

City Council Introduction: **Monday**, January 28, 2002
Public Hearing: **Monday**, February 4, 2002, at **1:30 p.m.**

Bill No. 02-12

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 01018, requested by Thomas C. Huston on behalf of Journal Star Printing, to vacate the east 18' of North 8th Street abutting Lot 6, Block 30, Original Plat of Lincoln; the south 6' of "R" Street abutting Lots 5 and 6, Block 30, Original Plat of Lincoln; and the south 6' of "R" Street abutting the east 18' of North 8th Street.

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

ASSOCIATED REQUESTS: None

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 01/09/02
Administrative Action: 01/09/02

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

FINDINGS OF FACT:

1. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.3-8.
2. At the public hearing on January 9, 2002, the staff revised the conditions of approval, deleting Condition #1.2 and #1.3 (See p.4) in response to the applicant's letter dated January 4, 2002 (p.18-20) and the agreement by Dennis Bartels of Public Works & Utilities that Conditions #1.2 and #1.3 should be deleted (p.17). Also see Minutes, p.16.
3. There was no testimony in opposition.
4. The Planning Commission agreed with the staff recommendation and found the proposed street vacation to be in conformance with the Comprehensive Plan, with conditions, deleting Condition #1.2 and #1.3.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 18, 2002

REVIEWED BY: _____

DATE: January 18, 2002

REFERENCE NUMBER: FS\CC\2002\FSV01018

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: SAV #01018

DATE: December 10, 2001

****As Revised by Planning Commission on 1/09/02****

PROPOSAL: To vacate the east 18 feet of North 8th Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" street abutting the east 18 feet of North 8th Street.

LAND AREA: 3,264 square feet (Public Works & Utilities proposal)

CONCLUSION: The Public Works & Utilities proposal permits the applicant to develop the area commercially while promoting pedestrian circulation.

RECOMMENDATION:	Conforms to the Comprehensive Plan
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GENERAL INFORMATION:

LEGAL DESCRIPTION: The east 18 feet of North 8th Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and the south 6 feet of "R" street abutting the east 18 feet of North 8th Street.

LOCATION: N. 8th and "R" Streets

APPLICANT: Journal Star Printing
926 P Street
Lincoln, NE 68508

CONTACT: Thomas C. Huston
1900 U.S. Bank Building
233 S. 13th Street
Lincoln, NE 68508-2095
474-6900

SURROUNDING LAND USE AND ZONING:

North: B-4 Commercial and government
South: B-4 Commercial
East: B-4 Commercial uses and future city parking garage
West: B-4 Commercial and residential

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan designates this area as Commercial.

Goals of the transportation planning process include:

- Maintain and enhance an efficient network of roads and public ways that allows the movement of people and freight to all areas of the community, prioritized to meet the current and future needs, balancing environmental effects, safety concerns, cost effectiveness, urban design and relationships to other community goals.
- Encourage and promote extensive use of non-motorized transportation by providing sidewalks, streets and a multi-use trail system within the community for commuting, recreation and other traveling. (p. 81)

Goals for the Downtown commercial area include:

- Develop Downtown Lincoln as the primary multi-use center.
- Encourage an aesthetically pleasing, pedestrian oriented, mixed-use Downtown.
- Encourage retail and commercial services which support and enhance Downtown as a convenient and full-service, multi-use center. (pp 58-9)

UTILITIES: Available

TRAFFIC ANALYSIS: Both N. 8th Street and “R” Street are local streets. The Subdivision Ordinance requires 66 or 72 foot right of way for commercial or industrial local streets.

ALTERNATIVE USES: Continued use as public right-of-way

ANALYSIS:

1. On November 15, 2001, the Historic Preservation Commission approved a Certificate of Appropriateness for the proposed building and site modifications and recommended approval of the right-of-way vacations.
2. Both N. 8th Street and “R” Street have 100 feet of right-of-way adjacent to the applicant’s property. If 18 feet were vacated on each side of the street, only 64 feet of right of way would remain. The Subdivision Ordinance requires 66 feet for commercial streets.
3. The Haymarket, however, is a unique commercial area. A number of loading docks have been entirely vacated for use as sidewalk cafes. The 8th Street right of way between “P” and “Q” Streets narrows to 56.55 feet where both loading docks have been vacated.
4. 8th Street adjacent to the proposed vacation has no parking - it is currently a loading zone for the dock.
5. The proposed vacation of the loading dock would not impact parking, would promote commercial development on this block, and would remove the City from any liability regarding the dock.

6. Once the City parking garage is complete and the Haymarket Park bridge is installed, the sidewalk on the south side of "R" Street will likely have significant pedestrian traffic.
7. The applicant proposed vacating the east 18 feet of North 8th Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 20 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and that portion of "R" Street abutting the east 18 feet of North 8th Street.
8. If the vacation of the south 20 feet of "R" Street was approved as the applicant requested, Public Works & Utilities indicates that it would be difficult to provide a good pedestrian sidewalk system on "R" Street. The Public Works & Utilities proposal (vacating only the south 6 feet of "R" Street) provides room for landscaping between the curb and the sidewalk. Public Works & Utilities recommends that the entire loading dock on 8th Street be vacated.

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 ~~The applicant provides a surety in the amount of \$2,250.00 to guarantee the reconstruction of the 8th Street sidewalk throughout the limits of the vacation.~~
(As Revised by staff and approved by Planning Commission, 01/09/02**)**
- 1.3 ~~The applicant signs an agreement to provide handicap access to the south end of the 8th Street loading dock.~~
(As Revised by staff and approved by Planning Commission, 01/09/02**)**

Prepared by:

Jason Reynolds
Planner

STREET & ALLEY VACATION NO. 01018

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

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

Staff recommendation: A finding of conformance with the Comprehensive Plan, with conditions of approval.

This application was removed from the Consent Agenda and had separate public hearing due to a revised staff recommendation.

Jason Reynolds of Planning staff revised the staff recommendation, deleting Conditions #1.2 and #1.3, which conditions had been satisfied with the Public Works Department.

Proponents

Tom Huston appeared on behalf of the applicant, Journal Star Printing, and agreed that they had worked out the two conditions with the Public Works Department prior to submittal.

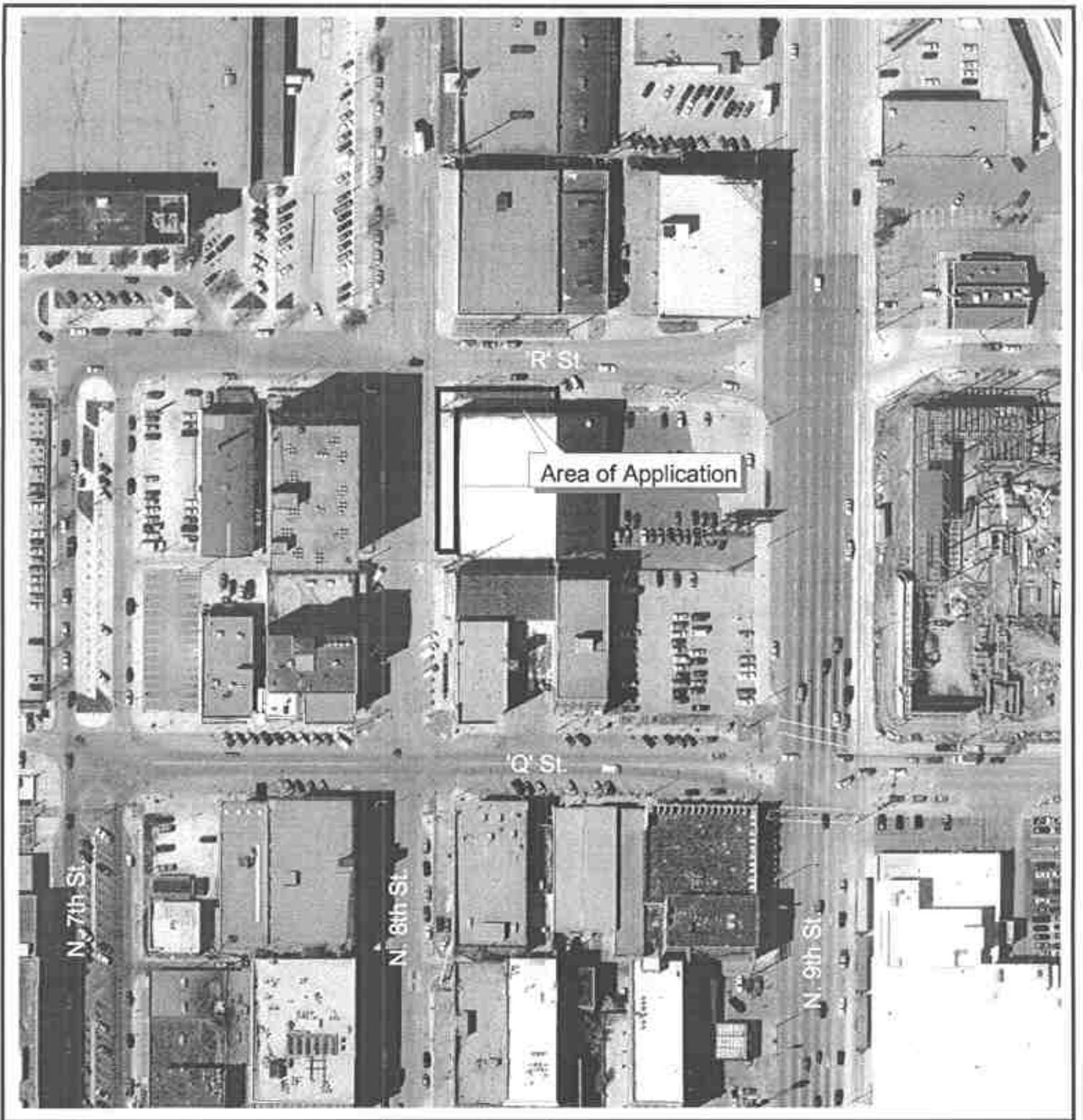
There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 9, 2002

Carlson moved to approve the revised staff recommendation, finding the proposed street vacation to be in conformance with the Comprehensive Plan, seconded by Bills and carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.



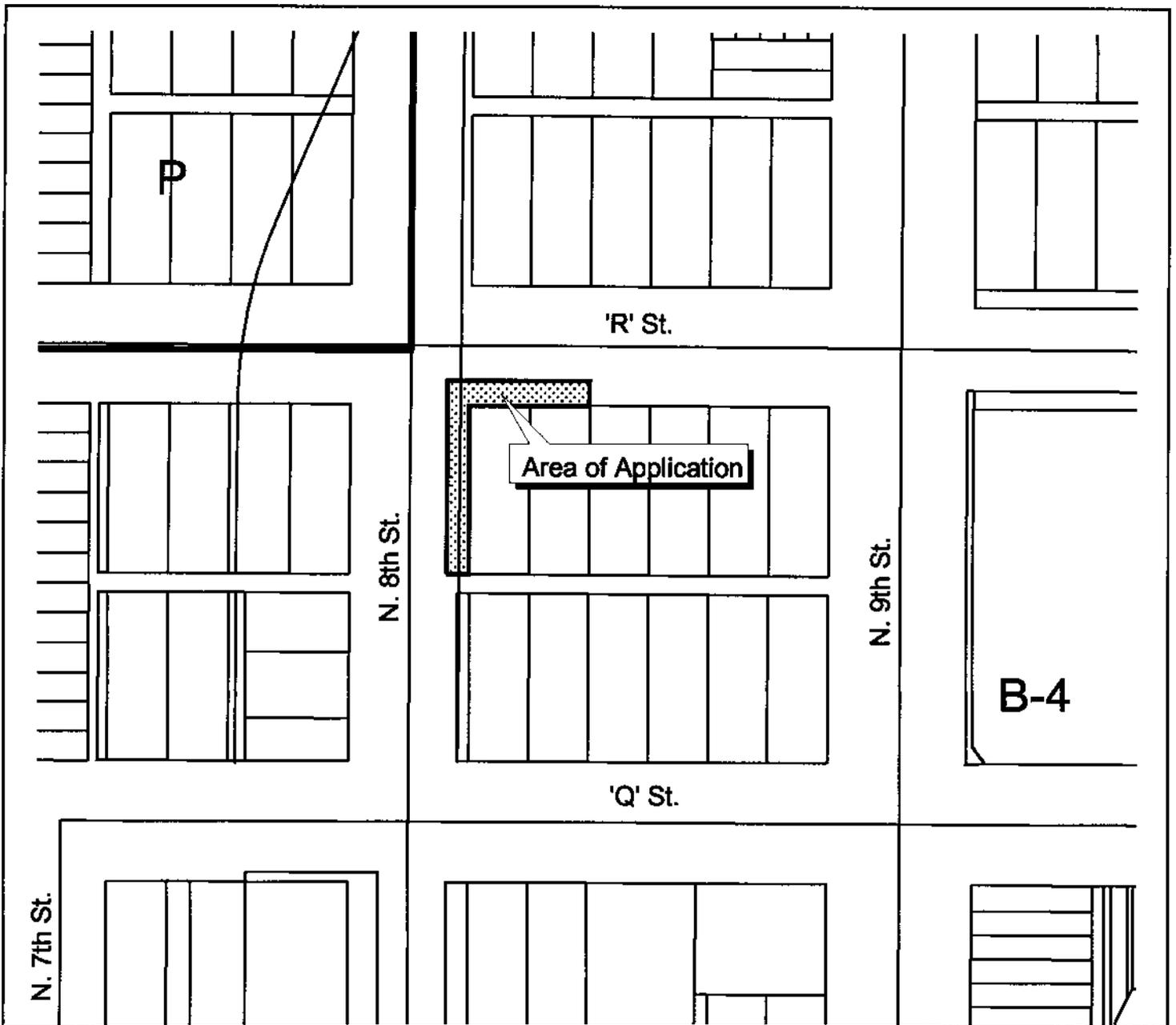
Street & Alley Vacation #01018
N. 8th & 'R' St.



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Photograph Date: 1999

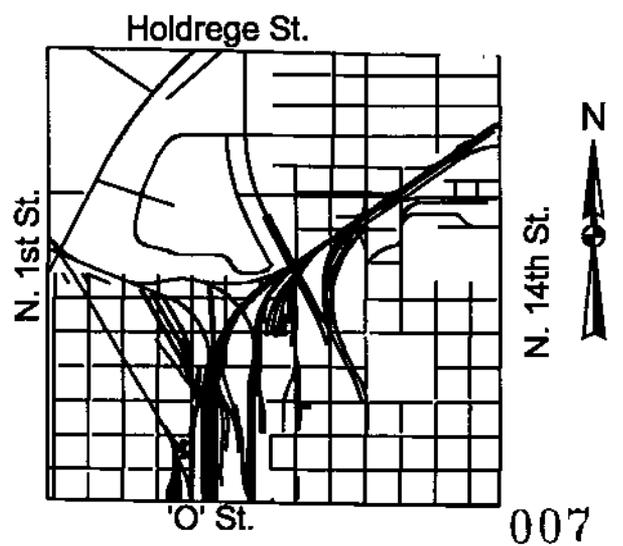
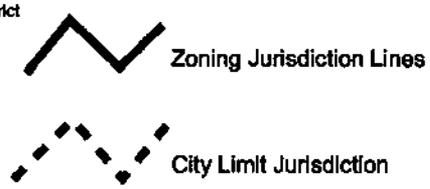
Lincoln City - Lancaster County Planning Dept.



Street & Alley Vacation #01018
N. 8th & 'R' 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. 23 T10N R6E



Lincoln



Nebraska's Capital City

October 1, 2001

OCT - 4 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacation of the east 18 feet of North 8th Street abutting Lot 6, Block 30 Original Plat of Lincoln and the south 20 feet of "R" Street abutting Lots 5 and 6, Block 30 Original Plat of Lincoln and that portion of "R" Street abutting the east 18 feet of North 8th Street.

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received sufficient and proper petitions from Journal Star Printing Company, owners of Lots 5 and 6, Block 30 Original Plat of Lincoln to vacate the above described public right-of-way. Petitioners request this vacation for redevelopment of this site into commercial uses.

After meeting with the developers for this site, the original area for vacation was altered. (see attached letter from Mr. Thomas Huston, representative for the developers), describing the revised limits for vacation.

Lincoln Electric and Peoples Natural Gas Company have existing facilities in the area of this proposed vacation request. Both utilities have asked that a permanent easement be established for the vacated area in "R" Street.

Public Works recommends that the limits of the vacation be revised from that requested by the petitioner. The vacation of the east 18 feet of No.8th Street in the area of the existing dock is acceptable to Public Works. Public Works, however, recommends that only the south 6 feet of "R" Street be vacated. If 12 feet of right-of-way of "R" Street is vacated the sidewalk in the west half of the "R" Street block would need to be built along the south curb of "R" Street and diagonal to the conventional sidewalk location in the east half of the block. The City is constructing a parking garage along the west side of 9th Street between "Q" and "R" and a pedestrian bridge between the Haymarket Park and 8th Street. Significant pedestrian traffic is expected along "R" Street between 8th and 9th. Therefore to allow room for landscaping between the curb and sidewalk and a good pedestrian sidewalk system, we recommend that only 6 feet of vacation be approved along 8th Street. The 6 feet is adequate to construct the required handicap ramp for access to the Journal Star Warehouse from "R" Street.

If the Planning Commission and City Council recommend approval of this vacation the following conditions should be met: the vacation of "R" Street right-of-way would not exceed 6 feet, this would provide room for a handicap accessible ramp to be built for the abutting property and would allow the sidewalk to be placed adjacent to the ramp and away for the

OCT - 4 2001

Engineering Services Division / Public Works and Utilities Department / Allan Abbott, Director

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Planning Commission

Page 2

October 1, 2001

curb. It is also recommended that the entire dock area in 8th Street be vacated or none of it. If the dock space is vacated, Public Works recommends that the developer be required to provide handicap access to the south end of the 8th Street dock. As a condition of approval the developer should be required to reconstruct the 8th Street sidewalk through the limits of the vacation. This construction is estimated to cost \$2,250.

The original vacation request contains an area of 4,916 square feet, more or less. The 6 feet along "R" Street and the 18 feet vacation along 8th Street would contain an area of 3,264 square feet, more or less.

Sincerely,

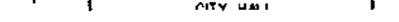
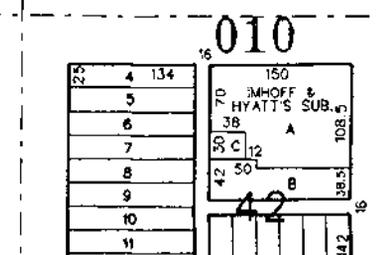
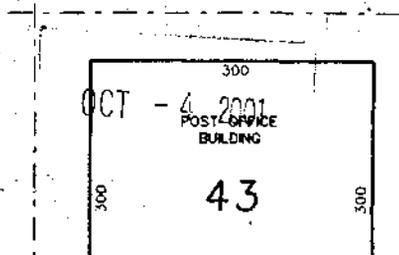
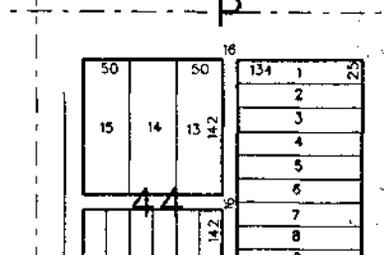
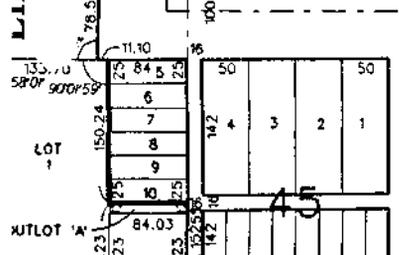
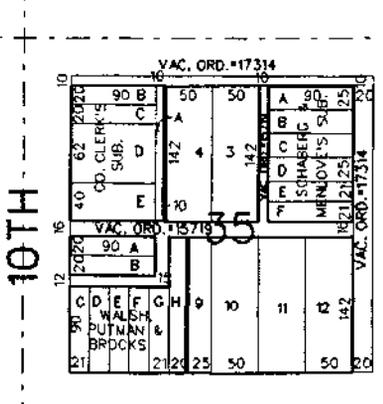
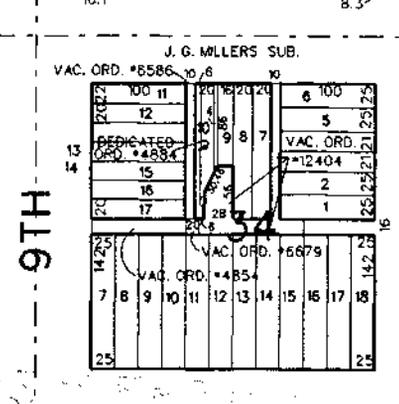
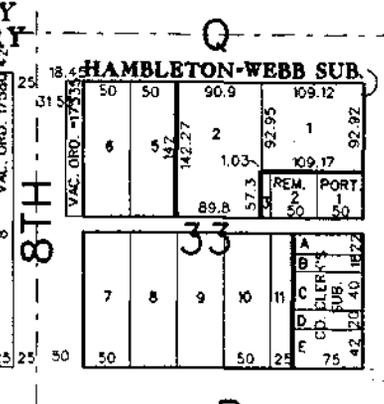
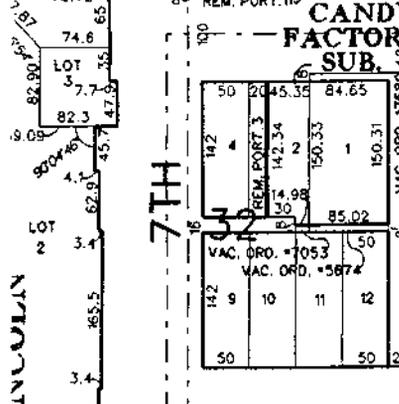
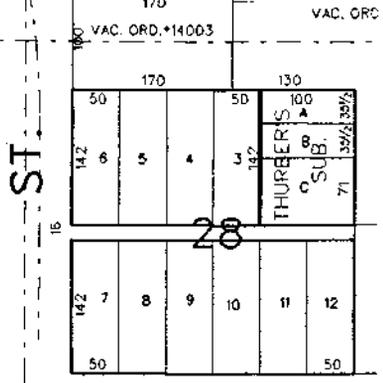
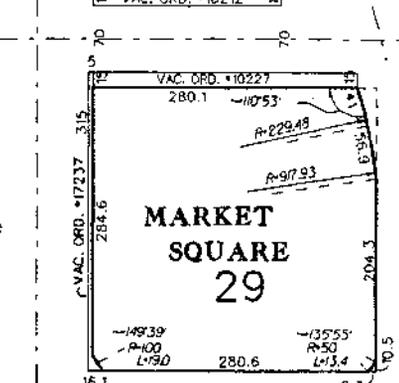
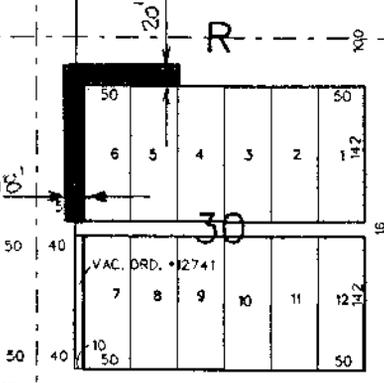
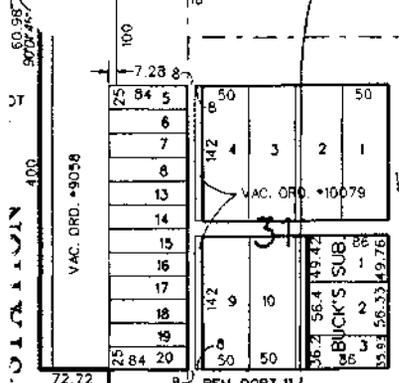
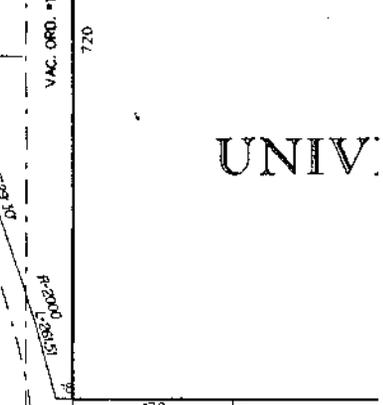
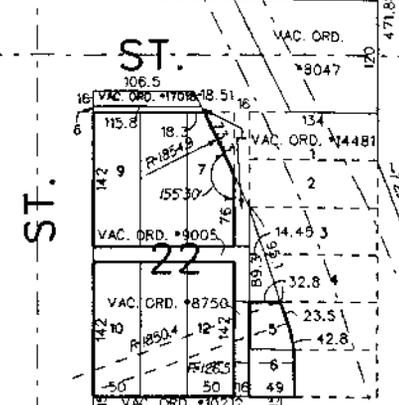
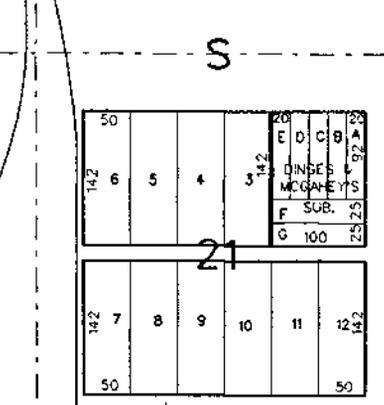
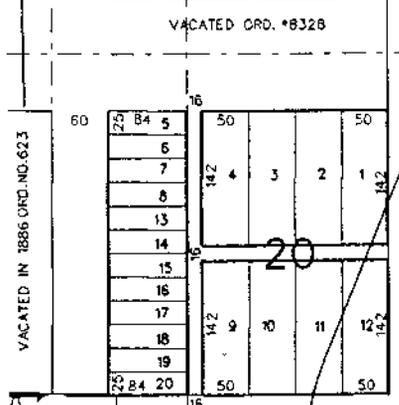
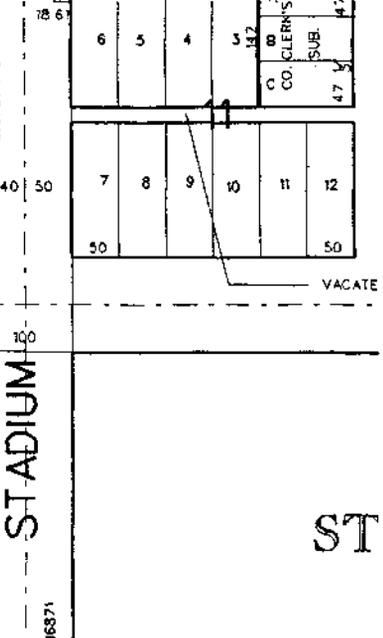
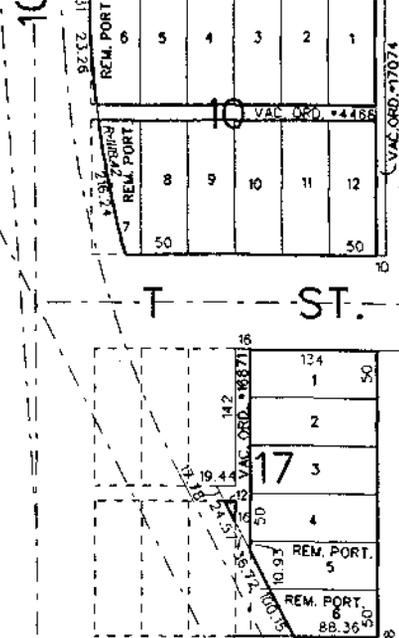
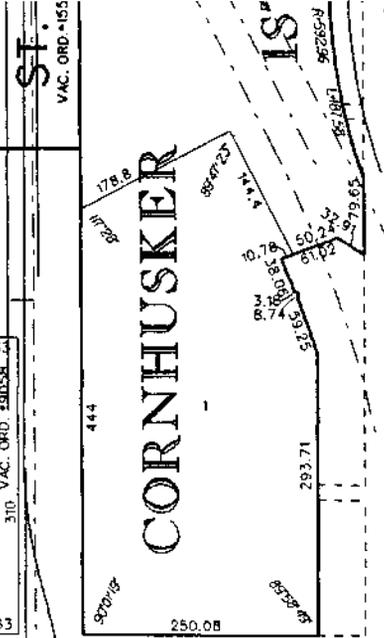
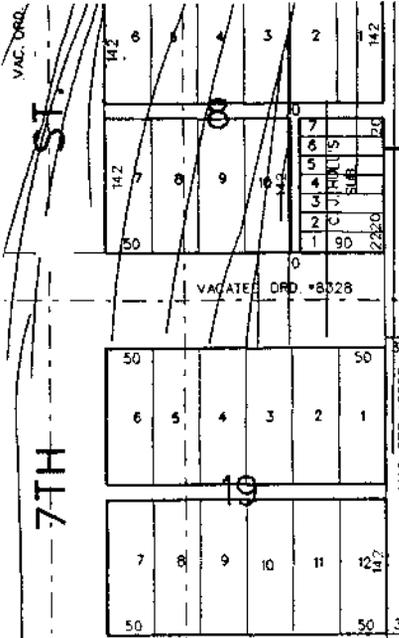


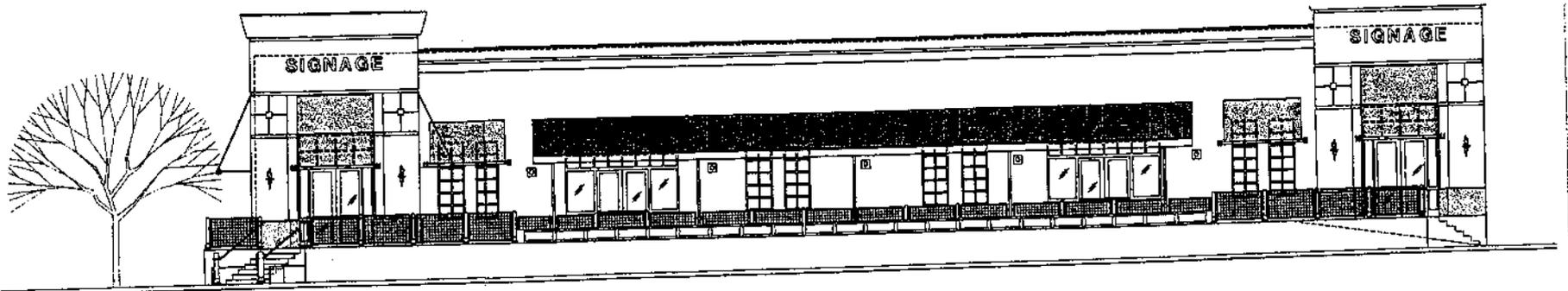
Byron Blum
Engineering Services
Department of Public Works

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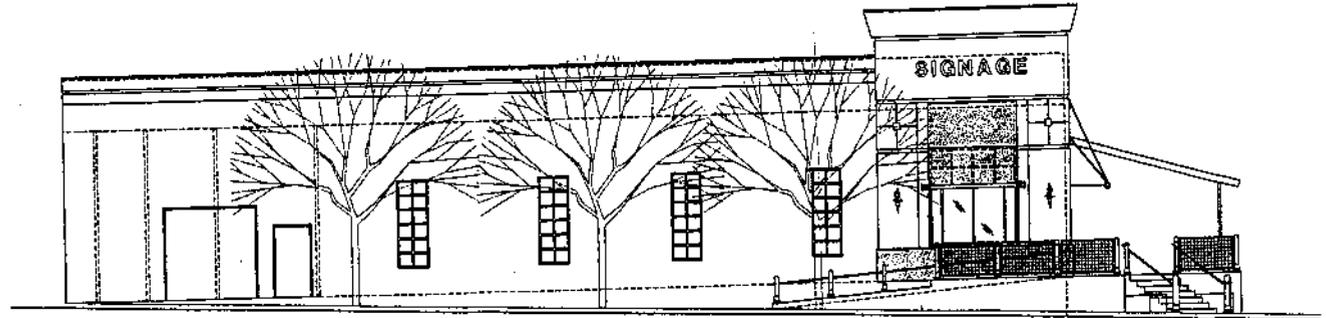
cc: Allan Abbott
Mayor Wesely
Kathleen Sellman
Marc Wullschleger
Roger Figard
Joan Ross
Clint Thomas
Dana Roper
Nicole Fleck-Tooze
Scott Opfer
Thomas Huston

OCT - 4 2001

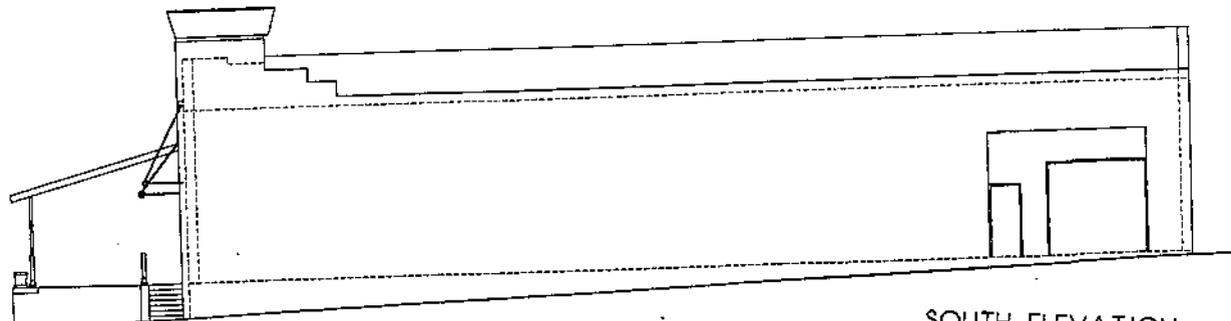




WEST ELEVATION



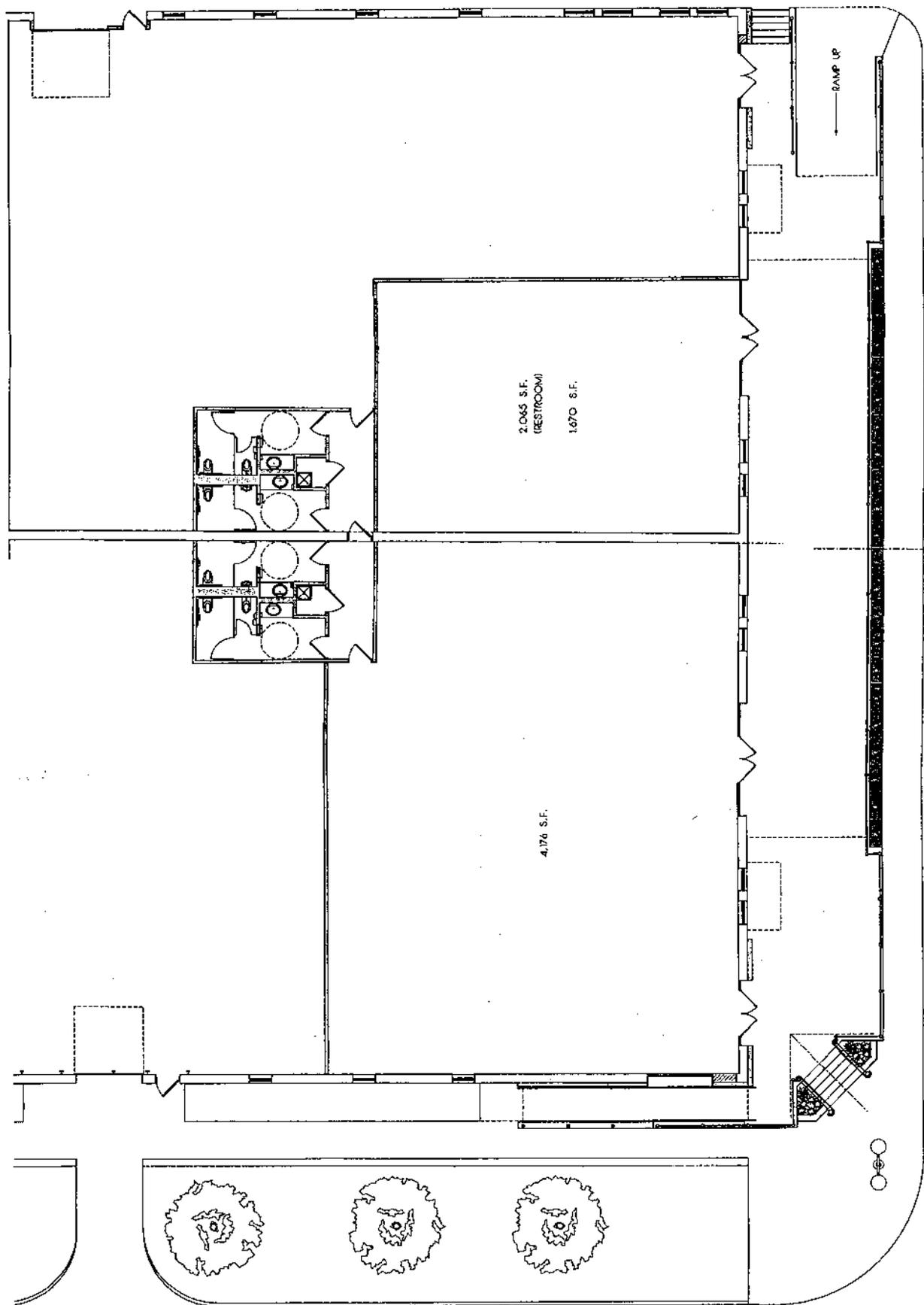
NORTH ELEVATION



SOUTH ELEVATION

L K J H G F E D C

ALLEY



N. 8th

R Street

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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AURORA, NEBRASKA 68818
(402) 694-6314

August 7, 2001

Mr. Dennis Bartels
Public Works Department
555 South 10th Street
Lincoln NE 68508

RECEIVED
AUG 08 2001

Re: Journal-Star Warehouse at the
corner of North 8th and R Streets
Our File: JSP01-RE005

Dear Dennis:

Pursuant to our recent phone conversation, I obtained and enclose copies of the following:

1. The proposed building plan for the improvements intended to be made by B & J Partnership to the warehouse; and
2. The exterior elevations.

I also enclose reduced versions of the same documents.

It is my understanding that the City is willing to proceed with the vacation of the dock area, which consists of the east 18 feet of the North 8th Street right-of-way adjacent to the Journal-Star warehouse. Further, B & J Partnership is willing to proceed with a Right-of-Way Agreement for the area adjacent to the warehouse consisting of the southern portion of "R" Street. As indicated on the plans and the elevations, the intended improvements for the north side of the building include a 12-foot wide ramp to provide handicapped accessibility to the improvements, plus a smaller portion that is approximately 5'10" to be incorporated as a seating area. It is anticipated that the front stairs would be located facing the corner of the intersection.

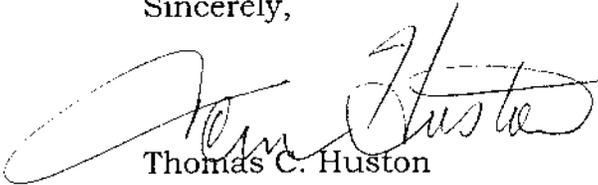
August 7, 2001

Page 2

It is my understanding that Byron Blum has proceeded to send the letter to the Planning Commission regarding the vacation of the dock area in North 8th Street. Please let me know whether the plans are acceptable to you and the Public Works so that we may negotiate the right-of-way arrangements to accommodate the scheduling of the Right-of-Way Agreement when the vacation of the right-of-way proceeds to the City Council.

Should you have any questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Huston".

Thomas C. Huston
For the Firm

Enc.

c: William K. Johnston
Clay Smith
James Lamphere

397134.1

015

STREET & ALLEY VACATION NO. 01018

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 9, 2002

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

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Proponents

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There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 9, 2002

Carlson moved to approve the revised staff recommendation, finding the proposed street vacation to be in conformance with the Comprehensive Plan, seconded by Bills and carried 9-0: Duvall, Bills, Hunter, Carlson, Taylor, Newman, Krieser, Steward and Schwinn voting 'yes'.

Dennis D Bartels
01/07/2002 09:06
AM

To: Jason W Reynolds/Notes@Notes
cc:
Subject: 8th and R Street Vacation

8th and R Street Vacation

In reference to the letter from Tom Huston regarding the 8th and R vacation, Public Works agrees that Items 1.2 and 1.3 are no longer necessary and should be deleted.

LAW OFFICES OF
CLINE, WILLIAMS, WRIGHT, JOHNSON & OLDFATHER, L.L.P.

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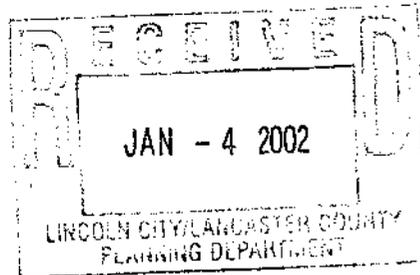
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January 4, 2002

Telecopy
441-6377

Mr. Jason Reynolds
Planning Department
555 South 10th Street
Lincoln NE 68508

Re: Street and Alley Vacation 01018
Our File: JSP01-RE005



Dear Jason:

I received the City/County Planning Staff Report regarding the street and alley vacation I had filed on behalf of the Lincoln Journal-Star. Due to the compromise that was made between the property owner and the Public Works Department, I believe that items 1.2 and 1.3 of the Conditions for Approval are no longer applicable. I enclose a copy of my letter dated October 25, 2001, in which I confirmed to Dennis Bartels that the 8th Street sidewalk would not need to be reconstructed since it is newly constructed, and that the handicapped accessibility to the southern end of the 8th Street loading dock was no longer applicable. Dennis and I had discussed this and had reached agreement on these issues.

Therefore, I would request that this issue be clarified for the Planning Commission at the public hearing scheduled for January 9, 2002. I recognize that this item was placed on the consent agenda, but these conditions for approval need to be deleted.

I am also sending a copy of the letter to Dennis Bartels to confirm our earlier conversation. Should you have any question, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston".

Thomas C. Huston
For the Firm

Enc.

c: Dennis Bartels (w/enc.)
Clay Smith (w/enc.)

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October 25, 2001

Mr. Dennis Bartels, Engineering Services Division
Public Works and Utilities Department
Ste 100 531 West Gate Boulevard
Lincoln NE 68528

Re: Vacation of the east 18 feet of North 8th Street
abutting Lot 6, Block 30, Original Plat and the
south 6 feet of "R" Street abutting Lots 5 and 6,
Block 30, Original Plat, and that portion of
"R" Street abutting the east 18 feet of North 8th Street

Dear Dennis:

This letter will confirm our phone conversation of October 24, 2001. I discussed with you the terms and conditions of the letter sent by Byron Blum with the Department of Public Works to the Lincoln-Lancaster County Planning Commission regarding the above-referenced street vacation petitions. As you are aware, I represent the Journal-Star Printing Company, which owns Lots 5 and 6, Block 30, Original Plat. My client is comfortable with the recommendation of the Department of Public Works as it relates to vacating the East 18 feet of North 8th Street and the south 6 feet of "R" Street where such rights-of-way abut Lots 5 and 6, Block 30, Original Plat, Lincoln, Lancaster County, Nebraska. My client can complete its plans to provide handicapped accessibility to the dock area and the reconfigured building, utilizing that six-foot strip of "R" Street to construct a handicapped-accessible ramp.

I further understand that the recommendations of the Department of Public Works as it relates to handicapped accessibility of the southern portion of the ramp and the reconstruction of the sidewalk are no longer applicable. I understand that the Department of Public Works will not be recommending that the property owner provide handicapped accessibility for the southern end of the dock area. Further, since the adjacent sidewalk to the dock has recently been constructed, there is no reason that that sidewalk will need to be reconstructed.

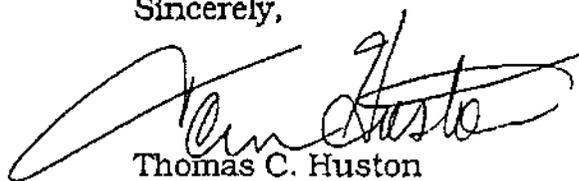
October 25, 2001

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Any disturbed portions of the sidewalk due to the installation of the ramp and entranceway to the building will be the responsibility of the property owner.

If this letter does not accurately reflect the conversation we had, please let me know. Otherwise, I will be present at the Planning Commission hearing on October 31. Should you have any questions, please call.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Huston", written over a horizontal line.

Thomas C. Huston
For the Firm

Enc.

c: Kathleen Sellman
Joan Ross
Bill Johnston
Clay Smith

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