

City Council Introduction: **Monday**, October 30, 2000  
Public Hearing: **Monday**, November 6, 2000, at **1:30 p.m.**

Bill No. 00-200

## **FACTSHEET**

**TITLE: STREET VACATION NO. 00018**, requested by the Dennis and Mary Bade, to vacate West "N" Street from the west line of South Coddington, west approximately 300 feet, generally located south of West "O" Street on the west side of South Coddington.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 10/18/00  
Administrative Action: 10/18/00

**RECOMMENDATION: DENIAL** (9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor 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 with conditions of approval is based upon the "Analysis" as set forth on p.2-3. The conditions of approval are found on p.3.
2. The applicant was not present at the public hearing before the Planning Commission.
3. Testimony in opposition is found on p.4.
4. The Planning Commission discussion with staff is found on p.4.
5. On October 18, 2000, the Planning Commission disagreed with the staff recommendation and voted 9-0 to recommend **denial**.

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

**DATE:** October 23, 2000

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

**DATE:** October 23, 2000

**REFERENCE NUMBER:** FS\CC\FSV00018

**LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT**

**P.A.S.: STREET VACATION NO. 00018**

**DATE: OCTOBER 2, 2000**

**WEST 'N' STREET, FROM SOUTH CODDINGTON WEST**

**PROPOSAL:** Dennis and Mary Bade, have requested the vacation of West 'N' Street from the west line of South Coddington, west approximately 300 feet, generally located south of West 'O' Street on the west side of South Coddington

**GENERAL INFORMATION:**

**APPLICANT:** Dennis and Mary J. Bade  
607 Pier II  
Lincoln, NE 68528  
402-477-5420

**LEGAL DESCRIPTION:** The West 'N' Street right-of-way from the west right-of-way line of South Coddington west approximately 300 feet, abutting Lots 7 through 12, Block 2, and Lots 1 through 6, Block 3, Manchester Heights located in the NW¼ of Section 28, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska.

**EXISTING ZONING:** H-3 Highway Commercial District

**EXISTING LAND USE:** Undeveloped Right-of-way

**SURROUNDING ZONING AND LAND USE:** H-3 immediately in all directions, I-1 Industrial one block to the south. Commercial uses to the north and east, vacant to the west and south.

**COMPREHENSIVE PLAN SPECIFICATIONS:** In conformance. This area is shown as Commercial on the Comprehensive Plan Land Use Map. North 18<sup>th</sup> Street is not shown on the Existing or Future Functional Street and Road Classification map.

**ANALYSIS:**

1. This is a request to vacate West 'N' Street, west of South Coddington to its western terminus.
2. This proposal will add to the land available for commercial development
3. The Public Works and Utilities Department's report notes the following;

3.1 Peoples Natural Gas, the Lincoln Electric System, and Alltel have facilities in the area of the proposed vacation. A permanent easement will be required through the entire vacated area for maintaining the existing facilities and construction of future facilities.

3.2 The vacation of West 'N' Street will also affect the access to the undeveloped property to the west of Manchester Heights Addition (Lot 125 of Irregular Tracts). This street should not be vacated unless the abutting lots to the north and south replatted to provide street access to the lots. The replatting will need to address the future street access to Lot 125 I.T. to the west. It appears that a new street may be needed to replace West 'N' Street or additional right-of-way be added to West 'M' Street (to the south) to provide sufficient right-of-way to construct West 'M' Street.

3.3 The Department of Public Works recommends denial of this proposed vacation until a replat is reviewed and access to Lot 125 I.T. is addressed. This vacation contains an area of 18,000 square feet, more or less.

4. Any subdivision involving West 'M' Street to the south, would require addressing floodplain issues in that area.

5. As with any street vacation, access to the abutting lots needs to be resolved prior to the City Council approving the vacation.

6. In this instance, frontage and access to the undeveloped and unplatted lot to the west, Lot 125 I.T., needs to be resolved if the vacation is to be approved.

7. The City Real Estate Division places a value on this street vacation of \$6,750.00.

**STAFF RECOMMENDATIONS:** Finding that the proposed vacation conforms with the 1994 Comprehensive Plan.

Conditional approval of the vacation of the West 'N' Street from the west right-of-way line of South Coddington to the terminus of West 'N' Street

**CONDITIONS:**

1. A permanent easement for future and existing utilities shall be retained.
2. A final plat be approved, or be in process, to provide street frontage and access to the platted lots to the north and south and to the unplatted irregular tract to the west.

Prepared by:

Richard A. Houck, AICP  
Planner II  
Planning Department

## STREET VACATION NO. 00018

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

October 18, 2000

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

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

The petitioner was not present.

### Opposition

1. **Joe Quattrocchi**, 2101 Green Acres Blvd., testified in opposition on behalf of the Quattrocchi Estate, owner of the property at the west end of N Street. Over the past years they have lost about half the property to condemnation for the bypass. It is zoned commercial. He believes the property is in dire need of the street and he sees no reason to close it. He believes that they have given up more than enough for the public use. He does not believe they need to give up any property for one individual.

### Staff questions

Rick Houck clarified that Quattrocchi's property is Lot 125, directly west that takes access off either West "N" or West "M". Public Works is recommending denial until the replat is reviewed. Houck stated that one of the conditions of approval of the street vacation is subdivision of the property to provide access to Lot 125.

Steward thought that all adjacent property owners must agree and sign the petition to vacate. Houck concurred; however, the end of the street is not considered abutting property. Right now Mr. Quattrocchi could not come in and build on his lot and take access off of West "N" Street without replatting and providing access. There is no access to a public street now because access to West "O" Street was relinquished due to the bypass exit ramps. However, there is a service road off of "O" Street.

Bayer clarified that if the vacation is approved, the conditions provide that the street cannot be vacated until access is provided.

Public hearing was closed.

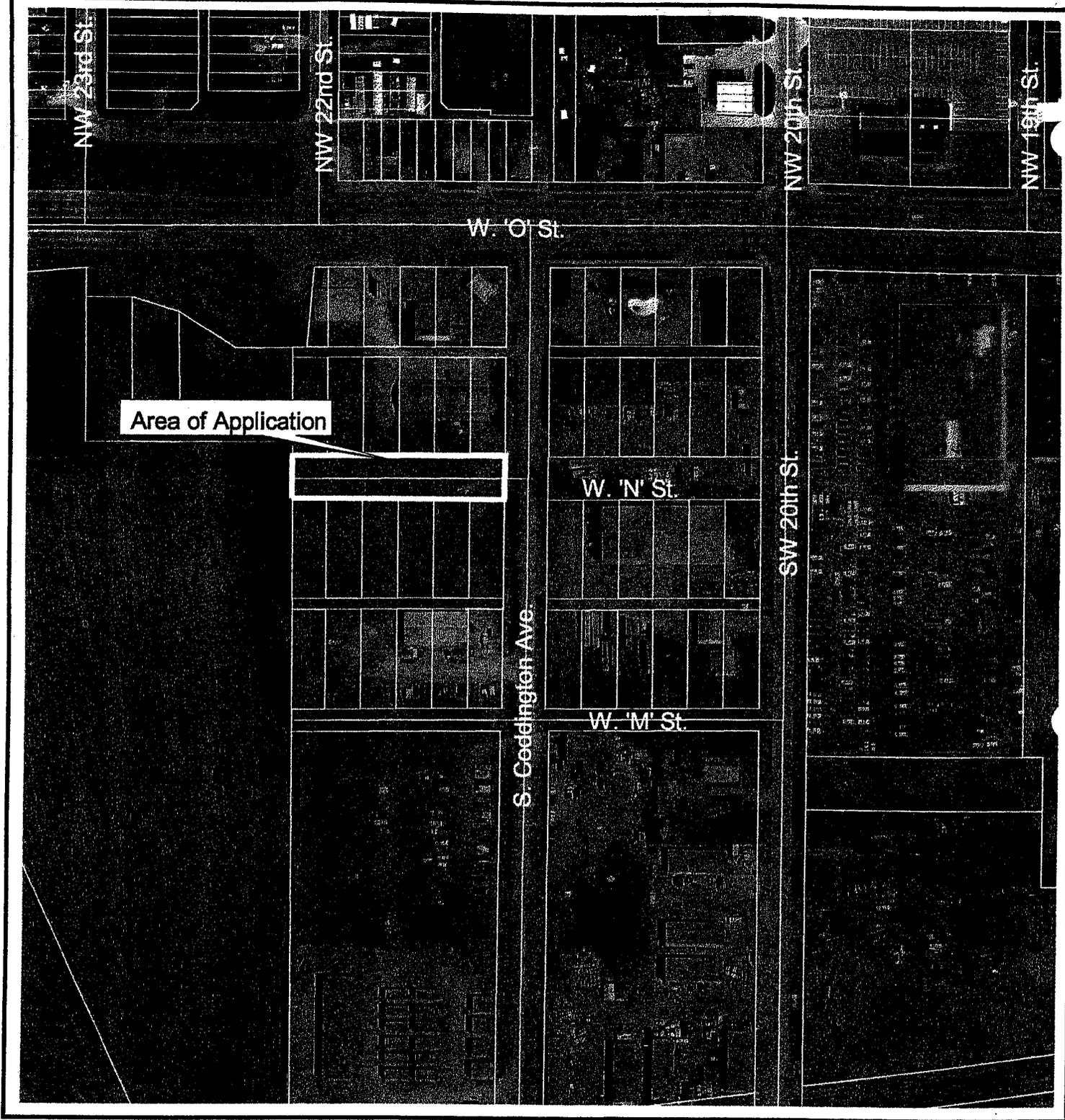
### ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

October 18, 2000

Duvall moved to deny, seconded by Hunter.

Hunter observed that if the applicant didn't find it important enough to show up for the hearing, it's probably not important enough to pass.

Motion to deny carried 9-0: Duvall, Krieser, Carlson, Steward, Hunter, Schwinn, Newman, Taylor and Bayer voting 'yes'.

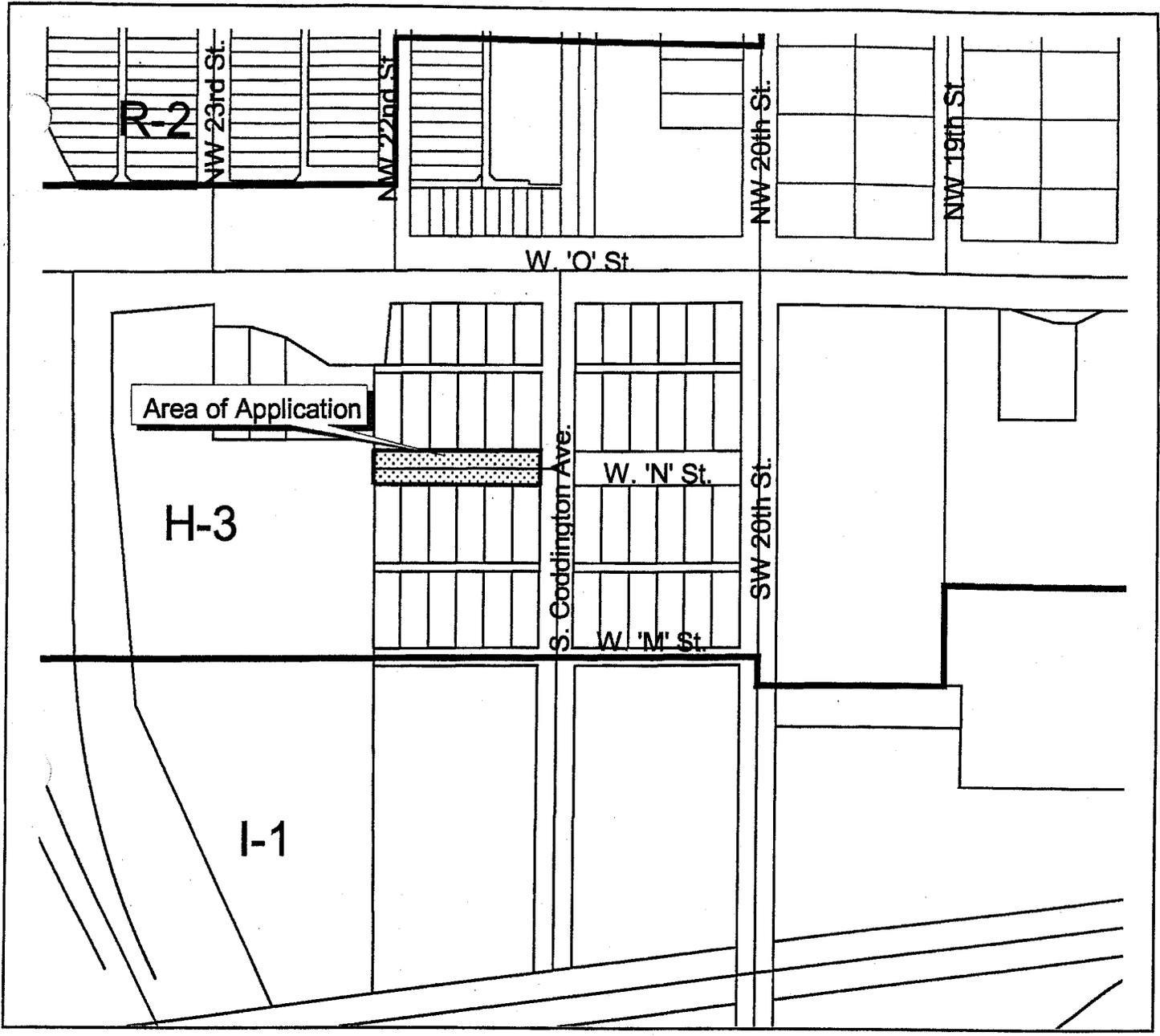


Area of Application

**Street & Alley Vacation #00018**  
**West 'N' St. and S. Coddington Ave.**



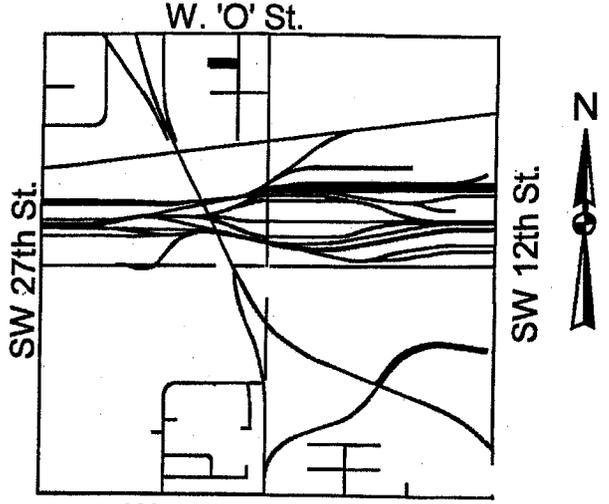
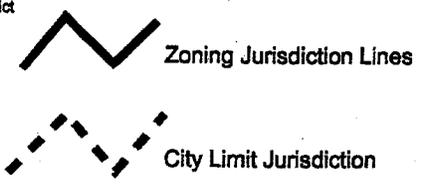
Sheet 1 of 2  
 Date: 10/2/00  
 Photograph Date: 1997 **006**  
 Lincoln City - Lancaster County Planning Dept.



**Street & Alley Vacation #00018**  
**West 'N' St. and S. Coddington Ave.**

- 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- Commercial District
  - B- Lincoln Center Business District
  - B-6 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. 28 T10N R6E



Sheet 2 of 2  
 Date: 10/2/00

007



September 19, 2000

Lincoln City/Lancaster County  
 Planning Commission  
 Lincoln, Nebraska

*RE: Vacating West "N" Street from the west line of South Coddington Avenue west approximately 300 feet.*

Dear Ladies and Gentlemen:

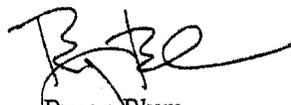
The Department of Public Works and Utilities has received sufficient and proper petitions from Dennis and Mary Bade, owners of Lots 7 through 12, Block 2, Manchester Heights and Lots 1 through 6, Block 3, Manchester Heights, to vacate the above described public right-of-way. Petitioner requests this vacation for building purposes.

Peoples Natural Gas, Lincoln Electric System, and Alltel have existing facilities within the area of proposed vacation. A permanent easement covering the entire area of vacation should be maintained for the existing and future facilities.

The vacation of West "N" Street will also affect the access to the undeveloped property to the west of Manchester Heights Addition (Lot 125 Irregular Tract). This street should not be vacated unless the abutting lots are replatted to provide abutting street access to each lot. The replat will need to address future street access to Lot 125 I. T. It appears that a new street may be needed to replace West "N" Street or additional right-of-way be added to West "M" Street to provide sufficient right-of-way to construct West "M" Street.

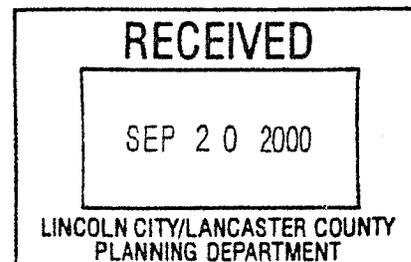
The Department of Public Works recommends denial of this proposed vacation until a replat is reviewed and access to Lot 125 I. T. is addressed. This vacation contains an area of 18,000 square feet, more or less.

Sincerely,

  
 Byron Blum  
 Engineering Services

fcj wnstvac blb

cc: Allan Abbott  
 Ann Harrell  
 Kathleen Sellman  
 Marc Wullschleger  
 Roger Figard  
 Clint Thomas  
 Dana Roper  
 Joan Ross



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.)

**West N Street from Coddington going west approximately 300 feet**

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*)

**Lots 7, 8, 9, 10, 11, and 12 of Block 2, Manchester Heights, and Lots 1, 2, 3, 4, 5, and 6 of Block 3, Manchester Heights, Lincoln, Lancaster County, Nebraska.**

DATED this 17 day of July, 2000.

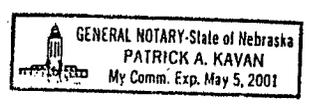
Dennis G. Bade  
Dennis G. Bade

Mary J. Bade  
Mary J. Bade

STATE OF NEBRASKA     )  
  ) ss.  
LANCASTER COUNTY     )

The foregoing instrument was acknowledged before me on this 17 day of July, 2000, by Dennis G. Bade and Mary J. Bade, husband and wife.

(Seal)



Patrick A. Kavan  
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.

1. Name of Petitioner (Current Titleholder/s): DENNIS G MARY J BADE

If more than one individual, indicate if you are:

X joint tenants with right of survivorship, OR \_\_\_\_\_ tenants in common

2. Petitioner's Address: 607 PIER II LINCOLN, NE 68528

3. Petitioner's Telephone Number: 1 (402) 477-5420

4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation: 507-70-5524 - 337-46-3040

5. Name of street, alley, or other public way sought to be vacated: WEST N ST

6. Why are you seeking to have this street, alley, or other public way vacated?

FOR BUILDING PURPOSES

7. What use or uses do you propose to make of the public way should it be vacated?

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:

DENNIS G OR MARY J BADE 607 PIER II LINCOLN, NE 68528

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.

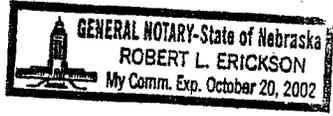
\*\*\* IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.

(Individual(s) Acknowledgment):

STATE OF Nebraska )  
 ) ss.  
Lancaster COUNTY )

The foregoing instrument was acknowledged before me on this 23<sup>rd</sup> day of June,  
2000, by [Signature]  
(Please indicate marital status)

(Seal)



[Signature]  
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 \_\_\_\_\_ )  
 ) ss.  
\_\_\_\_\_ COUNTY )

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, by \_\_\_\_\_, general partner of  
\_\_\_\_\_, on behalf of the partnership.

(Seal)

\_\_\_\_\_  
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.

1. Name of Petitioner (Current Titleholder/s): DENNIS G MARY J BADE

If more than one individual, indicate if you are:

X joint tenants with right of survivorship, OR \_\_\_\_\_ tenants in common

2. Petitioner's Address: 607 PIER II  
LINCOLN, NE 68528

3. Petitioner's Telephone Number: 1 (402) 477-5420

4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:  
507-70-5524 - 337-46-3040

5. Name of street, alley, or other public way sought to be vacated: WEST N ST

6. Why are you seeking to have this street, alley, or other public way vacated?

FOR BUILDING PURPOSES

7. What use or uses do you propose to make of the public way should it be vacated?

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:

DENNIS G OR MARY J BADE  
607 PIER II  
LINCOLN, NE 68528

*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.**

SAV00018

INTEROFFICE MEMORANDUM

TO: City Council Members FROM: Clinton W. Thomas  
DEPARTMENT: City Council Office DEPARTMENT: Real Estate Division  
ATTENTION: DATE: September 28, 2000  
COPIES TO: Joan Ross SUBJECT: Vacation of West N Street; west  
Kathleen Sellman line of South Coddington Ave.  
Dana Roper west approximately 300 feet  
Byron Blum

A request has been made to vacate West N Street lying west of South Coddington Avenue. The area was viewed and appears as part of an open field with an old shelter belt running along the northerly portion of the right-of-way. At the time it was viewed, the area was generally full of vehicles. Many of them are assumed to be associated with the construction work being accomplished on the neighboring property, however, some of the vehicles may be ones which are being stored there by the surrounding property owners or tenants. Signs of a freshly dug trench indicate the possible presence of underground utilities. While there were no other visible signs of utilities in the area, Public Works has indicated Peoples Natural Gas, Lincoln Electric System, and Alltel have facilities within the area to be vacated. A Permanent Easement for these utilities has been requested over the entire street right-of-way to be vacated.

The abutting property on either side of this street recently sold for \$354,000 which amounts to approximately \$3.75/sq. ft. A portion of the property has an improvement which at one time was an old motel. It is not considered to have significant contributory value. The price paid appears to be more indicative of H-3 zoned land values in the neighborhood. It is further expected the retention of easement would reduce the value of the area to be vacated by 90%. The estimated value of the area to be vacated is calculated as follows:

$$18,000 \text{ sq. ft.} \times \$3.75/\text{sq. ft.} \times 10\% = \$6,750$$

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owner for \$6,750.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

dge

