

City Council Introduction: **Monday**, January 10, 2005  
Public Hearing: **Monday**, January 24, 2005, at **1:30 p.m.**

Bill No. 05-5

## FACTSHEET

**TITLE: MISCELLANEOUS NO. 04004**, requested by the University of Nebraska Board of Regents, to vacate portions of several plats located within the UNL East Campus, including vacation of public rights-of-way, generally located at North 40<sup>th</sup> Street and Leighton Avenue.

**STAFF RECOMMENDATION:** Approval.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 10/27/04  
Administrative Action: 10/27/04

**RECOMMENDATION:** Approval (5-0: Carlson, Carroll, Larson, Bills-Strand and Taylor voting 'yes'; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent).

### FINDINGS OF FACT:

1. This is a request to vacate the plats in order to create one large lot reflecting the common ownership of the area. Approval of this vacation would eliminate 119 individual lots and several public right-of-way parcels, and create one lot, which will conform to the subdivision regulations. None of the rights-of-way within this area have been improved or vacated. The lot located at 4031 Walker Avenue is under separate ownership and is not a part of this request. The right-of-way leading to 4031 Walker Avenue has been improved with a driveway only.
2. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the request is in conformance with the Comprehensive Plan and the Zoning Ordinance.
3. On October 27, 2004, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On October 27, 2004, the Planning Commission agreed with the staff recommendation and voted 5-0 to recommend approval.
5. The issue of costs will be addressed in the sales agreement which will be required prior to conveyance of title, pursuant to Condition #2.4. Therefore, the petitioner has not been required to pay for the property to be vacated at this time.

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

**DATE:** January 3, 2005

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

**DATE:** January 3, 2005

**REFERENCE NUMBER:** FS\CC\2005\MISC.04004

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**

**for October 27, 2004 PLANNING COMMISSION MEETING**

**P.A.S.:** MISC #04004

**PROPOSAL:** Vacate portions of several plats located within UNL East Campus.

**LOCATION:** North 40<sup>th</sup> and Leighton Avenue.

**LAND AREA:** 22.6 acres, more or less.

**CONCLUSION:** This request conforms to the Comprehensive Plan and Zoning Ordinance.

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

**LEGAL DESCRIPTION:**

The north half of Leighton Avenue from the east line of North 33<sup>rd</sup> Street to the east line of Section 18; North 40<sup>th</sup> Street from the south line of Huntington Avenue to the north line of Leighton Avenue; Walker Street from the east line of North 40<sup>th</sup> Street to the east line of Section 18; a part of Lot 5, Lots 6-19, and a part of Lot 20 and the east/west alley adjacent thereto, Block 48, a part of Lot 5, Lots 6-19, and a part of Lot 20 and the east/west alley adjacent thereto, Block 55, G.M. Barnes Subdivision, all located in the NE 1/4 of Section 18 T10N R7E, Lancaster County, Nebraska.

AND

The north half of Leighton Avenue from the west line of Section 17 to the west line of North 45<sup>th</sup> Street; North 41<sup>st</sup>, 42<sup>nd</sup>, and 44<sup>th</sup> Streets from the south line of Huntington Avenue to the north line of Leighton Avenue; North 43<sup>rd</sup> Street adjacent to Lot 7, Block 43 and Lot 12, Block 44, Pitcher and Baldwin's Second Addition to University Place; Walker Street from the west line of Section 17 to the west line of North 43<sup>rd</sup> Street, and from the east line of Lot 6, Block 43, Pitcher and Baldwin's Second Addition to University Place, to the south line of Huntington Street; Lots 1-4, a part of Lots 5 and 20, and Lots 21-24, Block 48, Lots 1-4, a part of Lots 5 and 20, and Lots 21-24, Block 55, and the east/west alleys adjacent thereto, G. M. Barnes Subdivision; Blocks 40 and 41 and the east/west alleys contained therein, that part of Block 42 lying south of Huntington Avenue, Lots 1-5 and 7-12, and the east/west alley adjacent to Lots 1-5 and 8-12, Block 43, Block 44 and 45 and the east/west alleys contained therein, Pitcher and Baldwin's Second Addition to University Place; that part of Block 116 lying south of Huntington Avenue, University Place, all located in the NW 1/4 of Section 17 T10N R7E, Lancaster County, Nebraska.

**EXISTING ZONING:** P Public and R-6 Residential

**EXISTING LAND USE:** One single-family dwelling, otherwise vacant.

**SURROUNDING LAND USE AND ZONING:**

North:	Single-and Multiple-family dwellings, vacant	R-5 Residential, P Public
South:	UNL East Campus	P Public
East:	Multiple-family dwellings	R-6 Residential
West:	Vacant	P Public

**HISTORY:**

May 1979 The zoning update changed this property from K Light Industrial and A-2 Single-Family Dwelling to P Public and R-6 Residential.

Apr 1889 G.M. Barnes Subdivision plat filed with Register of Deeds.

Mar 1889 Pitcher and Baldwin’s 2<sup>nd</sup> Addition to University Place plat filed with Register of Deeds.

Apr 1887 University Place plat filed with Register of Deeds.

**ENVIRONMENTAL CONCERNS:**

This entire area is located within floodplain and floodway for Dead Man’s Run.

**ANALYSIS:**

1. This is a request to vacate the plats of these lots in order to create one large lot reflecting the common ownership of the area.
2. Approval of this plat vacation would eliminate 119 individual lots and several public right-of-way parcels, and create one lot. There is one lot located within this area which is not a part of this request. This lot, located at 4031 Walker Avenue, is under separate ownership, and will continue to have access to the public street system.
3. The resulting lot will conform to the subdivision regulations.
4. None of the public rights-of-way within this area have been improved or vacated. Right-of-way leading to 4031 Walker Avenue has been improved with a driveway only.
5. There are existing public utilities in the area. Aquila, LES, and Public Works have requested a blanket easement over the entire area for existing and future utilities. Alternatively, Applicant may provide specific easement locations satisfactory to the utility companies.
6. The Parks and Recreation Department has requested a 30 feet wide trail easement, generally located along Huntington Avenue. Applicant has agreed to provide the easement, and requests the easement be exchanged for the right-of-way being vacated with these plats. The Comprehensive Plan currently shows a trail along Dead Man’s Run. UNL wants to relocate the trail to improve security, and has worked with the Pedestrian Bicycle Advisory Committee on a new location.

7. Due to the existence of floodplain and floodway in this area, a conservation easement must be provided.
8. Since there are easements requested over portions of this area that are in private ownership and will not be final platted, the Law Department will require a real estate sales agreement wherein Petitioner agrees to grant the easements to the city in return for the vacation and conveyance of the vacated right-of-way.

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

- 1.1 Satisfy the provisions of Lincoln Municipal Code Ch. 14.20 relative to the vacation of public rights-of-way.

**PRIOR TO THE CONVEYANCE OF TITLE TO THE PUBLIC RIGHTS-OF-WAY, THE PETITIONER SHALL:**

- 2.1 Provide utility easements satisfactory to Aquila, LES, and Public Works.
- 2.2 Provide a conservation easement over the entire area satisfactory to the Public Works and Utilities Department.
- 2.3 Provide a 30 foot wide trail easement satisfactory to the Parks and Recreation Department.
- 2.4 Submit a real estate sales agreement satisfactory to the Law Department agreeing to grant the required easements.

Prepared by:

Greg Czaplewski  
441-7620, gczaplewski@lincoln.ne.gov

**Date:** October 14, 2004

**Applicant and Owner:** Board of Regents of the University of Nebraska  
1901 "Y" Street  
Lincoln, NE 68588  
472.3426

**Contact:** Linda Cowdin  
UNL Property Manager  
1901 "Y" Street  
Lincoln, NE 68588  
472.3426

## MISCELLANEOUS NO. 04004

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

October 27, 2004

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

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 3425; USE PERMIT NO. 124A; USE PERMIT NO. 150B; SPECIAL PERMIT NO. 1813A, an amendment to THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN; COUNTY SPECIAL PERMIT NO. 04052; SPECIAL PERMIT NO. 04053; COMPREHENSIVE PLAN CONFORMANCE NO. 04009; WAIVER NO. 04014; and MISCELLANEOUS NO. 04004.**

**Item No. 1.3, Use Permit No. 150B**, was removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Larson and carried 5-0: Carlson, Carroll, Larson, Bills-Strand and Taylor voting 'yes'; Pearson declaring a conflict of interest; Krieser, Marvin and Sunderman absent.

Note: This is final action on Special Permit No. 04053 and Waiver No. 04014, unless appealed to the City Council by filing a notice of appeal with the City Clerk within 14 days of the action by the Planning Commission.

