

City Council Introduction: **Monday**, April 1, 2002
Public Hearing: **Monday**, April 8, 2002, at **1:30 p.m.**

Bill No. 02-44

FACTSHEET

TITLE: STREET & ALLEY VACATION NO. 01006, requested by Thompson Realty Group, to vacate the east-west alley between No. 18th and No. 19th Streets in Block 29, Kinney's "O" Street Addition, generally located between No. 18th and No. 19th, "O" to "P" Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/02/01
Administrative Action: 05/02/01

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

RECOMMENDATION: A finding of conformance with the Comprehensive Plan, with conditions of approval as set forth in the staff report (9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes').

ASSOCIATED REQUESTS: None.

FINDINGS OF FACT:

1. The staff recommendation to find the proposed alley vacation to be in conformance with the Comprehensive Plan, subject to conditions of approval, is based upon the "Analysis" as set forth on p. 2-3.
2. The applicant's testimony is found on p. 4.
3. There was no testimony in opposition; however, the record consists of one letter in opposition (p. 9).
4. On May 2, 2001, the Planning Commission agreed with the staff recommendation and voted 9-0 to find the proposed alley vacation to be in conformance with the Comprehensive Plan, with conditions of approval as set forth on p. 3.
5. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been met.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 25, 2002

REVIEWED BY: _____

DATE: March 25, 2002

REFERENCE NUMBER: FS\CC\SAV.01006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Street and Alley Vacation #01006
E-W alley between N. 18th and N. 19th, O and P Streets

DATE: April 14, 2001

PROPOSAL: Kent Thompson of Thompson Realty Group has requested the vacation of the east-west alley between N. 18th and N. 19th Streets in Block 29, Kinney's "O" Street Addition.

GENERAL INFORMATION:

APPLICANT: Kent Thompson, President
Thompson Realty Group
6800 S. 32nd Street, Suite C
Lincoln, NE 68516

LEGAL DESCRIPTION: The east-west alley between N. 18th and N. 19th Streets in Block 29, Kinney's "O" Street Addition, located in the SW 1/4 of Section 24, T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County, Nebraska.

SIZE: 3,840 square feet, more or less

EXISTING ZONING: B-4 Lincoln Center Business District

EXISTING LAND USE: East-west alley

SURROUNDING ZONING AND LAND USE: Surrounded on all sides by B-4 Lincoln Center Business District, with a mixture of commercial uses and surface parking lots.

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The Land Use Plan shows the property as Commercial.

ANALYSIS:

1. The applicant states that this application is to ease the building code requirements for renovation of an existing building.
2. The Public Works and Utilities Department reports that the City of Lincoln Wastewater Division, Lincoln Electric System and Alltel have existing easement within the limits of the proposed vacation. All have asked that a permanent easement, for the entire vacated corridor be established for the maintenance of existing and future facilities.

3. Public Works further reports:

The proposed Antelope Valley Roadway is adjacent to this property. Because of right-of-way requirements for this project it is recommended that the alley vacation not include the east 60 feet. It is also recommended that an additional 30 feet be reserved for a construction easement.

The Department of Public Works and Utilities is also asking that the existing alley returns at 18th and 19th Streets be removed at the petitioners expense. It is estimated that the cost of removal of the returns and the reconstruction of curb would be \$2,500.00. The petitioner will be responsible for the removal of the return at 18th Street, the City will remove the return at 19th Street with the Antelope Valley project.

4. The Department of Public Works and Utilities recommends approval of this vacation with the above mentioned conditions.
5. The Real Estate Department has yet to appraise the area of proposed vacation.

STAFF RECOMMENDATIONS: The proposed vacation conforms with the 1994 Comprehensive Plan, provided it has no impact upon the proposed Antelope Valley Roadway.

Conditional Approval

CONDITIONS:

1. Before the vacation request is scheduled on the City Council agenda the following shall be completed:
 - 1.1 The applicant shall file a surety with the City in the amount of \$2,500.00 to guarantee the installation of driveways in place of the alley returns.
 - 1.2 The applicant agrees to allow a construction easement over the eastern 30' of the vacated area, adjacent to Lot 2, Block 29, Kinney's "O" Street Addition.
2. This approves the vacation of the western 240' of the east-west alley between N. 18th and N. 19th Streets in Block 29, Kinney's "O" Street Addition, located in the SW 1/4 of Section 24, T10N, R6E of the 6th P.M., City of Lincoln, Lancaster County, Nebraska. The eastern 60' adjacent to Lots 1 and 2 shall remain public right-of-way.
3. The City retains a permanent utility easement over the entire vacated area and a construction easement over the eastern 30' of the vacated area, adjacent to Lot 2, Block 29, Kinney's "O" Street Addition.

Prepared by:

Jason Reynolds, Planner
Planning Department

STREET & ALLEY VACATION NO. 01006

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 2, 2001

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

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

Jason Reynolds of the Planning staff submitted a letter from Richard Hedrick in opposition.

Proponents

1. Jerry Nelson with Thompson Realty Group presented the application. Thompson Realty is seeking the vacation of the alley to ease some building code requirements. They are seeking to renovate the old DuTeau building on 1800 "O" Street. They do not have specific plans drawn at this time. There is common ownership of the entire block.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 2, 2001

Duvall moved to find the alley vacation to be in conformance with the Comprehensive Plan with the conditions of approval as set forth in the staff report, seconded by Schwinn and carried 9-0: Duvall, Taylor, Newman, Carlson, Schwinn, Steward, Krieser, Hunter and Bayer voting 'yes'.

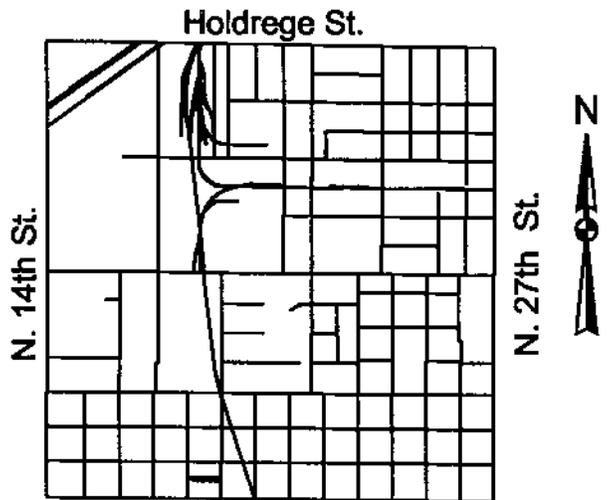
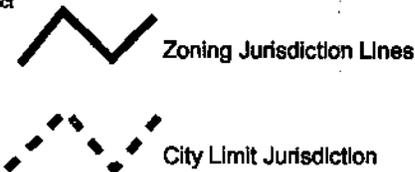


Street & Alley Vacation #01006
E-W Alley from 18th to 19th St.

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

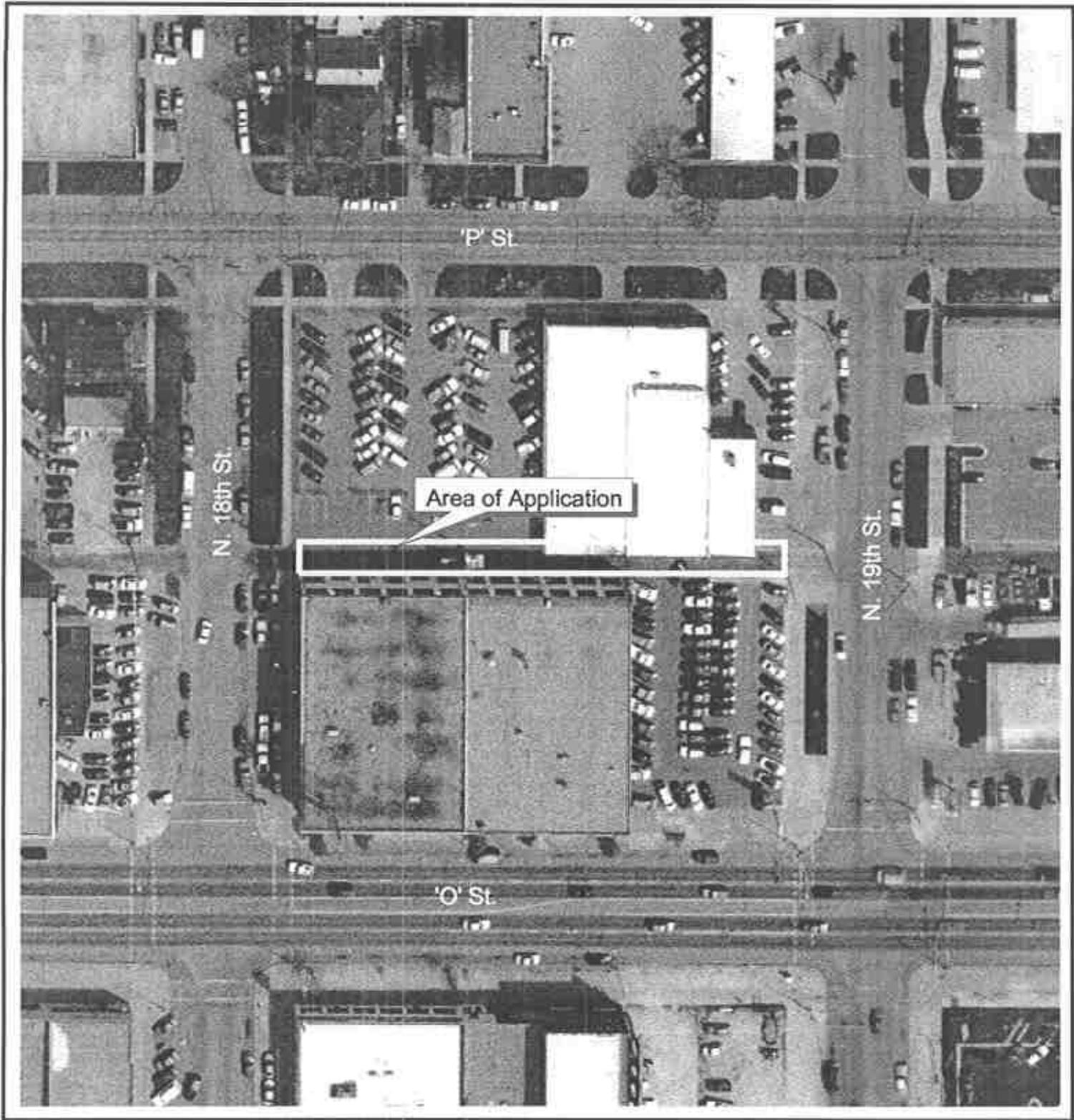
One Square Mile
 Sec. 24 T10N R6E



'O' St.

Sheet 1 of 2
 Date: 4-14-01

005



Street & Alley Vacation #01006
E-W Alley from 18th to 19th St.



Sheet 2 of 2

Date: 4-14-01

Photograph Date: 1997 006

Lincoln City - Lancaster County Planning Dept.

Lincoln



Nebraska's Capital City

March 29, 2001

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508

RE: Vacating east-west alley between 18th and 19th Streets in Block 29, Kinney's 'O' Street Addition

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Kent Thompson, President of Thompson Realty Group, owners of Block 29, Kinney's 'O' Street Addition, to vacate the above described public right-of-way. Petitioners have requested this vacation to ease Building Code requirements for renovation of the existing building and for parking lot access.

The City of Lincoln Wastewater Division, Lincoln Electric System and Alltel all have existing utilities within the limits of this proposed vacation. All have asked that a permanent easement, for the entire vacated corridor be established for maintenance of existing and future utilities.

The proposed Antelope Valley Roadway is adjacent to this property. Because of right-of-way requirements for this project it is recommended that the alley vacation not include the east 60 feet. It is also recommended that an additional 30 feet be reserved for a construction easement.

The Department of Public Works and Utilities is also asking that the existing alley returns at 18th and 19th Streets be removed at the petitioners expense. It is estimated that the cost of removal of the returns and the reconstruction of curb would be \$2,500.00. The petitioner will be responsible for the removal of the return at 18th Street, the City will remove the return at 19th Street with the Antelope Valley project.

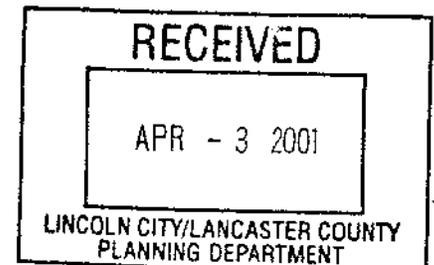
The Department of Public Works and Utilities recommends approval of this vacation with the above mentioned conditions. This vacation contains an area of 3,840 square feet, more or less.

Sincerely,


Byron Blum
Engineering Services

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

fcj block 29 vacation letter to planning commission bab

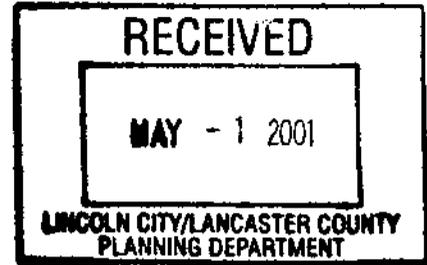


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Engineering Services Division / Public Works and Utilities Department / Allan Abbott, Director
531 Westgate Blvd. / Suite 100 / Lincoln, NE 68528 / Phone: 402-441-7711 / Fax: 402-441-6576 / Website: www.ci.lincoln.ne.us

IN OPPOSITION

ITEM NO. 3.5: STREET VACATION NO. 01006
(p.233 - Public Hearing - 5/02/01)



1000 N. 10th Street
Lincoln, Nebraska 68502
402-441-1111
Lincoln, Ne. 68502

Lincoln City/Lancaster County Planning Department

1000 N. 10th Street
Lincoln, Ne. 68502

I received feedback as a user of the proposed STREET & ALLEY VACATION NO. 01006, requested by Kent Thompson, of Thompson Neerney Group to vacate the east-west alley between 10 and 10 1/2 SW against the proposed vacation.

As a user of this alley I am against the proposal to vacate this alley because it will be lost.

This alley is used by the general public to serve the use of "D" St. this alley is not in accordance with some planning practices.

Richard Hedrick
Richard Hedrick