

## FACTSHEET

**TITLE:** ANNEXATION NO. 04005 and ANNEXATION NO. 04008, requested by various petitioning property owners and the Director of Planning to annex 17 residences, the Southwest Rural Fire District and the Yankee Hill School, generally located near South Folsom Street and West Calvert Street.

**STAFF RECOMMENDATION:** Approval

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: 04/28/04 and 05/26/04  
Administrative Action: 04/28/04 and 05/26/04

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan and Approval (7-1: Larson, Carroll, Taylor, Sunderman, Carlson, Krieser and Bills-Strand voting 'yes'; Pearson voting 'no'; Marvin absent).

### FINDINGS OF FACT:

1. The eight property owners petitioning to be annexed are set forth on the map and petition on pp.16-17. The main purpose of their request for annexation is connection to the City water system due to loss of water service previously provided by the Regional Center, which was previously annexed. The petition includes the Southwest Rural Fire District, and the Lincoln Public School District has consented to the annexation of Yankee Hill School (p.18).
2. The Director of Planning is proposing to include the minimum possible additional property that is necessary for this annexation to comply with state law requiring annexed land to be contiguous to the city boundaries. The owners of the additional property proposed to be annexed by the Director of Planning are included in the maps showing the total area of annexation (p.14-15). Those property owners proposed to be annexed by the Director of Planning which have not petitioned to be annexed are: Alyce Long, Randy & Anne Shoemaker, Brent and Joyce Braun, Michael Hanna, Suanne Henning, Michael and Susan King, and James Mertens,
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.4-5, concluding that the proposed annexation is in conformance with the Comprehensive Plan because it meets the annexation policies of the Plan; the area to be annexed is within the future service limit; the area to be annexed is contiguous to the city; and the area to be annexed is generally urban in character.
4. The testimony offered by Planning staff is found on p.10. Testimony in support is found on p.10-11, and the record consists of one letter in support (p.23).
5. Three of the property owners included in this annexation which did not petition to be annexed testified in opposition (p.11), and the record consists of one letter in opposition (p.24).
6. The Planning Commission discussion with staff is found on p.11-12.
7. On April 28, 2004, the majority of the Planning Commission agreed with the staff recommendation and voted 7-1 to recommend approval (Pearson dissenting; Marvin absent).
8. After Planning Commission hearing and action on Annexation No. 04005, it was discovered that the property of one of the petitioners, Spencer Hoffman, had been inadvertently omitted from the legal description for Annexation No. 04005. Therefore, to comply with the requirements for legal advertising, the Planning Commission will review and act on the annexation of the Hoffman property (Annexation No. 04008) on May 26, 2004. The staff report for Annexation No. 04008 is found on p.6-9, and the map is found on p.15. These two annexations should be acted upon by the City Council as one ordinance.

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

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

**REFERENCE NUMBER:** FS\CC\2004\ANNEX.04005 and 04008

**DATE:** May 17, 2004

**DATE:** May 17, 2004

# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for April 28, 2004 PLANNING COMMISSION MEETING

-REVISED-

This revised staff report corrects references to the number of people who signed the petition. The petition contains the signatures of eight property owners, not nine as referenced in the original report.

**P.A.S.:** Annexation #04005

**PROPOSAL:** Application for annexation to allow connection to the City's water system from eight property owners connected to the State's private water system and Lincoln Public Schools.

**LOCATION:** Approximately South Folsom Street and West Calvert Street

**CONCLUSION:** This annexation proposal is in conformance with the Comprehensive Plan for the following reasons:

- It meets the annexation policies of the Plan;
- The area to be annexed is within the future service limit;
- The area to be annexed is contiguous to the city;
- The area to be annexed is generally urban in character.

<b><u>RECOMMENDATION:</u></b>	Find that this request is in conformance with the Comprehensive Plan.
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## **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 1, Corrected Plat of Burnham 1<sup>st</sup> Addition; Lot 3 I.T.; Lot 143 I.T.; Lot 144 I.T.; Lot 145 I.T.; Lot 86 I.T.; Lot 77 I.T.; Lot 1, Burnham Subdivision; Lots 1 and 2, Braun Addition; Remaining Portion Lot 10, Burnham Subdivision; Lot 11 I.T.; Lot 29 I.T.; North 150' of Lot 2, Burnham Subdivision; those portions of Lot 2, Corrected Plat of Burnham 1<sup>st</sup> Addition and Lot 186 I.T. lying north of a line 350' south of the south right-of-way line of West Burnham Street; and those portions of adjacent rights-of-way for West Calvert Street, South Folsom Street, West Stockwell Street, West Burnham Street, and Southwest 9<sup>th</sup> Street, all within Section 3, T9N, R6E, Lancaster County, Nebraska.

**EXISTING ZONING:** P Public; R-3 Residential.

**EXISTING LAND USE:** The area proposed for annexation is developed and includes 17 residences, the Yankee Hill School, and the Southwest Rural Fire Station.

## **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F27** - The proposed annexation is within the City's Future Service Limit.

The Comprehensive Plan's Annexation Policy is found on pages F-154 and 155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

- Page F154**
- The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.
  - The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.
  - Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.
  - Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

## **HISTORY:**

**March 18, 2004** - A request for connection to the City's water system without annexation was denied by the Public Works and Utilities Department. A copy of the letter is attached.

**December 5, 2003** - ANN#97007 was approved by City Council extending the city limit south from South Street and annexing the area surrounding the Homestead Expressway/West Van Dorn interchange and the Regional Center.

## **SPECIFIC INFORMATION:**

### **UTILITIES & SERVICES:**

**Sanitary Sewer:** Sanitary sewer lines exist in West Van Dorn Street, Southwest 6<sup>th</sup> Street, West High Street, West Calvert Street, West Stockwell Street, and West Burnham Street, and were originally built by a Sanitary and Improvement District decades ago. The City has since assumed ownership of the sewer lines in this area as well as maintenance responsibility. All the properties proposed for annexation are connected to sanitary sewer.

**Water:** The City is installing a 30" water main along West Van Dorn/West Prospector Place from South Coddington Avenue to Park Blvd. A 16" water line will be extended from this main south along South Folsom Street to West Calvert Street to provide water service to the Regional Center per the approved annexation agreement between the State of Nebraska and the City. The water line to be built in South Folsom Street can be extended to accommodate the proposed annexation.

**Roads:** South Folsom Street and West Van Dorn Street are identified as arterial streets and are paved, but do not meet current city street design standards. The remaining local streets in the area are not paved.

**Fire/Police/Public Safety:** Those areas outside the city are currently served by the Southwest Rural Fire District and Lancaster County Sheriff. If approved, the Lincoln Fire and Police Departments will be responsible for providing protection to those areas within the city limit. For fire protection, It is anticipated that the first responders would be from Stations #8 (South 17<sup>th</sup> & Van Dorn Streets) and #13 (South Coddington Avenue and West A Street).

The proposed annexation boundary was drawn to minimize the amount of land to be annexed while ensuring that the petitioners were all included, and that the boundary is consistent with State law. This results in an irregular boundary with portions of streets in different jurisdictions. This will be the case with South Folsom, West Calvert, West Stockwell, West Burnham, and Southwest 9<sup>th</sup> Streets.

## **BACKGROUND:**

ANN#97007 was in part prompted by the State's desire to abandon their private water system serving the Regional Center and connect to the City's system. The original annexation boundary recommended by staff included all those properties that could be served by the new water main, and that also were either connected to, or could be served by, sanitary sewer.

In anticipation of being annexed and connecting to the City's water system, the State sent a letter on December 4, 2002 to the 16 property owners being served by the State's private water system. This letter notified the customers of the State's intent to connect to city water and to discontinue private water service on December 15, 2003. These property owners were required to make provisions for continued water service either by means of a private well or connection to the City system.

A request signed by eight petitioners was submitted to the City seeking connection to the City's water system without annexation. That request was denied (attached), and in response a petition for annexation was submitted from the same people. Of the 16 water customers, eight are represented on the petition requesting annexation. Additionally, Lincoln Public Schools is requesting annexation of the Yankee Hill School.

## **ANALYSIS:**

1. Annexation policy of the Comprehensive Plan:  
**-To not extend water and sanitary sewer services beyond the city limits. Annexation shall occur before any property is provided water, sanitary sewer, and other city services.**

This area is now served with sanitary sewer and can be served with water as part of the water main installation project in this area.

**-Land which is contiguous and generally urban in character may be annexed.**

The area is contiguous and urban in character.

**- Annexation generally implies the opportunity to access all City services.**

The area is within the future service limit.

**- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city.”**

All the properties proposed to be annexed are already connected to city sewer. The funds have been allocated in the C.I.P. to build the water main to serve this area and the project is currently under construction.

2. It includes 17 residences, the Southeast Rural Fire Station, and the Yankee Hill School. Of the 17 residences, eight have signed the petition and nine have not. The annexation line as drawn includes the minimum number of properties that must be annexed to include the petitioner's properties, meet the requirements of the law, and provide a logical boundary. Consistent with a prior opinion from the Law Department, the City is precluded from extending the city limit along a very narrow strip of land such as only the width of a street to reach the land to be annexed. This is the reason that several residences along South Folsom Street which are not part of the petition are included in the boundary.
3. Once the 16" water line is in place to serve the Regional Center, it can be tapped and extended to serve any property within the city limit with city water.
4. Any property owner with a well may continue to use the well after annexation. Owners wishing to continue using private wells must apply for a bi-annual permit. The fee for the permit includes annual inspections conducted by the Health Department.
5. Public facilities within the annexation boundary include the Southwest Rural Fire Station, and Yankee Hill Program School. The impact upon these entities varies. Lincoln Public Schools is exempt from local regulation and annexation will have no impact. The Southwest Rural Fire District assesses a tax to properties within their district. After annexation, the District will no longer receive revenue from those annexed properties.
6. Upon annexation, the rate used to assess property taxes will increase from .01882693 to .0202742. The difference on a \$100,000 home would be \$144. The change in the tax rate is not as great as some annexations because the area within the proposed boundary is already within the Lincoln Public School District.

Prepared by:

Brian Will  
441-6362  
[bwill@ci.lincoln.ne.us](mailto:bwill@ci.lincoln.ne.us)  
Planner  
April 15, 2004

## LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 26, 2004 PLANNING COMMISSION MEETING

- P.A.S.:** Annexation #04008
- PROPOSAL:** Application for annexation to allow connection to the City's water system from a property owner connected to the State's private water system.
- LOCATION:** 4000 South Folsom Street - Approximately South Folsom Street and West Burnham Street
- CONCLUSION:** The lot involved in this request was inadvertently omitted from Annexation #04005, and the property owner is one of the signatories to the petition for annexation. The conclusion and recommendation assume approval of Annexation #04005. If Annexation #04005 is not approved, this property will not be contiguous to the city limit and cannot be annexed. Provided ANN#04005 is approved, this annexation proposal is in conformance with the Comprehensive Plan for the following reasons:
- It meets the annexation policies of the Plan;
  - The area to be annexed is within the future service limit;
  - The area to be annexed is contiguous to the city;
  - The area to be annexed is generally urban in character.

<b>RECOMMENDATION:</b>	Approval
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### **GENERAL INFORMATION:**

- LEGAL DESCRIPTION:** Lot 8, Block 2, Park Ridge Heights, located in Section 3, T9N, R6E, Lancaster County , Nebraska.
- EXISTING ZONING:** R-3 Residential.
- EXISTING LAND USE:** Single-family Residential

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

**Page F27** - The proposed annexation is within the City's Future Service Limit. The Comprehensive Plan's Annexation Policy is found on pages F-154 and 155 of the 2025 Comprehensive Plan. Some relevant excerpts are as follows:

**Page F154** - The provision of municipal services shall coincide with the jurisdictional boundaries of the City – in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

- The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

- Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.

## **HISTORY:**

**April 28, 2004** - ANN#04005 the Planning Commission recommended approval of the annexation of 17 properties in the Yankee Hill neighborhood. The request was initiated by a petition signed by eight property owners seeking annexation so they could connect to the City's water system. The property at 4000 South Folsom Street, owned by one of the petitioners, was omitted from the legal description. This request is being brought forward so it can also be considered for annexation as intended.

**March 18, 2004** - A request for connection to the City's water system without annexation was denied by the Public Works and Utilities Department. A copy of the letter is attached.

**December 5, 2003** - ANN#97007 was approved by City Council extending the city limit south from South Street and annexing the area surrounding the Homestead Expressway/West Van Dorn interchange and the Regional Center.

## **SPECIFIC INFORMATION:**

### **UTILITIES & SERVICES:**

**Sanitary Sewer:** Sanitary sewer lines exist in West Van Dorn Street, Southwest 6<sup>th</sup> Street, West High Street, West Calvert Street, West Stockwell Street, and West Burnham Street, and were originally built by a Sanitary and Improvement District decades ago. The City has since assumed ownership of the sewer lines in this area as well as maintenance responsibility. All the properties proposed for annexation are connected to sanitary sewer.

**Water:** The City is installing a 30" water main along West Van Dorn/West Prospector Place from South Coddington Avenue to Park Blvd. A 16" water line will be extended from this main south along South Folsom Street to West Calvert Street to provide water service to the Regional Center per the approved annexation agreement between the State of Nebraska and the City. The water line to be built in South Folsom Street can be extended to accommodate the proposed annexation.

**Roads:** South Folsom Street and West Van Dorn Street are identified as arterial streets and are paved, but do not meet current city street design standards. The remaining local streets in the area are not paved.

**Fire/Police/Public Safety:** Those areas outside the city are currently served by the Southwest Rural Fire District and Lancaster County Sheriff. If approved, the Lincoln Fire and Police Departments will be responsible for providing protection to those areas within the city limit. For fire protection, It is anticipated that the first responders would be from Stations #8 (South 17<sup>th</sup> & Van Dorn Streets) and #13 (South Coddington Avenue and West A Street).

**BACKGROUND:**

The property owner is one of the petitioners seeking annexation along with seven other whose annexation request (ANN#04005) was considered by the Planning Commission April 28, 2004. The legal description for ANN#04005 did not include the property in this request, as it was inadvertently omitted. This request is being brought forward so the property can be considered for annexation along with the other petitioners. For clarity, this request is being reviewed based upon the assumption that ANN#04005 will be approved. If ANN#04005 is not approved, the property in this request will not be contiguous to the city limit and cannot be approved.

The first annexation in this area, ANN#97007, was in part prompted by the State’s desire to abandon their private water system serving the Regional Center and connect to the City’s system. The proposed annexation boundary recommended by staff included all those properties that could be served by the new water main, and that also were either connected to, or could be served by, sanitary sewer.

In anticipation of being annexed and connecting to the City’s water system, the State sent a letter on December 4, 2002 to the 16 property owners being served by the State’s private water system. This letter notified the customers of the State’s intent to connect to city water and to discontinue private water service on December 15, 2003. These property owners were required to make provisions for continued water service either by means of a private well or connection to the City system.

A request signed by eight petitioners was submitted to the City seeking connection to the City’s water system without annexation. That request was denied (attached), and in response a petition for annexation was submitted from the same people. Of the 16 water customers, eight are represented on the petition requesting annexation. The owner of this property is one of the petitioners.

**ANALYSIS:**

1. Annexation policy of the Comprehensive Plan:  
**-To not extend water and sanitary sewer services beyond the city limits. Annexation shall occur before any property is provided water, sanitary sewer, and other city services.**

This area is now served with sanitary sewer and can be served with water as part of the water main installation project in this area.

- Land which is contiguous and generally urban in character may be annexed.**

The area is contiguous and urban in character.

**- Annexation generally implies the opportunity to access all City services.**

The area is within the future service limit.

**- Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city.”**

All the properties proposed to be annexed are already connected to city sewer. The funds have been allocated in the C.I.P. to build the water main to serve this area and the project is currently under construction.

2. ANN#04005 must be approved for this request to comply with the annexation policy of the City. If not, the property in this request will not be contiguous to the city limit and cannot be annexed.
3. Once the 16" water line is in place to serve the Regional Center, it can be tapped and extended to serve any property within the city limit with city water.
4. Any property owner with a well may continue to use the well after annexation. Owners wishing to continue using private wells must apply for a bi-annual permit. The fee for the permit includes annual inspections conducted by the Health Department.
5. Upon annexation, the rate used to assess property taxes will increase from .01882693 to .0202742. The difference on a \$100,000 home would be \$144. The change in the tax rate is not as great as some annexations because the area within the proposed boundary is already within the Lincoln Public School District.

Prepared by:

Brian Will  
441-6362  
[bwill@ci.lincoln.ne.us](mailto:bwill@ci.lincoln.ne.us)  
Planner  
May 12, 2004

## ANNEXATION NO. 04005

### PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 28, 2004

Members present: Larson, Carroll, Taylor, Sunderman, Carlson, Pearson, Krieser, and Bills-Strand; Marvin left during the hearing.

Staff recommendation: Approval.

Ex Parte Communications: None.

Brian Will of Planning staff submitted one letter in support and one letter in opposition.

Brian Will of Planning staff explained that this annexation represents a petition submitted by eight property owners in the area for the purposes of obtaining water service. The properties petitioning to receive water are interspersed, so in order to remain consistent with the law pertaining to annexation, the boundary of the annexation includes additional properties that did not sign the petition.

Pearson noted that one of the letters in opposition talked about a retired person and the additional expenses that would be incurred by the property owners. Will explained that there are three categories of expenses: 1) increased property taxes; 2) impact fees that may be required as a result of connection to the city water system; and 3) any fees associated with an assessment district for the water for this area. Will submitted an estimate of the costs that was prepared the first time the Yankee Hill annexation came through the process.

Marvin inquired whether the city has any procedure for a low interest loan and five-year payback. Will stated that impact fees are due at the time of building permit and there is no provision for proration. The impact fee for water service is approximately \$1,088.00. The change in property tax rates could be approximately \$144.00 on the typical \$100,000 house. The assessment for the water district is estimated to be \$40.00 per linear foot. That cost, as opposed to impact fees, can be amortized out over 20 years.

Will clarified that the proposed annexation affects 17 residential properties, the Yankee Hill School and the Southwest Rural Fire Station.

### Proponents

**1. Traci Schoen** testified in support. She and her husband started the petition to get the water service. They initially stood along side the neighborhood association and agreed that the whole neighborhood need not be annexed because the Regional Center needed water, but they now stand on the fence because they need water. The homeowners that have signed the petition understand the additional costs, but those costs are considerably less than drilling, maintaining and testing a well and treating the water. Those who signed the petition need water and desire city water. It was not their intention to divide the neighborhood or do anything from which they would not benefit. The Schoen's live at the bottom of the hill and know that not too many houses away there is some pretty nasty water.

The neighbors to the north rent their house and they have to treat their water. The renters are not allowed to drink that water. Digging a well will not improve the water. It costs upwards of \$3,000 to drill wells, plus maintenance costs and treatment costs. She also believes that this entire area will eventually get annexed anyway.

### Opposition

**1. Brent Braun**, 3921 S. Folsom, received the letter concerning this annexation. He understands why the people want water. He has lived out there all his life. His concern and his questions are about the annexation map. Not all 17 properties want city water. According to the map, we're annexing some properties on the east side of Folsom, and from Calvert to Burnham we're annexing everything on the west side. He wants to know where the water line is going to run.

Dennis Bartels of Public Works advised that the water line has not been designed but he anticipates it will go down Burnham Street, and there is nothing to prohibit building in the street right-of-way regardless of whether it is in the city limits. He would guess that it would be built down the north side. Traditionally, we have the sewer on one side and the water on the other.

If that is going to be the case and the city is annexing the west side of Folsom and running the water line along Burnham, Braun does not understand why the proposal does not annex all the property along there.

**2. Randy Shoemaker**, 3935 S. Folsom, testified in opposition. He agreed with Mr. Braun that those that need the water should be annexed, but he believes there needs to be more consideration for the other properties that are proposed to be annexed that do not want to be annexed and that have water. This will result in a rural fire barn in the city limits. The bond is not paid yet. Do we stop paying on that bond once we are annexed? If so, who picks up that tab? Lifestyle is also a consideration when annexing property. Some of the animals will not be allowed upon annexation. Who do you call for law enforcement? Who maintains the streets?

**3. Alyce Long**, 605 W. Calvert, testified in opposition. This will come past her property to get to the next house and stop. She is satisfied with her well. She does not want to have to sell out.

### Staff questions

Pearson asked staff to further explain the reason for the proposed boundaries of the annexation. Will indicated that the staff was responding to a request from property owners in the area to get water, which requires annexation. The staff believes it was necessary to respond in the affirmative and demonstrate how it can be accomplished. The goal was to keep the number of properties being annexed to a minimum. However, we cannot just annex "down the street". We have to take more property according to law. This proposal is our best attempt to include all the owners seeking annexation but to do it in a manner that will pass the legal test for annexation.

Pearson pointed out that Mrs. Long may have a neighbor whose property will be more valuable upon annexation but yet she is on a fixed income.

Carlson believes that the staff recommendation for the previous annexation in this area attempted to bring in the entire area. Will acknowledged that the original annexation request came to the city and the boundary was drawn including many more properties in the area, which was defeated. This boundary is drawn only in response to those petitioners who want water. A property owner may stay on rural well water even inside the city limits, with a biannual inspection by the Health Department. If you retained your own well, you would still be responsible for the portion of the water assessment, but would not be responsible for the impact fees. Dennis Bartels of Public Works clarified that in Folsom Street, the city anticipates building a 16" water main which is covered by impact fees – we can't assess a 16" water main. If they don't have direct frontage on the 16" main they might well have to pay an assessment. If they have a well and don't want to hook up, they would not have the water charges. If you want city water, you will pay the impact fee, the connection fee and whatever the plumber charges to get from the main to the house.

As far as maintenance of the streets, Dennis Bartels suggested that with the limited annexation that Council approved with Folsom Street being inside, you are already going through the city to get to these county roads. There are interlocal agreements as far as the routine maintenance. As far as different street standards, the city does not routinely go out and gravel roads. The property owner might have to pay for the gravel. With a limited annexation, there are some jurisdictional problems built in. We've already created that problem to a certain extent for law enforcement and snow removal because of the previous annexation limits that were restricted to the Regional Center property.

Bills-Strand inquired whether the area north of the Bailey house is in the city limits. Will stated that it is outside of the city limits. Bills-Strand inquired as to what happens if they are not annexed. Will stated that they would need to proceed with digging wells.

Bills-Strand inquired as to how long it will be before the city surrounds this area and annexes it. Will does not believe we are looking at a 2-5 year time frame, although it is hard to tell. Ray Hill of Planning staff advised that when the staff was told by the City Council that this area should not be annexed, it was anticipated that we would have this type of annexation until the entire area is annexed. As the wells go bad, they will come in and ask for annexation, and each time there will be those that object because we cannot get to them without annexing someone else.

#### Response by the Applicant

Ms. Schoen reiterated that they do not want to force anyone into anything that they do not want. This is the result of an agreement the property owners had with the state to allow the property owners to have water, and it is one of those weird situations where there is no protocol. We do have city sewer.

#### **ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

April 28, 2004

Larson moved approval, seconded by Bills-Strand for discussion.

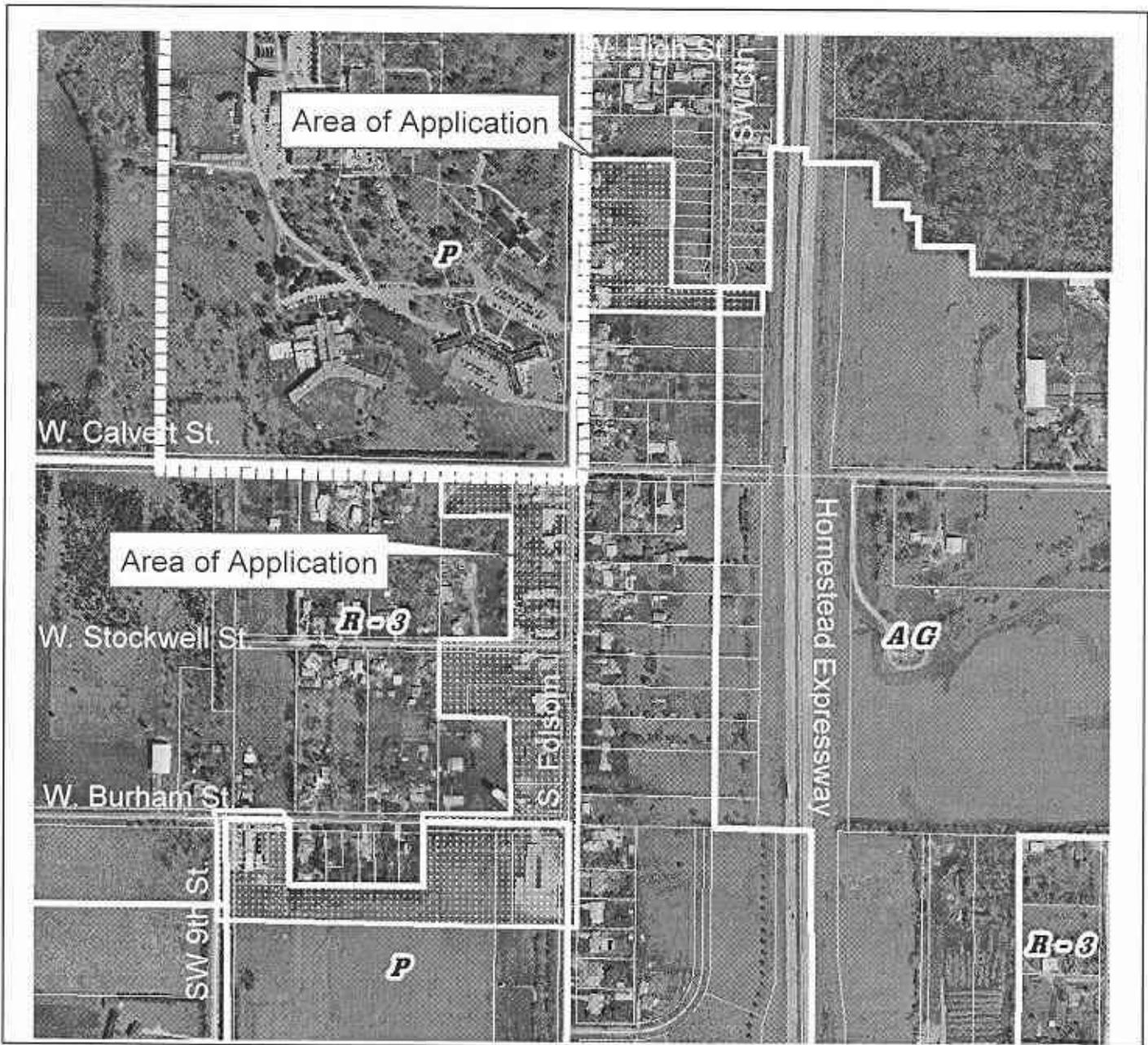
Pearson stated that she will vote against. She would rather see it be truly contiguous, which she does not believe this proposal represents. This may meet the letter of the law but she does not believe this meets the intent of the law. When they say contiguous, they mean next-to and not sneaking down in an

L-shape or a J. She understands the concerns about water, but we have to look at fairness to the entire neighborhood.

Bills-Strand stated she will vote in support because the state took away their water. Without annexation, they are forced to drill wells. They will eventually be annexed. It may be snaking through an area to take care of serious water needs, but she thinks it should be done.

Carlson pointed out that the Planning Department's original recommendation was based on their best planning principles and the City Council gave the direction to change. It comes back again. What's the planning principle here? Typically when we start to get out there, we start to get contiguous. The question is, are they going to be annexed by the City or not? We've got to fall back on the planning principle, but the City Council made the decision as to how they wanted to proceed with the politics on it.

Motion for approval carried 7-1: Larson, Carroll, Taylor, Sunderman, Carlson, Krieser and Bills-Strand voting 'yes'; Pearson voting 'no'; Marvin absent. This is a recommendation to the City Council.



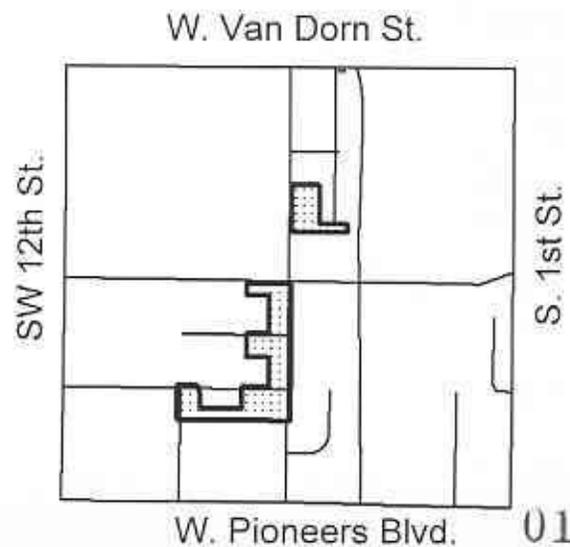
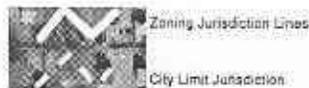
2002 aerial

# Annexation #04005 Yankee Hill Annexation

## 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-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. 03 T09N R6E



014



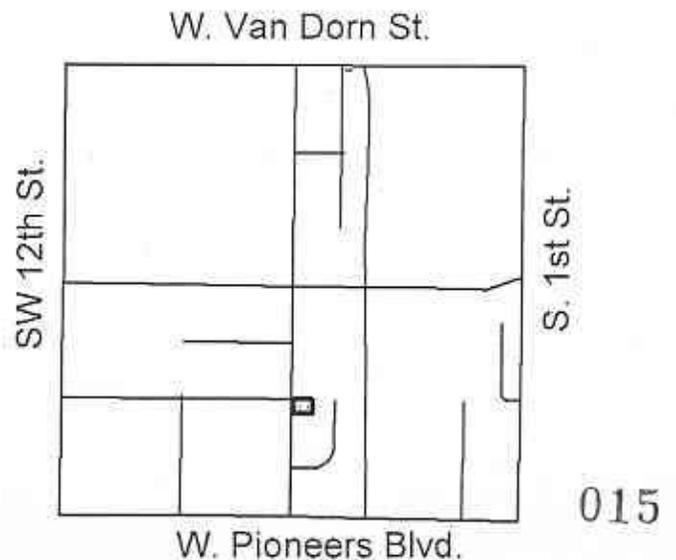
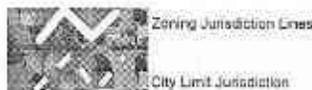
2002 aerial

## Annexation #04008 S. Folsom and W. Burnham Sts.

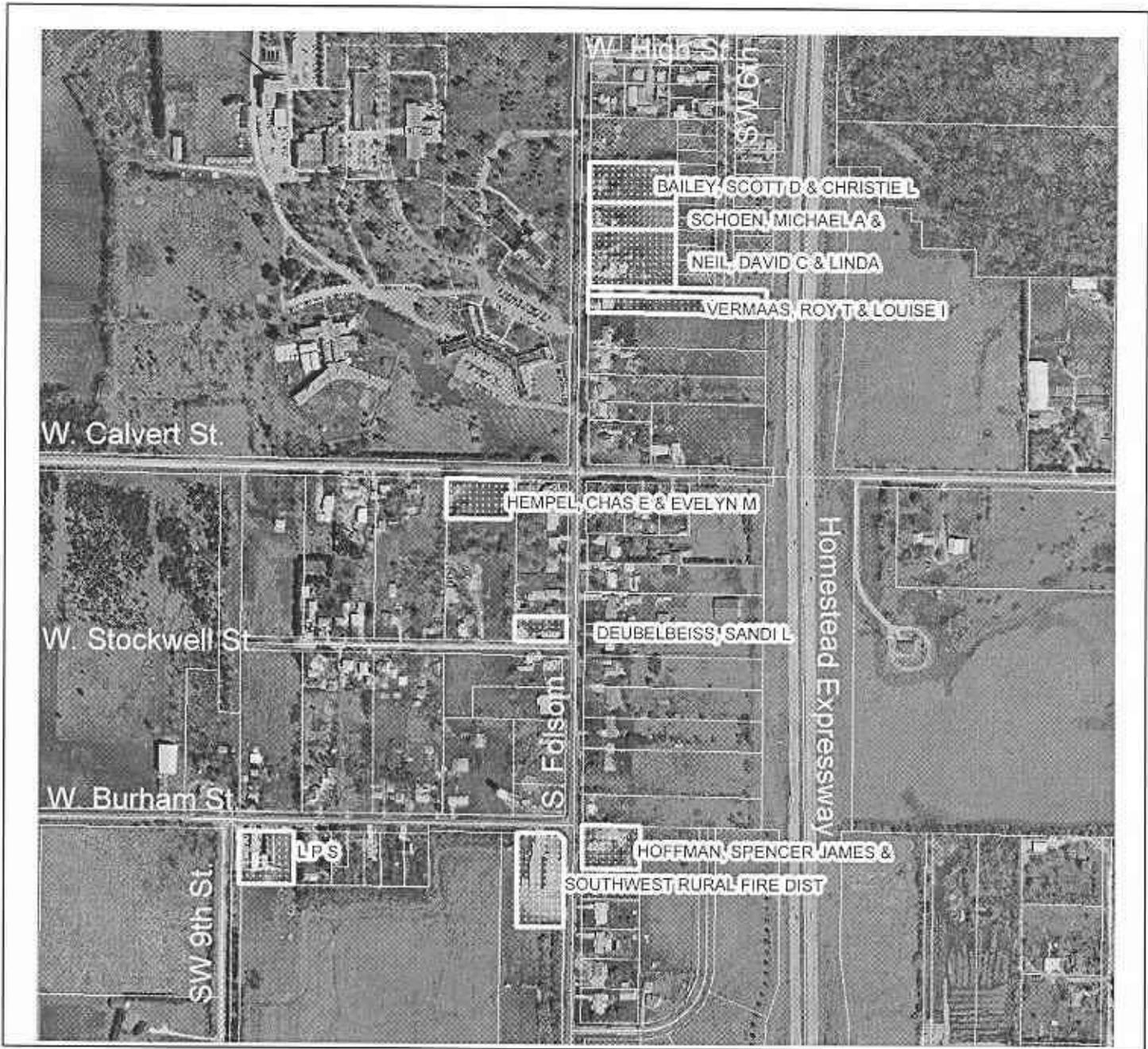
### Zoning:

- 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. 03 T09N R6E



015



2002 aerial

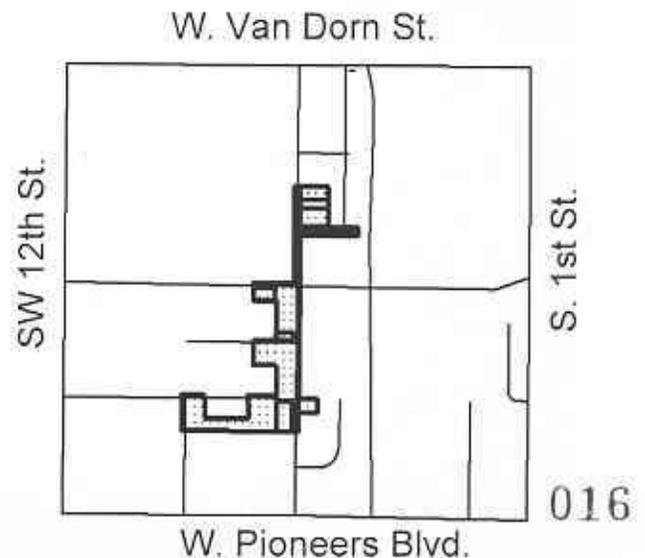
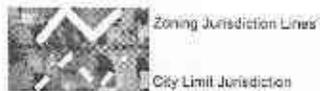
## Yankee Hill Annexation

PETITIONING PROPERTY OWNERS

### 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. 03 T09N R6E



Petition for Annexation for City Services

March 1, 2004

The undersigned property owner's request Annexation into the Lincoln City Limits, in order to connect to the Lincoln Water System.

The property owner's listed are currently receiving water via the State Building Division's private water tower located at the Lincoln Regional Center. Water service has been provided to these properties for many years through a long-standing agreement between the State and the property owner's, including both long-time and more recent owner's.

With the State's recent annexation into the City of Lincoln and upcoming connection to the Lincoln Water System, the undersigned property owner's are left without suitable water service and we now request annexation into the City of Lincoln to receive this service.

<u>Property Owner</u>	<u>Street Address</u>	<u>Legal Address</u>	<u>Parcel Number</u>
Bailey, Scott & Christie	2932 S.Folsom St	Lot 143 NE 3-9-6	09-03-200-082-000
Owner's Signature <u>Scott Bailey</u>			
Deubelbeiss, Sandy	3845 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) S90' Lot 1	09-03-301-009-000
Owner's Signature <u>Sandy Deubelbeiss</u>			
Hempel, Evelyn	775 W. Calvert	Burnham Sub (of the NE SW 3-9-6) N 150' Lot 2 EX E20'	09-03-301-016-000
Owner's Signature <u>Evelyn Hempel</u>			
Hoffman, Spencer	4000 S. Folsom St	Park Ridge Heights, Block 2, Lot 8	09-03-405-001-000
Owner's Signature <u>Spencer Hoffman</u>			
Neil, Dave & Linda	3020 S. Folsom St	Lot 145 NE 3-9-6	09-03-200-084-000
Owner's Signature <u>Linda Neil</u>			
Schoen, Michael & Traci	2936 S. Folsom St	Lot 144 NE 3-9-6	09-03-200-083-000
Owner's Signature <u>Michael Schoen</u>			
Southwest Rural Fire Dist	705 W. Burnham	Burnham 1st Addition Lot 1	09-03-303-001-000
Owner's Signature <u>Robert J. Hill President</u>			
Vermaas, Roy	3640 S. Folsom St	Lot 77 NE 3-9-6	09-03-200-086-000
Owner's Signature <u>Roy Vermaas</u>			
Hanna, Michael	3829 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) N 100' S250' Lot 1	09-03-301-011-000
Owner's Signature _____			
Owner's Signature _____			

APPROVED  
 MAR 26-04



# Lincoln Public Schools

Custodial, Maintenance & Facilities Building • 800 South 24th • Lincoln, Nebraska 68510 • (402) 436-1072 • (Fax) 436-1557

April 20, 2004

Marvin Krout  
Planning Director  
Lincoln /Lancaster County Planning Department  
555 S. 10<sup>th</sup> Street, Room B-417  
Lincoln, NE 68508

**SUBJECT: YANKEE HILL SCHOOL FACILITY  
YANKEE HILL ANNEXATION #04005**

Dear Mr. Krout;

I am writing this letter in support of the proposed Yankee Hill Annexation #04005 that is currently being petitioned by area residents. As you are aware, Lincoln Public Schools has a presence in the proposed annexation area with our Yankee Hill facility, located at 865 West Burnham Street.

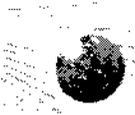
Coincidentally, the Yankee Hill facility will undertake an addition and significant mechanical and electrical improvements beginning early this summer. The project scope is to include a fire sprinkler system throughout. However, the only way that this system can be functional is with the consistent pressure provided by the City of Lincoln's domestic water system. If the water is not provided by the City, Lincoln Public Schools will continue to rely on our existing domestic well, utilizing fire detection devices in lieu of the fire sprinkler system.

I appreciate your commitment to the process and the needs of this community. If you should have any questions, please feel free to give me a call.

Sincerely,

Scott Wieskamp  
Director of Facilities

C: Dennis Van Horn  
Tim Loseke  
Steve DeGarmo  
Brian Will/Steve Henrichsen



**Nick W McElvain**

04/08/2004 04:28 PM

To: Brian J Will/Notes@Notes  
cc: Steve Masters/Notes@Notes, jobrist@notes@Notes, Steve R  
Owen/Notes@Notes, Dennis D Bartels/Notes@Notes  
Subject: Annexation south of Regional Center

LWS is supportive of the annexation as we discussed at the noon meeting this past Monday. As I described, we are designing a water main that will serve all of the properties that abut Folsom. The LPS school site would need to request a district or an EO to build a public main to serve their site. We are on schedule to have water service to all of the properties adjacent of Folsom by mid August. As I have mentioned in the past, we will work with all of the customers currently served by the State, so that no one is cut off, with out an opportunity to connect or drill their own well.

One thing that we did not discuss on Monday, which I think would be of value, is to map the properties proposed for annexation, and compare that to the properties served by the State. I think our focus on Monday was the one who signed the petition. Possibly the other 5 or 6 property owners should be contacted regarding where we think this is headed.



**Dennis L Roth**

03/31/2004 01:00 AM

To: Brian J Will/Notes@Notes  
cc:  
Subject: re: Yankee Hill Annexation

PROJ NAME: Yankee Hill Annexation  
PROJ NMBR: Annex #04005  
PROJ DATE: 03/29/04  
PLANNER: Brian Will

Finding NO DUPLICATE/SIMILAR sounding names in our geobase for the street name proposed in this project, other than those which are an extension of an existing street.

Dennis "denny" Roth, ESD II/CAD Admin  
Emergency Communications 9-1-1 Center

STREETS:

PRIVATE:

COMMENTS: Have no problems with this request for annexation, HOWEVER we would STRONGLY RECOMMEND that ALL ADDRESSES with in the project be annexed rather than a hit and miss situation, which will cause difficulties in determining emergency responders.



**CITY OF LINCOLN  
NEBRASKA**

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Public Works and Utilities Department

Allan Abbott, Director

555 South 10th Street

Suite 203

Lincoln, Nebraska 68508

402-441-7548

fax: 402-441-8609

March 18, 2004

Scott & Christie Bailey  
2932 South Folsom Street  
Lincoln, NE 68522

RE: Petition for Lincoln City Water Service Without Annexation -- Denial

Dear Mr. & Mrs. Bailey:

Our City has a long standing policy of requiring annexation as a condition for providing water and wastewater to an area. A recent example of this policy was the annexation of the Pine Lake SID in response to their request to be connected to the water system. A number of outlying areas make an appeal for water and wastewater service each year.

Your signature appears on a petition received by the Planning Department on March 12, 2004. Your interest in connecting to City Water is due to the annexation of the Regional Center and their discontinued operation of their central water system. Unfortunately, I must inform you that your request is denied by Public Works & Utilities, consistent with the Comprehensive Plan policy on providing utilities and requiring annexation.

In conclusion, annexation is required before Lincoln's water supply will be made available to your property.

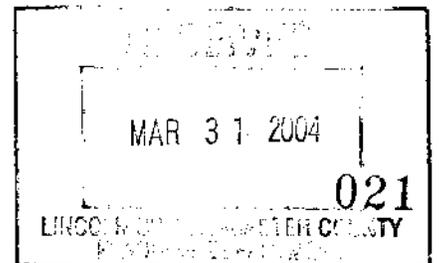
Sincerely,

Allan L. Abbott

Director of Public Works & Utilities

cc: Marvin Krout, Planning Director  
Ann Harrell, Mayor's Office

*Petition for City Water Svc without Annexation\_Denial RSM.wpd*



Petition for Lincoln City Water Service Without Annexation

March 1, 2004

The undersigned property owner's request connection to the City of Lincoln Water System, and ask for connection to be allowed without annexation.

The property owner's listed are currently receiving water via the State Building Division's private water tower located at the Lincoln Regional Center. Water service has been provided to these properties for many years through a long-standing agreement between the State and the property owner's, including both long-time and more recent owner's.

With the State's recent annexation into the City of Lincoln and upcoming connection to the Lincoln Water System, the undersigned request to be "Grand-fathered" onto City water. Property owner's would pay fees for connection to the system, and of course, monthly water service fees, but request exemption from annexation until such time as the entire Yankee Hill Neighborhood is required to be annexed.

<u>Property Owner</u>	<u>Street Address</u>	<u>Legal Address</u>	<u>Parcel Number</u>
Bailey, Scott & Christie	2932 S.Folsom St	Lot 143 NE 3-9-6	09-03-200-082-000
Owner's Signature <i>Scott Bailey</i>			
Deubelbeiss, Sandy	3845 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) S90' Lot 1	09-03-301-009-000
Owner's Signature <i>Sandi Deubelbeiss</i>			
Hempel, Evelyn	775 W. Calvert	Burnham Sub (of the NE SW 3-9-6) N 150' Lot 2 EX E20'	09-03-301-016-000
Owner's Signature <i>Evelyn Hempel</i>			
Hoffman, Spencer	4000 S. Folsom St	Park Ridge Heights, Block 2, Lot 8	09-03-405-001-000
Owner's Signature <i>Spencer Hoffman</i>			
Neil, Dave & Linda	3020 S. Folsom St	Lot 145 NE 3-9-6	09-03-200-084-000
Owner's Signature <i>Linda Neil</i>			
Schoen, Michael & Traci	2936 S. Folsom St	Lot 144 NE 3-9-6	09-03-200-083-000
Owner's Signature <i>Mike A Schoen</i>			
Southwest Rural Fire Dist	705 W. Burnham	Burnham 1st Addition Lot 1	09-03-303-001-000
Owner's Signature <i>Robert A. Huts President</i>			
Vermaas, Roy	3640 S. Folsom St	Lot 77 NE 3-9-6	09-03-200-086-000
Owner's Signature <i>Roy Vermaas</i>			
Hanna, Michael	3829 S. Folsom St	Burnham Sub (of the NE SW 3-9-6) N 100' S250' Lot 1	09-03-301-011-000
Owner's Signature			
Mertens, Dennis & Molly	3705 S. Folsom St		09-03-301-013-000
Owner's Signature			

April 26, 2004

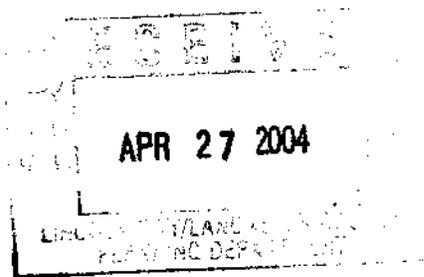
Lincoln/Lancaster Planning Department  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

To whom it may concern:

We own property at 2932 South Folsom and currently receive water from the Lincoln Regional Center. We are in favor of the proposed annexation #04005 and encourage all of you to approve the annexation.

Thank you,

Scott and Christie Bailey  
435-1280



Lincoln Lancaster Planning Dept.

My Name is Alyce Long I live at 605 W Calvert some of the folks that were getting water from Regional Hoop are asking for the city to bring water out to them. I'm against it I'm eighty five + it will be a burden for me with all the expense I'm on a limited income they will be getting me because the house west of me wants the city water they were on hospital water. My house & theirs will be in the city on West Calvert west of S Folsom. I feel if the <sup>time</sup> comes I'd have to sell my home who would want to buy it if only two houses on <sup>West</sup> Calvert are in the city & part of the area in the city

Help  
Thanks  
Mrs Long