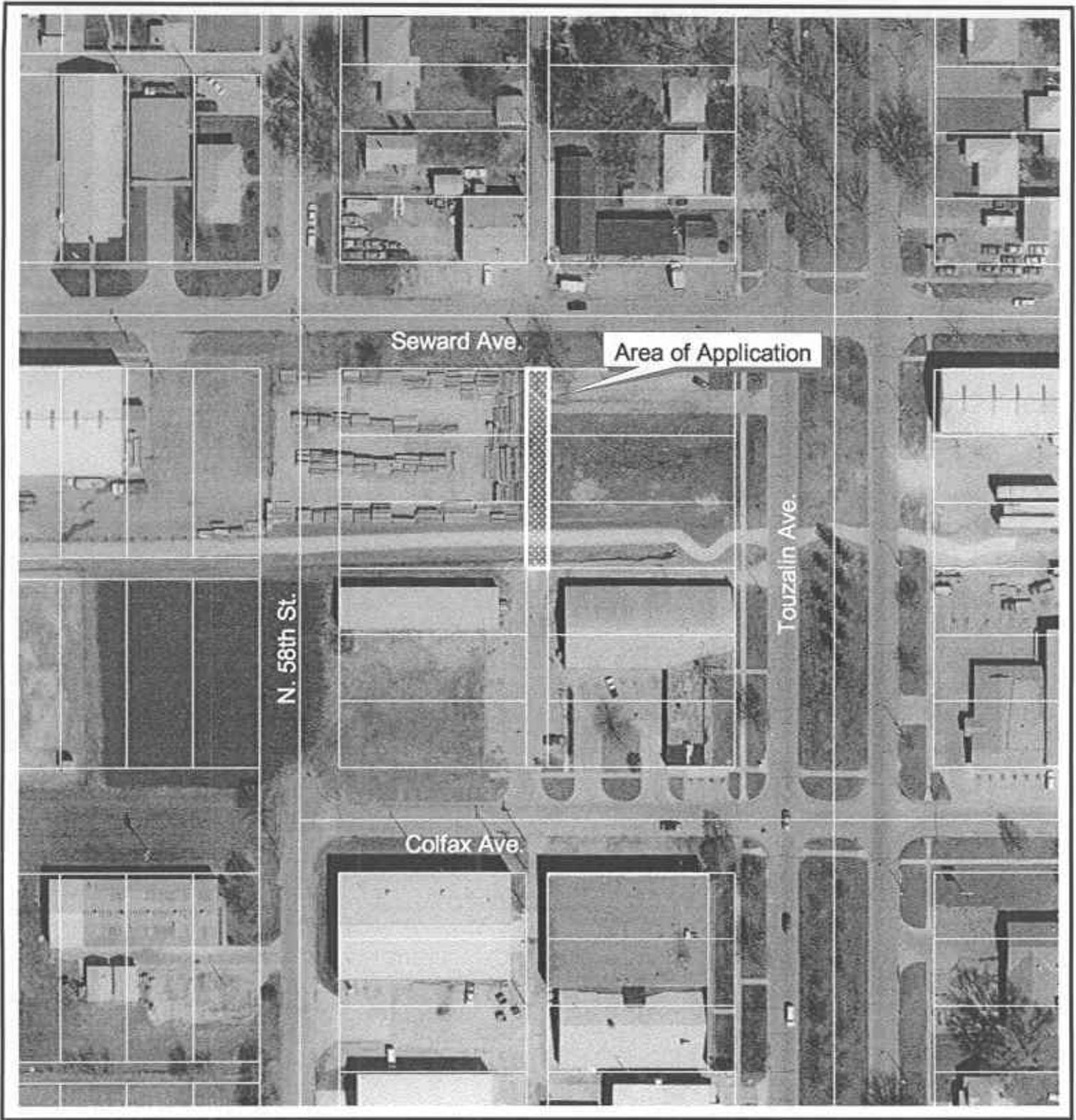
October 31, 2001

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

The Consent agenda consisted of the following items: **CHANGE OF ZONE NO. 3343; SPECIAL PERMIT NO. 1839A; USE PERMIT NO. 128A; PRELIMINARY PLAT NO. 01013, ALDERWOOD; STREET AND ALLEY VACATION NO. 01016; and STREET AND ALLEY VACATION NO. 01019.**

Duvall moved to approve the Consent Agenda, seconded by Bills and carried 8-0: Bills, Carlson, Duvall, Krieser, Newman, Schwinn, Steward and Taylor voting 'yes'; Hunter absent.

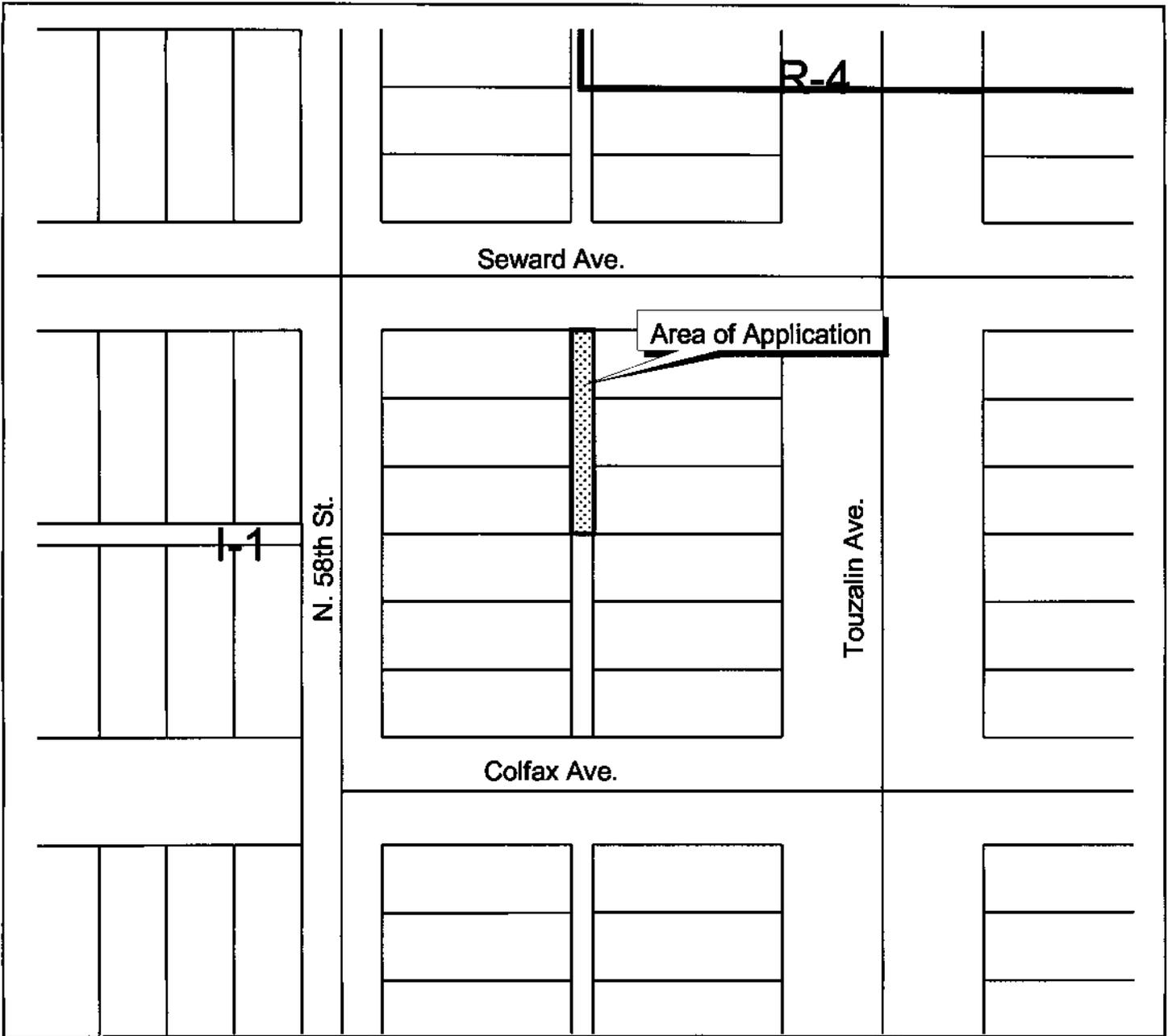
Note: This is final action on Use Permit No. 128A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



Street & Alley Vacation #01016
58th & Touzalin



006

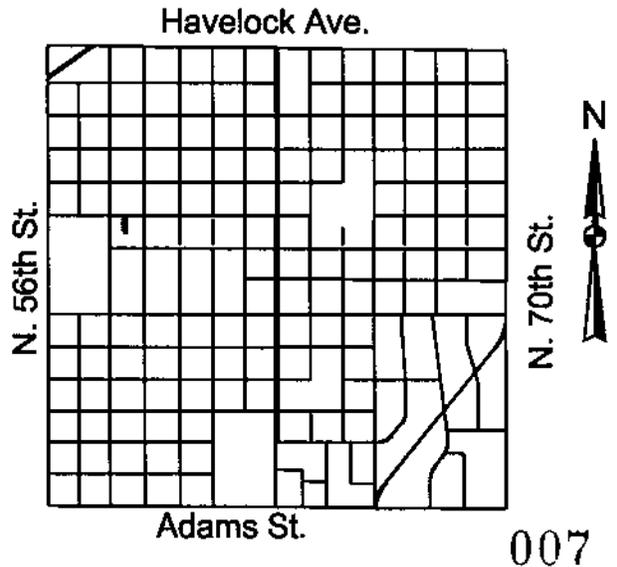
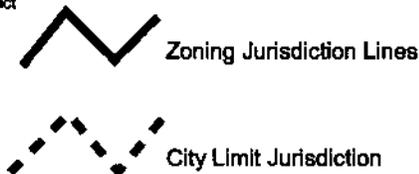


Street & Alley Vacation #01016 58th & Touzalin

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. 9 T10N R7E



Lincoln



Nebraska's Capital City

September 26, 2001

RECEIVED

SEP 28 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING COMMISSION

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating the north one-half of the north-south alley in Block 117, Havelock

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Lincoln Drywall, owners of Lots 10, 11, and 12, Block 117 Havelock, and Pete Klucas, owner of Lots 1, 2 and 3, Block 117 Havelock, to vacate the above described public right-of-way. Petitioners request this vacation in order to increase lot size and future building expansion.

The south half of this alley was vacated in Ordinance No. 11005.

Lincoln Electric System and Alltel have requested that a permanent easement be established for the entire vacation corridor for existing and future utility facilities. There is also an existing bike path running east-west across Lot 3, Lot 10, and the alley. A separate permanent easement adjacent to the south 40 feet of Lots 3 and 10 should be established for the maintenance of the bike path.

Public Works recommends approval of this vacation. This vacation contains an area of 2,400 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services

fcp blk117vac blb.wpd

cc: Mayor Wesely
Allan Abbott
Nicole Fleck-Tooze
Kathleen Sellman
Marc Wullschleger
Roger Figard
Joan Ross
Clint Thomas
Dana Roper

008

3	2	1	142
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142	6	5	4	3	2	1	142
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57 TH.

58 TH.

TOUZALIN

60 TH.

DEATON

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HAVELOCK
SUB.

VACATED ORD. NO. 10386
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VACATED ORD. NO. 7292

VACATED ORD. NO. 7293

VACATED ORD. NO. 7292

VACATED ORD. NO. 7292

VACATED
ORD. NO. 11541