

City Council Introduction: **Monday**, June 17, 2002  
Public Hearing: **Monday**, June 24, 2002, at **5:30 p.m.**

Bill No. 02-83

## **FACTSHEET**

**TITLE: STREET VACATION NO. 95024**, requested by Darrel W. and Viona C. Simonds, Trustees, and Sherilyn K. Steinkrause, to vacate that portion of 67<sup>th</sup> Street lying between the north line of Seward Avenue and a point located 1560.0 feet north thereof.

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

**ASSOCIATED REQUESTS:** None.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 11/22/95  
Administrative Action: 11/22/95

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan with conditions of approval (6-0: Bailey, Bayer, Bleed, Hopkins, Magruder and Stephens voting 'yes'; Bollerup, Heier and Wilson absent).

### **FINDINGS OF FACT:**

1. The staff recommendation of conditional approval is based on the "Analysis" as set forth on p.3, concluding that the street vacation is acceptable subject to the retention of easements and an administrative plat.
2. The applicant's testimony is found on p.4.
3. There was no testimony in opposition.
4. On November 22, 1995, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend approval.
5. The administrative subdivision pursuant to Condition #1.1 has been submitted and is ready for signature upon approval of this street vacation.
6. 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:** June 10, 2002

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

**DATE:** June 10, 2002

**REFERENCE NUMBER:** FS\CC\2002\SAV.95024



**HISTORY:** Converted from A-2 Single Family to R-2 Residential and from K Light Industry to I-1 Industry with the adoption of the 1979 Zoning Update.

**ANALYSIS:**

1. This is a request to vacate a portion of 67th Street, north of Seward Ave.
2. This portion of 67th Street is undeveloped.
3. If the street is vacated, it would create lots without access or frontage. An administrative final plat should be required as a condition of approval.
4. Permanent easements are required for existing electrical lines and the existing channel liner.
5. The application states that a Change of Zone from R-2 to I-1 would be required for Lots 4 and 9. However, the applicant has not applied for a change of zone, and the implications of a change of zone have not been reviewed by staff.
6. Subject to the retention of easements and an administrative plat, Public Works recommends approval.

**STAFF RECOMMENDATION:**

Conditional Approval

**CONDITIONS:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda: ( NOTE: These documents and plans are required by ordinance or design standards.)

- 1.1 Submit an application for an administrative subdivision.
- 1.2 Retain permanent easements for existing and future electrical lines and the concrete channel liner.

Prepared by:

Jennifer L. Dam (former Planner in the Planning Department)  
Planner II

Now being processed by:  
Rebecca Horner  
Planner I

## **STREET & ALLEY VACATION NO. 95024**

### **PUBLIC HEARING BEFORE PLANNING COMMISSION:**

November 22, 1995

Members present: Bayer, Bailey, Bleed, Hopkins, Magruder and Stephens; Heier, Bollerup and Wilson absent.

Planning staff recommendation: Conditional approval.

#### Proponents

1. **Duane Steinkrause**, 730 Lakeshore Drive, one of the applicants, appeared to answer any questions.

Opposition: No one appeared in opposition.

Public hearing was closed.

Bayer moved to waive the Planning Commission rules and take action at today's meeting, seconded by Bailey, and carried 6-0: Bayer, Bailey, Bleed, Magruder, Hopkins and Stephens voting 'yes'; Bollerup, Heier and Wilson absent.

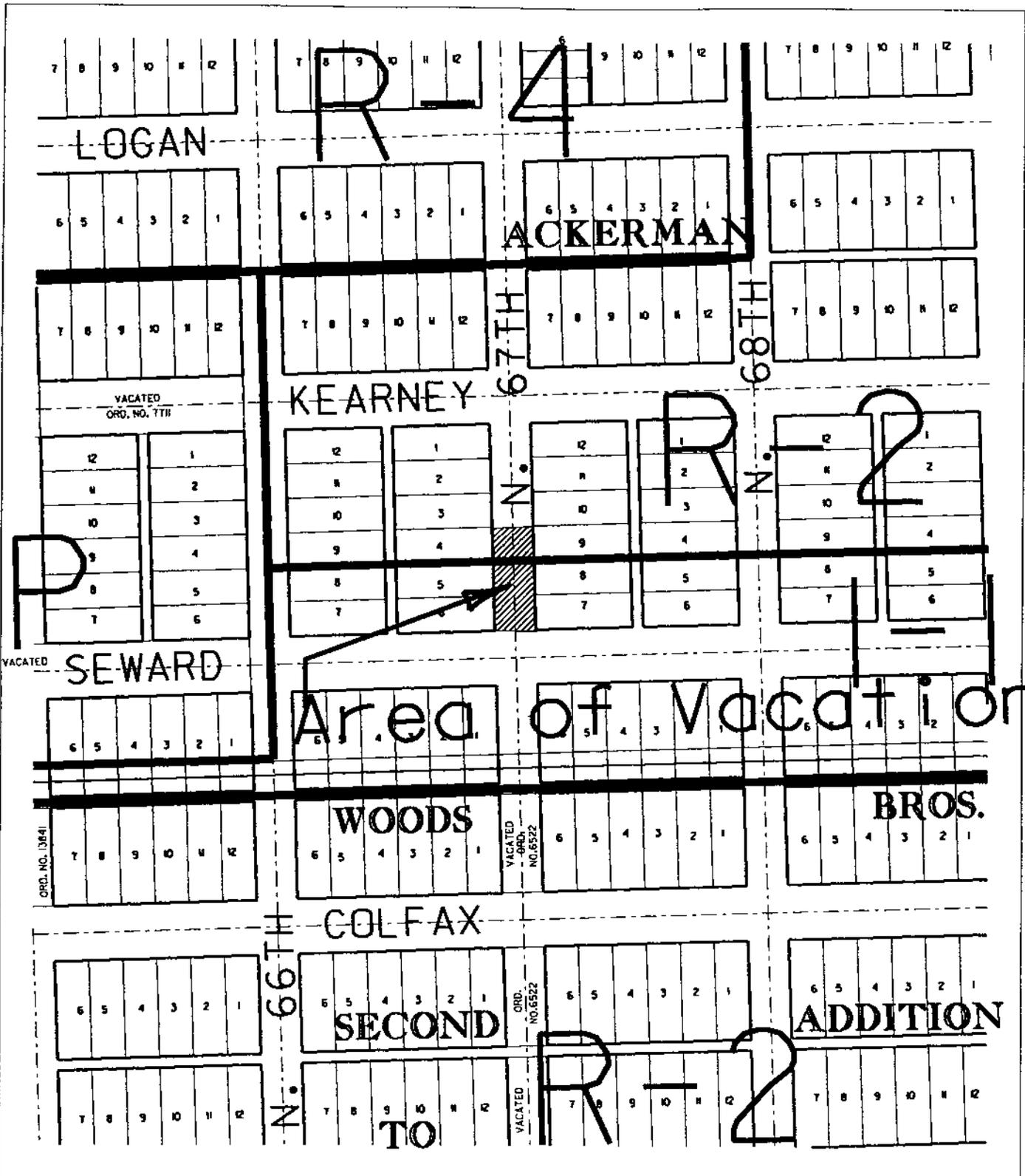
### **STREET AND ALLEY VACATION NO. 95024**

#### **ADMINISTRATIVE ACTION BEFORE PLANNING COMMISSION:**

November 22, 1995

Members present: Bailey, Bayer, Bleed, Hopkins, Magruder and Stephens; Bollerup, Heier and Wilson absent.

Bailey moved to approve the Planning staff recommendation of conditional approval, seconded by Bayer. Motion for conditional approval carried 6-0: Bailey, Bayer, Bleed, Hopkins, Magruder and Stephens voting 'yes'; Bollerup, Heier and Wilson absent.



Street and Alley Vacation # 95024

Zoning:

- |  |   |
|--|---|
| R-1 to R-8 Residential District            | B-4 Lincoln Center Business District    |
| AG Agricultural District                   | B-5 Planned Regional Business District  |
| ACR Agricultural Residential District      | H-1 Interstate Commercial District      |
| R-C Residential Conservation District      | H-2 Highway Business District           |
| O-1 Office District                        | H-3 Highway Commercial District         |
| O-2 Suburban Office District               | H-4 General Commercial District         |
| O-3 Office Park District                   | I-1 Industrial District                 |
| R-T Residential Transition District        | I-2 Industrial Park District            |
| B-1 Local Business District                | I-4 Planned Industrial Reserve District |
| B-2 Planned Neighborhood Business District | P Public Use District                   |
| B-3 Commercial District                    |   |



Scale: 1" = 200'

Sheet: 1 of 1

Date: 11/2/95

005



64 TH.

66 TH.

68 TH.

SEWARD

MORRILL

LOGAN

KEARNEY

ACKERMAN

WOODS

AVE.

Exist. Barricade

Conc. Channel -> (Drainage)

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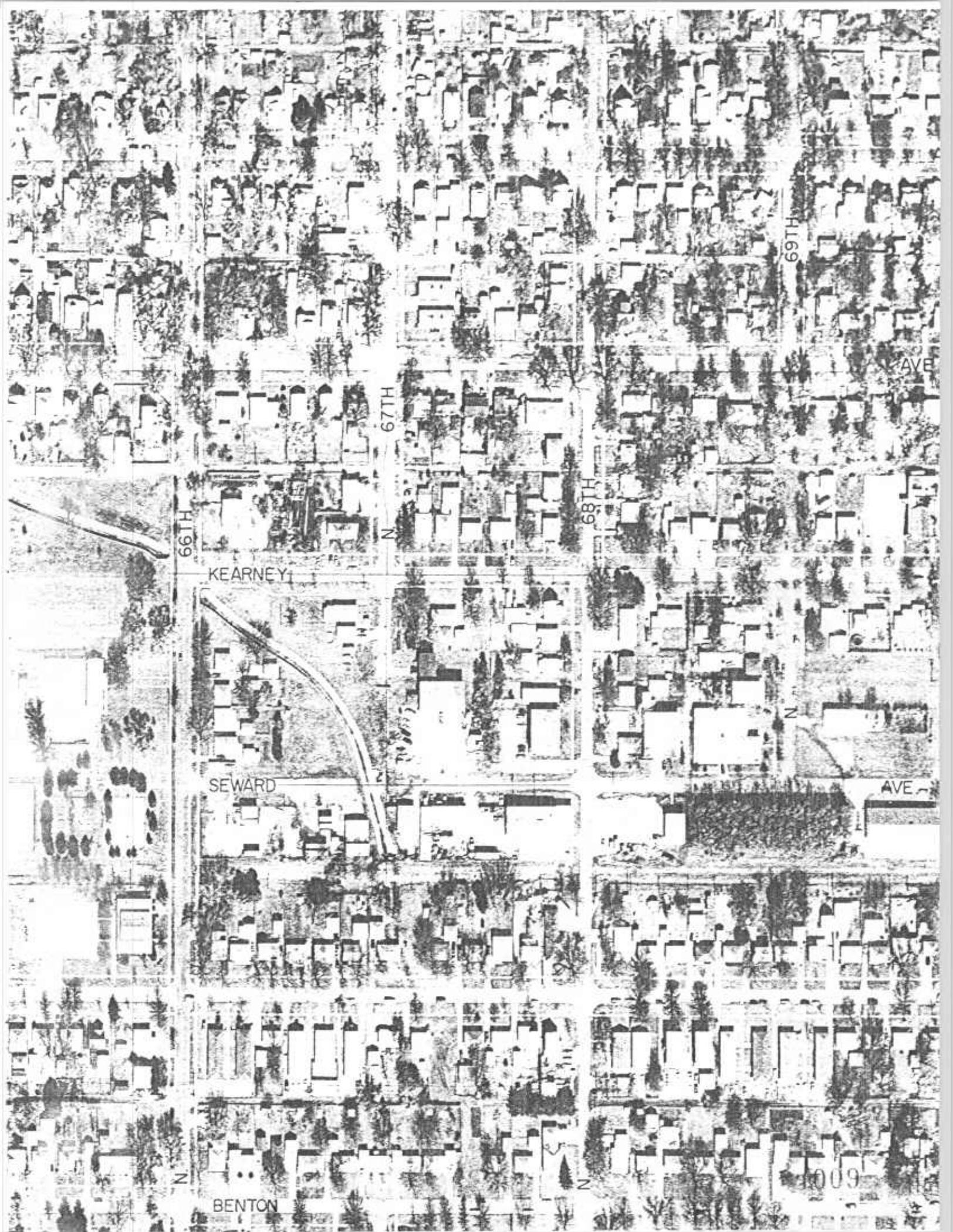
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PERMANENT EASEMENT FOR  
CONCRETE OPEN DRAINAGE CHANNEL

A portion of the 67th Street right-of-way lying north of the north line of Seward Avenue and adjacent to Lots 5 and 6, Block 6, Ackerman Addition to Havelock, located in the Northeast Quarter of Section 9, Township 10 North, Range 7 East of the 6th Principal Meridian in the City of Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southeast corner of said Lot 6; thence north along the east line of said Lots 5 and 6, a distance of 100.00 feet to the northeast corner of said Lot 5; thence southeasterly along a line which deflects 24 degrees 13 minutes 40 seconds right, a distance of 109.66 feet to the intersection with the north line extended of Seward Avenue; thence west along the north line of Seward Avenue extended, a distance of 45.00 feet to the Point of Beginning; containing an area of 2,250 Sq. Ft. more or less.



66TH

67TH

68TH

69TH

KEARNEY

SEWARD

AVE

AVE

N

BENTON

N

1009

# LINCOLN

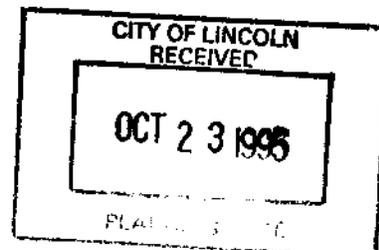


DEPARTMENT OF PUBLIC WORKS  
DEPARTMENT OF PUBLIC UTILITIES

NEBRASKA'S CAPITAL CITY

MIKE JOHANNIS, MAYOR

October 20, 1995



Lincoln City/Lancaster County  
Planning Commission  
Lincoln, Nebraska

Ref: Vacation of 67th Street from the north line  
of Seward Avenue north 150'

Dear Ladies & Gentlemen:

The City of Lincoln has received sufficient and proper petitions from Darrel and Viona Simonds, owners of Lots 5 and 6, Block 6, Ackerman's Addition to Havelock; and from Sherilyn Steinkraus, owner of Lots 7, 8 and 9, Block 7, Ackerman's Addition to Havelock, requesting the vacation of that portion of 67th Street lying between the north line of Seward Avenue and a point located 150.00 feet north thereof.

Permanent easement is required for future electrical lines, and for the existing concrete open drainage channel. (See attachment for the description of the required permanent easement for the open drainage channel.)

It is recommended that, if this vacation is approved, an administrative final plat be required to eliminate lots which will no longer have frontage along a public street.

Subject to the retention of the required permanent easements and the administrative final plat, it is the recommendation of the Departments of Public Works, Public Utilities and Transportation, that this proposed vacation be approved. This vacation contains a total area of 9,000 square feet, more or less.

Sincerely,

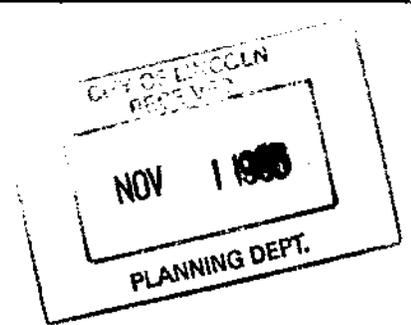
Robert D. Moxham  
Engineering Technician

SMI00753.RDM

cc: Richard Erixson  
Roger Figard  
Paul Malzer  
Fred Briggs  
Bill Austin

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## INTEROFFICE MEMORANDUM



TO: Tim Stewart  
FROM: Fred Briggs  
DEPARTMENT: Planning  
DEPARTMENT: Real Estate Division  
ATTENTION:  
DATE: October 27, 1995  
COPIES TO:  
SUBJECT: Vacation of the 67th Street from  
the North Line of Seward  
Avenue, North 150 feet

I read the letter from Bob Moxham to the Planning Commission including the recommendation for the retention of easements and more importantly, the recommendation of an administrative final plat to eliminate lots which will no longer have frontage along a public street. I think the administrative plat is an excellent idea and should result in a considerable amount of ground which is now not used back into production.

The City, as I am sure you are aware, owns Lot 4, Block 6, Ackerman's Addition to Havelock. I found a drop inlet east of the drainageway, but I do not know if it is on the City's lot or the property to the south. Darrell and Viona Simonds own Lots 5 and 6, immediately adjoining on the south. These three lots are severed by a concrete storm drainage ditch; the bottom of which is approximately 10 to 12 feet in width. The centerline of the drain ditch appears to me to be the logical place for a property line. The City could reserve easements on either side of that drainage ditch in addition to any others recommended by Mr. Moxham. The City could then divest itself of Lot 4 as well as the street. Two lots could be created. One on the west side of the ditch to include those portions of Lots 4, 5 and 6, west of the channel, and the other lot east of the channel containing the remaining parts of Lots 4, 5 and 6 as well as the street proposed for vacation. Both lots would be accessible. The westerly portion would be accessible from Seward Street while the easterly would be accessible from 67th Street or Seward. There now exists an encroachment into the street right-of-way by the parking from commercial or industrial business abutting the street proposed in Block 7. They should be interested prospects.

As to value, I am reluctant to approach the problem of value without having your staff take a look at the manner in which the administrative subdivision could be finalized and if the petitioners would be willing to agree to participate in such a subdivision. Your comments will be appreciated.

  
Fred Briggs

cc: Richard Erixson  
Roger Figard  
Paul Malzer