

## FACTSHEET

**TITLE: STREET & ALLEY VACATION NO. 04003**, requested by the University of Nebraska Board of Regents and the Joint Antelope Valley Authority, to vacate the east-west alley between 21<sup>st</sup> and 22<sup>nd</sup> Streets, north of Vine Street, and to vacate that portion of 21<sup>st</sup> Street between Vine and vacated "W" Streets that has not already been vacated or purchased by the Joint Antelope Valley Authority, generally located at approximately 21<sup>st</sup> Street and Vine Street.

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

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 05/12/04  
Administrative Action: 05/12/04

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (8-0: Carlson, Carroll, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'; Krieser declaring a conflict of interest).

### FINDINGS OF FACT:

1. The vacation of this right-of-way is related to the Antelope Valley project.
2. The staff recommendation finds the proposed vacation to be in conformance with the Comprehensive Plan based upon the "Analysis" as set forth on p.3, provided that easements are retained for public utilities.
4. On May 12, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
6. On May 12, 2004, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed vacation to be in conformance with the Comprehensive Plan, with the conditions as set forth on p.3.
7. The City Real Estate Division has recommended that if the area is vacated, it be sold to the abutting property owner for \$7,400.00 (p.9).
8. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied. The remainder of the conditions of approval have also been satisfied.

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

**DATE:** October 11, 2004

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

**DATE:** October 11, 2004

**REFERENCE NUMBER:** FS\CC\2004\SAV.04003

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for May 12, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Street and Alley Vacation #04003

**PROPOSAL:** Vacate the east-west alley between 21<sup>st</sup> and 22<sup>nd</sup> Streets, north of Vine Street, and vacate that portion of 21<sup>st</sup> Street between Vine and vacated "W" Streets that has not already been vacated or purchased by the Joint Antelope Valley Authority.

**LOCATION:** Approximately 21<sup>st</sup> and Vine Streets

**LAND AREA:** 8,266 square feet, more or less.

**CONCLUSION:** The vacation of these rights-of-way conforms to the Comprehensive Plan provided easements are retained for public utilities.

<b><u>RECOMMENDATION:</u></b>	Conforms to the Comprehensive Plan
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## **GENERAL INFORMATION:**

### **LEGAL DESCRIPTION:**

That portion of N. 21<sup>st</sup> Street adjacent to Lots 4, 5, and 6, A. K. Griffiths 2<sup>nd</sup> Addition, Lot 19 and the North 33' of Lot 18, Block 7, Vine Street Addition, and to vacate all of the east/west alley between the east line of N. 21<sup>st</sup> Street and the west line of N. 22<sup>nd</sup> Street, Block 7, Vine Street Addition, located in the NW 1/4 of Section 24 T10N R6E, Lancaster County, Nebraska.

### **SURROUNDING LAND USE AND ZONING:**

North:	Vacant manufacturing facility (Cushman)	I-1 Industrial
South:	Residential dwellings (acquired as part of the Antelope Valley project) and parking lot	R-6 Residential
East:	Parking lot and vacant land	R-6 Residential
West:	Parking lot	P-Public

**HISTORY:** This right-of-way is located near the vacant Cushman property, recently acquired by the University of Nebraska (UNL). This right-of-way is also located within the boundaries of the Antelope Valley project. The Joint Antelope Valley Authority (JAVA) has recently acquired adjacent rights-of-way and lots for the project. This vacation request was anticipated in the agreement between JAVA and UNL.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan identifies this area as Urban Residential. (F 25)

The Antelope Valley Roadway Project involves a partnership of the City of Lincoln, the Lower Platte South Natural Resource District and the University of Nebraska-Lincoln. Initiated in the early 1990's, this effort was designed to

address the concerns of traffic/pedestrian circulation, community revitalization needs, and storm water drainage and flood control associated with a portion of the Antelope Creek drainage basin.

The Antelope Valley Roadway project envisions a multi-lane (four to six lanes) boulevard with dual left turn lanes and a landscaped center median. The first phase of implementation will include community revitalization elements, construction of the north/south roadway from approximately N. 14<sup>th</sup> Street and Salt Creek south to K Street, construction of the east-west diagonal road from the 9<sup>th</sup>/10<sup>th</sup> Street connection to a point east of 27<sup>th</sup> Street, and construction of the storm water and flood control elements. The overpass for the Burlington Northern-Santa Fe railroad tracks will be constructed to carry six lanes of through traffic, dual left turns and one right turn lane. Phase 1 of the "Draft Single Package" is considered a committed City project.

Implementation of the Antelope Valley Roadway project will be conducted through the Joint Antelope Valley Authority (JAVA), which includes representatives from all three of the study's original participants listed above. (F 107)

**UTILITIES:** Aquila and LES have facilities within this right-of-way and have requested easements for existing and future facilities.

**ANALYSIS:**

1. The request as submitted is to vacate the east-west alley between 21<sup>st</sup> and 22<sup>nd</sup> Streets, north of Vine Street, and that portion of 21<sup>st</sup> Street between Vine and vacated "W" Streets that has not already been vacated or purchased by the Joint Antelope Valley Authority.
2. After visiting with Wayne Teten, the Antelope Valley Project Manager, the exact area of the vacation was established as shown in the legal description and the attached maps.
3. The vacation of this right-of-way is related to the Antelope Valley project.
4. This vacation will leave several lots without frontage or access to a public street. The plat of the area within this vacation should be voided to eliminate the lots without frontage. However, since this area is part of a much larger parcel under University ownership, Planning Staff suggests it would be unproductive to try to maintain lot and ownership boundary continuity in this case. Applicants should be required, at a minimum, to file a document with the Register of Deeds indicating the lots without frontage to a public street are unbuildable.
5. Applicant UNL intends to purchase this right-of-way if vacated.
6. The Public Works and Utilities Department has requested a bond in the amount of \$5,000 to guarantee the removal of the existing street return and building of a driveway to serve this area.
7. Easements should be retained for existing and future utility facilities.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 Meet the provisions of Chapter 14.20 of the Lincoln Municipal Code.

- 1.2 Provide an easement over the entire vacated area for existing and future utilities.
- 1.3 Post a bond in the amount of \$5,000 to guarantee the removal of the existing street return and building of a driveway to serve this area, to be completed within two (2) years of the vacation of this right-of-way.
- 1.4 Submit to the Planning Department a document and filing fee to be filed with the Register of Deeds indicating the lots without frontage to a public street are unbuildable.
- 1.5 File revised Petitions showing the University of Nebraska as owner of Lot 9, Block 8, Vine Street Addition, or file a conveyance with the Register of Deeds transferring ownership of Lot 9, Block 8, Vine Street Addition, from the University of Nebraska to JAVA.

Prepared by:

Greg Czaplewski  
441.7620, gczaplewski@ci.lincoln.ne.us

**Date:** April 28, 2004

**Applicants:** University of Nebraska Board of Regents  
1901 "Y" Street  
Lincoln, NE 68588  
472.3131

Joint Antelope Valley Authority  
808 "P" Street, Suite 400  
Lincoln, NE 68508

**Owners:** Same as Applicants

**Contacts:** University of Nebraska Board of Regents  
Linda Cowdin, Property Manager  
1901 "Y" Street  
Lincoln, NE 68588  
472.3131

Joint Antelope Valley Authority  
Real Estate Department  
808 "P" Street, Suite 400  
Lincoln, NE 68508

# STREET & ALLEY VACATION NO. 04003

## CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

#### BEFORE PLANNING COMMISSION:

May 12, 2004

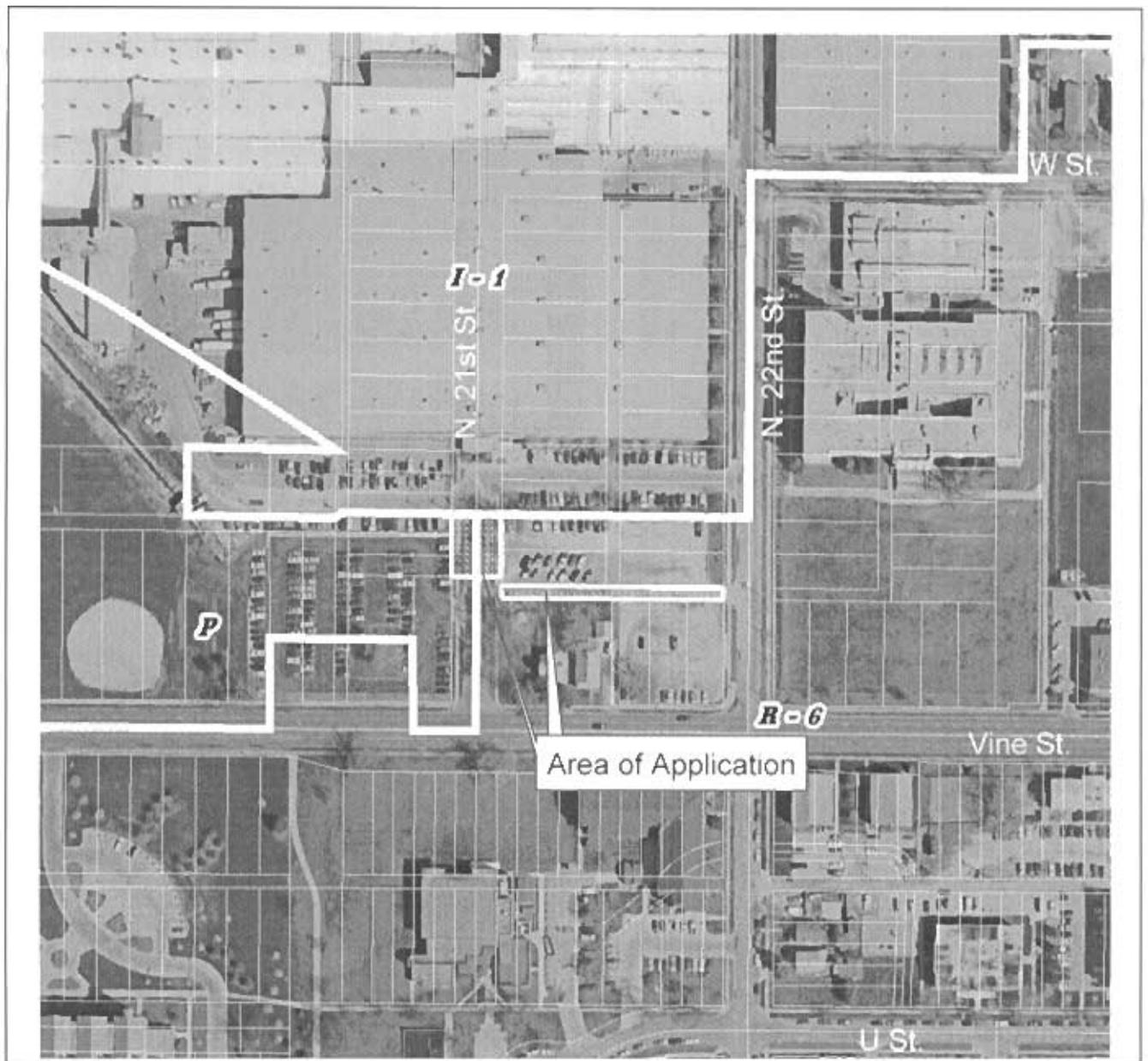
Members present: Carlson, Carroll, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor (Krieser declaring a conflict of interest).

The Consent Agenda consisted of the following items: **USE PERMIT NO. 123B; SPECIAL PERMIT NO. 1726B, WEST PARK COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 01012, WEST PARK 2<sup>ND</sup> ADDITION; SPECIAL PERMIT NO. 1870A, STEVENS CREEK RIDGE COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 04009, STEVENS CREEK RIDGE 1<sup>ST</sup> ADDITION; COMPREHENSIVE PLAN CONFORMANCE NO. 04001 and STREET AND ALLEY VACATION NO. 04003.**

**Item No. 1.2a, Special Permit No. 1726B; Item No. 1.2b, Preliminary Plat No. 01012; and Item No. 1.4, Comprehensive Plan Conformance No. 04001** were removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Carroll and carried 8-0: Carlson, Carroll, Larson, Marvin, Pearson, Sunderman, Bills-Strand and Taylor voting 'yes'; Krieser declaring a conflict of interest.

**NOTE: This is final action on Preliminary Plat No. 01012, West Park 2<sup>nd</sup> Addition, and Preliminary Plat No. 04009, Stevens Creek Ridge 1<sup>st</sup> Addition, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.**



2002 aerial

## Street & Alley Vacation #04003 N. 21st & Vine St.

### Zoning:

- R-1 to R-6 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



**INTER-DEPARTMENT COMMUNICATION**

**TO** Greg Czaplewski  
**DEPARTMENT** Planning  
**ATTENTION**  
**COPIES TO** Richard Wood  
Glenn Johnson  
Wayne Teten

**DATE** May 4, 2004  
**FROM** Joel Pedersen  
**DEPARTMENT** City Law  
**SUBJECT** Street & Alley Vacation No.  
SAV 04003

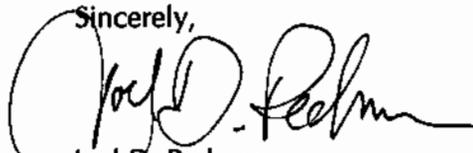
This is in response to the Petition to Vacate submitted by JAVA for the above-referenced street and alley vacation.

JAVA does own Lots 15 -17, Block 7, Vine Street Addition; however there is no conveyance from the Board of Regents to JAVA for Lot 9, Block 8, Vine Street Addition.

The Board of Regents took title to said Lot 9 in 1967 and 1968 from previous titleholders (Deed Book filings 721-5, 723-597, and 729-655) and there has been no subsequent conveyance. It appears that the Regents intended to convey title to JAVA via Warranty Deed 02-048082. There is a conveyance indexed against Lot 9, Griffiths Add., however, there is no Lot 9, Griffiths Add.

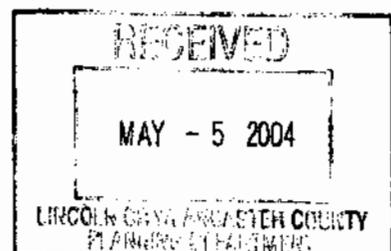
After reviewing the JAVA interlocal agreement, it is clear that the legal description mistakenly placed Lot 9 in Griffiths Addition (actually Griffith's 2nd Addition). The lot is properly described as Lot 9, Block 8, Vine Street Addition. We will be contacting JAVA and the University to correct this as soon as possible, but until then, it appears of record that the University still owns Lot 9, Block 8, Vine Street Addition.

Sincerely,



Joel D. Pedersen  
Assistant City Attorney

JDP/ce



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## INTEROFFICE MEMORANDUM

TO: Mayor Seng & City Council Members                      FROM: Clinton W. Thomas

DEPARTMENT: City Council Office                      DEPARTMENT: Real Estate Division

ATTENTION:    DATE: June 4, 2004

COPIES TO: Joan Ross    SUBJECT: Vacation of North 21<sup>st</sup> Street between  
Marvin Krout    Vine and W Streets and adjacent to  
Dana Roper    east-west alley 21<sup>st</sup> to 22<sup>nd</sup> Street  
Byron Blum

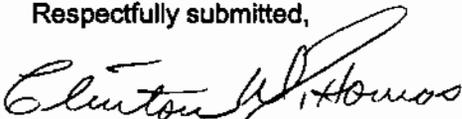
A request has been made to vacate a portion of North 21<sup>st</sup> Street north of Vine. When the area was viewed, it appeared as a brick street leading to the parking lot of the University of Nebraska - Lincoln and the former Cushman Manufacturing building. Overhead utility lines were observed running down the alley to be vacated and northerly up the street from the alley. No other utilities were apparent; however, Aquila has indicated the presence of a gas line within the area to be vacated. Both Aquila and Lincoln Electric System have asked for easements to be retained for existing and future utilities. Public Works has requested the removal of the existing street return to be replaced with a driveway in the same area. They have asked for a bond in the amount of \$5,000 for this work.

While a portion of the area to be vacated lies within the public zoning district, Planning Department has indicated the most logical zoning were it to be placed in private hands would be to match the R-6 Zoning District of the adjacent area to the south. Recent appraisals in this area have indicated an underlying land value for R-6 zoned land of \$5,000 per buildable unit, or approximately \$5.00 per square foot. However, the retention of utility easements will render the area unbuildable and it is expected small, irregular-shaped parcels such as this probably would sell for only 30% to 35% of the underlying land value especially when encumbered with easements. A value of 30% of the underlying land value, or \$1.50 per square foot, is considered appropriate. In addition, one must consider the cost of the removal of the street return and its replacement with a drive. The calculations are as follows:

8,266 sq. ft.	X	\$1.50/sq. ft.	=	\$12,399
Less removal of street return				<u>\$5,000</u>
<b>TOTAL</b>				<b>\$7,399 called \$7,400</b>

Therefore, it is recommended, if the area be vacated, it be sold to the abutting property owner for \$7,400.

Respectfully submitted,

  
Clinton W. Thomas  
Certified General Appraiser #990023

dge